GRAND TRAVERSE COMMONS

Draft 3/18/2015

Development Regulations

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Article 1
General Provisions and Definitions

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Grand Traverse Commons Development Regulations," hereinafter called the "Ordinance."

Section 1.02 Authority and Scope

This ordinance is authorized by the following statutes:

- Home Rule City Act, Public Act 279 of 1909
- Charter Township Act, Public Act 359 of 1947
- Michigan Planning Enabling Act, Public Act 33 of 2008
- Joint Municipal Planning Act, Public Act 226 of 2003
- Urban Redevelopment Corporation Law, Public Act 250 of 1941
- Michigan Zoning Enabling Act, Public Act 110 of 2006
- Land Division Act, Public Act 288 of 1967
- Condominium Act, Public Act 59 of 1978

The jurisdictional area of this Ordinance shall be properly designated by the City of Traverse City and the Charter Township of Garfield as the Grand Traverse Commons Planned Redevelopment District.

The Planning Commission for the jurisdictional area shall be the Grand Traverse Commons Joint Planning Commission, established pursuant to the Joint Municipal Planning Act and by agreement between the City of Traverse City and the Charter Township of Garfield.

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Section 1.03 Purpose and Intent

The State of Michigan has declared through the Michigan Zoning Enabling Act, Act 110 of 2006 and by reference, the City of Traverse City and the Charter Township of Garfield also hereby declares that the purposes of zoning are:

A. To meet the needs of the State's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
B. To ensure that uses of the land shall be situated in appropriate locations and relationships;
C. To limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and
E. To promote public health, safety and welfare.

This Zoning Ordinance is intended to implement:

A. The concepts outlined in the *Grand Traverse Commons Master Plan* of 2010 as adopted per P.A. 33 of 2008, as amended being the Michigan Planning Enabling Act (M.C.L. 124.3801 et seq.).

B. Land use regulations that place careful and coherent controls on building and landscape form, while employing more flexible parameters relative to building use and density.

C. The *Smart Growth Tenets* adopted by the *Governors Land Use leadership Council*, including:
   1. Create a range of housing opportunities and choices;
   2. Create walkable neighborhoods;
   3. Encourage community and stakeholder collaboration;
   4. Foster distinctive, attractive communities with a strong sense of place;
   5. Make development decisions predictable, fair and cost-effective;
   6. Mix land uses;
   7. Preserve open space, farmland, natural beauty and critical environmental areas;
   8. Provide a variety of transportation choices;
   9. Strengthen and direct development towards existing communities; and
   10. Take advantage of compact development design.

Section 1.04 Interpretation; Conflict of Laws

This Zoning Ordinance is the minimum requirement for promoting the purposes of the Michigan Zoning Enabling Act, Act 100 of 2006. If it imposes more restrictions than State law or other City or Township ordinances, the provisions of this Zoning Ordinance shall govern. If the *State Housing Law* (MCL 124.401 et seq.; MSA 5.2771, et seq.) or the Airport Zoning Act (MCL 259.431, et seq.; MSA 5.3475) or other statutes or ordinances have stricter regulations, the provisions of the statute or other ordinance shall govern. This Zoning Ordinance is not intended to interfere with or to annul any easement, covenant or other agreement between parties. Section titles or headings and any entire section entitled "Purpose" shall be interpretive aids only and shall not be construed to impose any substantive or procedural requirement.

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Section 1.05 Changes and Amendments

A. Procedure. The Joint Planning Commission shall review any proposal to amend development regulations. Following a public hearing the Joint Planning Commission shall report its recommendation to the City Commission and Township Board, which, upon adoption of concurrent resolutions, may amend development regulations. The City Commission and/or the Township Board may also hold a public hearing with the notice it deems advisable. The procedure for the Joint Planning Commission public hearing shall be as follows:

   1. Notice of the public hearing shall be given in an official newspaper of general circulation in the City and Township at least 15 days prior to the set hearing date.
   2. Notice of the time and place of the public hearing shall be mailed at least 15 days prior to the set hearing date to each airport manger; electric, gas, pipeline, telephone, telecommunications provider; public utility company, and to each railroad company owning or operating any public utility or railroad within the districts affected; provided that the foregoing registers its name and mailing address with the City and Township Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
   3. After the Ordinance and maps have first been approved by the City Commission and Township Board, if an individual property or several adjacent properties are proposed for amendments, notice of the proposed amendment and hearings shall be given at least 15 days before the hearing to:
      a. The owners of the property in question, unless 11 or more adjacent properties are proposed for amendment;

b. All persons to whom real property is assessed within 300 feet of the property in question and to the occupants of all structures within 300 feet of the subject property, unless 11 or more adjacent properties are proposed for amendment. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a structure contains more than four (4) dwelling units, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance to the structure. Where the name of the occupant is not known, the term "occupant" may be used in making notification.

B. Notice. The notice shall contain the following:
1. A description of the proposed change to development regulations;
2. For changes to district boundaries or designations, a description of the subject property including a listing of all existing street addresses within the property where they exist, unless 11 or more adjacent properties are proposed for amendment;
3. The time and place of the public hearing; and
4. When and where written comments will be received.

C. Protest. An amendment to the Zoning Ordinance is subject to a protest petition. If a protest is filed, approval of the amendment shall be passed only upon five (5) affirmative votes of the City Commission and five (5) affirmative votes of the Township Board. The protest petition shall be presented before final legislative action on the amendment and shall be signed by one or more of the following:
1. The owners of at least 20 percent (20%) of the area of land included in the proposed change, excluding any publically owned land in making the 20 percent (20%) land area calculation.
2. The owners of at least 20 percent (20%) of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, excluding any publically owned land in making the 20 percent (20%) land area calculation.

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D. Hearing Request. The City Commission and/or Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the City Clerk and/or Township Clerk. A hearing under this subsection is not subject to the notice requirements of this Section, except that notice of the hearing shall be given to the interested property owner in the manner described by this Section.

E. Publication. Following the adoption of a Zoning Ordinance or amendment by the City Commission and Township Board, a notice of adoption shall be published in a newspaper of general circulation in the City and Township within 15 days after adoption. The notice shall include the following information:
1. In the case of a newly adopted zoning ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the City Commission of the City of Traverse City and Township Board of the Charter Township of Garfield.";
2. In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment;
3. The effective date of the Ordinance; and
4. The place and time where a copy of the Ordinance may be purchased or inspected.

F. Court Decree. An amendment for the purpose of conforming a provision of the Zoning Ordinance to a decree of a court of competent jurisdiction may be adopted by the City Commission and

Township Board and the notice of the adopted amendment published without referring the amendment to the Joint Planning Commission.

Section 1.06 Application of Code; Compliance Required

Except as otherwise allowed by the Zoning Ordinance:

A. No building or structure shall be built, rebuilt, converted, enlarged, moved or structurally altered, and no building or land shall be used, except for a use allowed in that district.

B. No building or structure shall be built, rebuilt, converted, enlarged, or structurally altered except in conformity with the exterior standards, height, setback, bulk and other dimensional/architectural limits for that district.

C. No land shall be cleared, no building or structure shall be built or rebuilt, converted, enlarged or structurally altered, and no parking area built or enlarged except after applying for and receiving a land use permit.

D. No building shall be built or enlarged except in conformity with parking, loading, and landscaping regulations of the district in which such building is located unless it receives a special land use permit or parking waiver that changes these regulations.

E. Parking shall be dedicated within the parking zone of the Development Envelope or along streets where permitted.

Section 1.07 Severability

If any provision of this Ordinance is declared invalid by a court, such decision shall not affect the validity of the Ordinance or any part other than the part declared to be invalid.

Section 1.08 Compliance with Other Applicable Statutes, Ordinances, or Administrative Rules

No building, parking area or structure in any area shall be permitted which does not comply with applicable federal, state, county, public health, or City/Township statutes, ordinances or administrative rules. The Zoning Administrators shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules, and/or ordinances cited above. The City Commission and Township Board may take direct enforcement action only after a finding that cooperation between the Zoning Administrators with other agencies has not been successful.

In the case of conflict between a City ordinance, Township ordinance, and/or the Grand Traverse Commons Development Regulations, the City Commission and Township Board shall pass concurrent resolutions to establish which regulation control(s) shall apply.

Section 1.09 Definitions

As used in this Ordinance:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.
Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as, and spatially separated from, the principal building.

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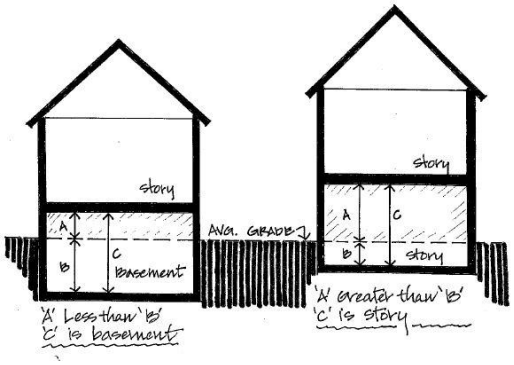
Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.
Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street".
Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.
Basement /Ground Story (see graphic to right) means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story. A cellar is a basement.



Brewpub means a facility as defined by the State of Michigan Liquor Control Code (Act 58 of 1998, MCL 436.1101 et seq.).
Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.
Building Coverage means that portion of the Development Envelope which is covered by a building or buildings.
Building, height of. See "Height of building".
Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.
Conservation and Recreation District means all areas within the Grand Traverse Commons Planned Redevelopment District excepting the Institutional District, Medical District, Recreation and Cultivation District, Residential District, Village Districts, or public or private street right-of-ways.
Communication Antenna means a device, dish or array used to transmit or receive telecommunication signals mounted on a communication tower, building or structure that is greater than one (1) square meter in a residential district or two (2) square meters in a nonresidential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas, or antennas used solely for personal use. Communication antennas are not essential services, public utilities, or private utilities.
Communication tower or tower means any structure that is primarily designed and constructed for the purpose of supporting one or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not essential services, public utilities, or private utilities.
Community Garden means a parcel gardened collectively by a group of people.
Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one (1) foot for each one (1) inch of diameter at breast height. The critical root zone shall also extend to a depth of four (4) feet below the natural surface ground level.
Cultivation and Recreation District means Sub District C-1 of this Ordinance, commonly known as the Historic Barns Park.

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Development Envelope means the defined area where buildings and surface parking are permitted.
Diameter at breast height means the diameter of a tree trunk in inches measured at four and one-half feet (4.5') above the ground.
District means a section of the Grand Traverse Commons for which the zoning regulations governing the use of buildings and premises, the height of buildings, the setbacks, and the intensity of use are similar, and as identified by the Grand Traverse Commons Development District Map.
Dripline means an imaginary vertical line extending downward from the outermost point of a structure or object to the ground.
Driveway means a means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.
Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection when done in conjunction with a structure.
Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface, or overhead telephone, electrical, gas, steam, fuel, or water distribution systems; collections, supply or disposal systems; streets, alleys, sidewalks, or trails, including pavement; traffic control devices, signs, poles, wires; mains, drains, sewers, pipes; conduits, cables, padmount transformers; fire alarm and police call boxes, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general public health, safety, convenience or welfare. "Essential services" do not include communication antennas and communication towers.
Essential service-structures means the erection, construction, alteration or maintenance by public utilities or governmental agencies of structures not in the right-of-way over 800 cubic feet in area including, but not limited to, towers, transmission and subtransmission facilities, or buildings related to essential services in all districts.
Façade means the exterior wall of a building exposed to public view.
Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.
Flood plain, 100 year. "100 year flood plain" means the lowland areas adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one per cent (1%) chance of flooding in a given year.
Floor area. See "Building Coverage."
Frontage means the total continuous width of the front lot line.
Grade means:

1. ***For buildings having walls adjoining one (1) street only,*** the elevation of any sidewalk, top of curb, or centerline of the street, whichever is closest to the building, where a building wall adjoins a street.
2. ***For buildings having walls adjoining more than one (1) street***, the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
3. ***For buildings having no wall adjoining the street***: the average of the lowest and highest ground surface elevations in an area within six (6) feet of the foundation line of a building or structure.

Gross Floor Area means the total floor area inside the building envelope, including the external walls, and excluding the roof.
Ground Floor means the first floor above the Basement/Ground Story.
Ground Story: See "Basement/Ground Story".

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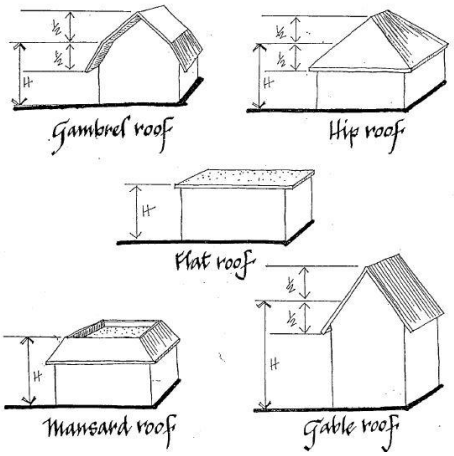

Height of Building (*see graphic at right*) means a vertical distance from the grade to the highest point on a mansard or flat roof, or the median height between the eaves and the ridge for gable, hip, and gambrel roofs.

Institutional District means Sub Districts I-1, I-2, and I-3 of this Ordinance.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces. Impervious surfaces shall not include those areas used exclusively for pedestrian or recreational purposes.

Land clearing means the clearing of over 8,000 square feet of vegetation from any site, or the removal of more than 20 trees more than 6 inches in diameter at breast height and within 50 feet of a public or private street or river. Mowing, trimming or pruning of vegetation to maintain a healthy, viable condition is not considered land clearing.

Landscaping means some combination of planted trees, vines, ground cover, flowers or turf so long as a minimum of 80 percent (80%) of the landscape area is covered by living plant material. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences and benches.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Medical District means Sub Districts M-1, M-2, M-3, M-4, M-5, and M-6 of this Ordinance.

Micro Brewer means a person as defined and licensed by Michigan Liquor Control Code (Act 58 of 1998, MCL 436.1101 et seq.)

Microbrewery means a facility or facilities owned or controlled by a licensed Micro Brewer.

Nonconforming use means a lawful use of land that does not comply with the current use regulations for its zoning district but which was compliant with applicable regulations at the time the use was established.

Parking area means any public or private area designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas, located under or outside of a building or structure.

Parking structure means a building or structure consisting of more than one level and used to park motor vehicles.

Parking Zone means the defined area within a Development Envelope where surface motor vehicle parking is permitted (except as otherwise allowed by the Street Parking Plan).

Planning director means the head of the City Planning and Zoning Department, or the head of the Township Planning Department, or the designee(s) of those persons.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreation and Cultivation District means that district as designated such on the Grand Traverse Commons Development District Zoning Map.

Recreational vehicle means a vehicle having its own motor power, or a vehicle mounted on or drawn by another vehicle, which is primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes.

Residential District means Sub District R-1 of this Ordinance.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan.

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Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.
Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.
Site diagram means a drawing, drawn to scale, showing the location of buildings and structures, as well as driveways, curb cuts, alleys, streets, easements and utilities on a lot.
Site plan means a plan showing all proposed improvements to a given lot, which is evaluated in order to determine whether it meets the provisions of this Code.
Stop work order means an administrative order which directs a person not to continue or does not allow for the continuation of an activity which is in violation of this Code.
Street means any public way, such as a public street, avenue, or boulevard which is at least 16 feet wide. Street does not mean "alley". See also "Private Street."
Street Parking Plan means the Street Types and Circulation Map of this Ordinance.
Street, access. "Access street" means a street or alley designed primarily to provide access to properties.
Street, arterial. "Arterial street" means a street designed to carry high traffic volumes through the community.
Street, collector. "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.
Street, private. "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.
Structural alterations means any change(s) in a building requiring a building permit.
Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.
Sub Area means ***Sub District.***
Sub District means the individual development envelopes which together comprise an overall District.
Treelawn means the area of public right-of-way lying between the curb line of a curbed street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street. For a private street the treelawn means the area extending 10 feet outside of a curb or traveled way.
Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.
Village District means Sub Districts V-1, V-2, V-3, V-4, V-5, V-6, V-7, and V-8 of this Ordinance.
Vehicular Control Point means a physical feature within a roadway intended to slow or stop traffic.
Zoning Ordinance means the text of this Development Regulation Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

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Section 1.10 Water Protection

Notwithstanding anything to the contrary in this Ordinance, the following provisions shall apply:

A. Within ten (10) feet of the water's edge of tributaries and springs which ultimately empty into Lake Michigan, an undisturbed area of vegetation shall be maintained by not removing woody or native herbal species. Trees with a trunk diameter of three (3) inches at breast height (4 ½ feet or greater) shall not be removed unless dead, diseased or dying. Trees and other woody plant material of a smaller diameter at breast height shall not be removed, except to prune or to clear a filtered view. It shall be the landowner's responsibility to maintain this vegetation belt in a healthy state.

B. No building or structure shall be built, located or constructed within a 100 year flood plain of any water bodies in any land use area as may be determined by the Department of Natural Resources and Environment.

Section 1.11 Hazardous Substance, Groundwater Protection

Except as provided herein, all businesses and facilities which use, store, or generate hazardous substances in quantities greater than two hundred twenty (220) pounds per month or twenty-five (25) gallons per month, whichever is less, shall comply with the groundwater protection requirements of this section.

A. Groundwater Protection, generally
   1. Projects and related improvements shall be designed to protect the natural environment, including ponds, streams, wetlands, floodplains, groundwater; steep slopes and natural and man-made drainage systems.
   2. General purpose floor drains shall be:
      a. Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements; or
      b. Authorized through a state groundwater discharge permit; or
      c. Connected to a public sewer system.
   3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.
   4. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
   5. In determining conformance with the standards in this Ordinance, the Zoning Administrators and Joint Planning Commission shall take into consideration the publication titled "Small Business Guide to Secondary Containment: Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.
   6. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the County Health Department.
   7. If the site plan includes territory within a Wellhead Protection Overlay Area, the applicant shall submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Zoning Administrators, and county and state officials.

B. Above-Ground Storage
   1. Primary containment of hazardous substances shall be in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
   2. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
      a. Sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance;
      b. At least as great as volumes required by state or county regulations; or
      c. If not protected from rainfall, shall contain a minimum of 110 percent (110%) of the volume of the largest storage container within the dike of the secondary containment area plus, or the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus; or the volume of a 6-inch rainfall.
   3. Secondary containment structures such as buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
   4. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
   5. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

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6. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

C. Underground Storage
1. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the Michigan State Police Fire Marshall Division and the DEQ, or their successor agencies.
2. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

Section 1.12 Outside Lights

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

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

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

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

C. **Shielding and Filtration**
1. All nonexempt outdoor lighting fixtures shall be hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way line. Direct or directly

reflected light shall be confined to the lot from which it originates. Lighting plans shall be designed so as to avoid the reflection of artificial lighting from rooftops.

2. All lighting fixtures shall have one hundred percent (100%) cut off and shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire, as may be certified by a photometric test. The intensity of light at any angle above a cutoff of seventy five (75) degrees shall be less than ten percent (10%) of the peak candela for the luminaire.
3. Light source locations shall be chosen to minimize the hazards of glare.
4. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. **Illumination Levels**

Illumination levels within a site shall ensure that a site is adequately, but not excessively, lit at night.

1. Average Illumination Levels. Average illumination levels of the illuminated area shall not exceed one (1) foot candle as demonstrated on a photometric grid plan.
2. Waivers. The Joint Planning Commission may permit an illumination level higher than specified where a demonstrable need for higher lighting levels exists, as evidenced through competent filings which shall be kept on file by the Planning Directors.

E. **Color Temperature**

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

F. **Prohibitions**

1) Mercury-Vapor Fixtures and Lamps

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

2) Metal Halide Fixtures and Lamps

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

3) Laser Source Light

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

4) Neon Lighting

The use of neon lighting for any purpose is prohibited.

5) Searchlights

The operation of searchlights is prohibited.

6) ***Flashing or Color Changing Lights***

There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

7) Certain Other Fixtures and Lamps

The installation of any outdoor lighting fixture or lamp is prohibited unless it complies with the shielding and illumination standard(s) of this chapter.

G. **Recreational Facilities**

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

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

I. **Pole Lighting**
The maximum height of any pole-mounted lighting fixture or lamp shall not exceed eighteen (18) feet in height. Pole light design shall be compatible with the architectural style and historic character of the Grand Traverse Commons campus.

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Section 1.13 Fences and Enclosures

Fencing and screen walls shall generally reflect the characteristics shown in the images below in terms of materials, colors, height and design for the various districts. Wood, metal, and stone are acceptable materials. Any fence taller than 6 feet requires Planning Commission approval.

The following examples indicate appropriate fence types within the Village Districts:

The following examples indicate appropriate fence types within the Residential Districts:

The following examples indicate appropriate fence types within the Medical and Institutional Districts:

The following examples indicate appropriate fence types within the Recreation/Cultivation and Conservation/Recreation District:

Section 1.14 Parking Areas

Surface parking areas are subject to the following standards:

1. Access shall be limited to one (1) driveway per street or two (2) driveways, whichever is less.
2. All parking areas adjacent to a street shall be screened with plant materials or a combination of plant materials and decorative screenwalls to a minimum height of three (3) feet.
3. Clearly defined pedestrian travel routes within the parking area shall be provided.
4. Unless herein varied, Article 14 Landscaping and Article 12 Site Plans and Site Development shall apply.
5. On-street parking shall be as designated by the **Grand Traverse Commons Redevelopment District Street Types and Circulation Plan.**

Section 1.15 Parking Structures

Parking structures are subject to the following standards:

1. The design of parking decks shall be consistent with the design of historical buildings in the area.
2. Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. Ramping shall be concealed from public view to the greatest degree possible.
3. Openings shall be vertical or square in orientation and not exceed 60% of the total wall surface.
4. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
5. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs, and other devices which are consistent with the character of historical buildings in the vicinity shall be incorporated.

Section 1.16 Planning Director Exceptions

The Planning Director may vary the standards of this Zoning Ordinance provided that the following standards are met:

1. The intent of the Zoning Code is achieved;
2. The exception will not detract from the character of the sub-district;
3. Strict adherence to the architectural requirements of this Code would be impractical; and
4. The exception is not in conflict with the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings, as may be amended or replaced.

Section 1.17 Rules of Construction

This chapter should be liberally construed to give effect to its purpose and the purposes of the Zoning Enabling Act. If a definition is not provided, common dictionary definitions may be referred to as interpretive aids. Words used in the present tense include the future tense and the singular includes the plural unless the context clearly indicated the contrary. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

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Section 1.18 Uses Not Mentioned

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

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Article 2
Administration, Enforcement and Penalty

Section 2.01 Land Use Permits

A. Permit Required. A land use permit is required before a building or structure is built, rebuilt, converted, enlarged, demolished or structurally altered when such activity requires a building permit and before land clearing (as defined by this Ordinance). A land use permit is also required before a parking area is constructed, reconstructed or enlarged. Interior structural alterations for buildings that do not result in a change of use or an expansion of a nonconforming use do not require land use permits.

For buildings fully within the City limits, land use permits shall be issued by the City Zoning Administrator. For buildings fully within the Township limits, land use permits shall be issued by the Township Zoning Administrator.

The following structures straddle the municipal boundary, and permits shall be issued by the jurisdiction following the building number in parentheses:

- 30 (Township)
- 34 (City)
- 46 (Township)
- 58 (Township)

For any new construction or building expansion, land use jurisdiction shall fall to the municipality in which the majority of the building's new square footage is located.

B. Foundation Only Approval Prohibited. In no case shall a land use permit be issued for the construction of foundations only.

C. Application Forms. The Planning Directors shall have application forms for land use permits available at their respective office of the Planning Directors in the City of Traverse City and Charter Township of Garfield.

D. Site Plans. All land use permit applications shall be accompanied by an accurate site plan or diagram which demonstrates that the proposed improvements comply with all applicable requirements of this Ordinance.

E. Survey. When requested by the Planning Director, all dimensions shown on the site plan relating to the locations and size of the parcel shall be based on an actual survey and the parcel shall be staked out on the ground before construction is started.

F. Records. The original copy of such applications and site plans shall be kept on file at the offices of the Planning Directors and a copy shall be kept at the site at all times during construction.

G. Fees. Land use permit application fees shall be agreed upon and established by a joint resolution of the City Commission and Township Board.

H. Consultant Review. In the course of reviewing an application for land use permit, the Planning Director or Joint Planning Commission may determine that outside consulting services such as, but

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not limited to, planning, engineering, traffic and environmental services, are required. Such determination shall be made at the earliest possible time based upon available information. The revelation of information during the review process shall not preclude the approval authority from halting proceedings at any time and requiring that escrow funds, in an amount determined by the approval authority to be necessary to complete a full and proper review of an application, be deposited with the reviewing authority.

I. Expiration of Permit. Unless the land use permit states differently, a permit expires after 24 months from the date of granting such permit if the activity is not at least 75 percent completed and after 36 months if not 100 percent completed. A permit extension shall be determined and granted by the sole discretion of the Planning Directors. In the event that the Planning Directors do not agree the Joint Planning Commission shall make the determination of expiration.

J. Revocation and Suspension. The Planning Directors may revoke any land use permit for failure to comply with any provisions of this Ordinance, the application or permit or for a material error, false statement or misrepresentation made in the application. The owner or owner's agent shall be notified of such revocation in writing. Upon such revocation, other than for the purpose of correcting the violation, all further construction activities and new use of the site shall cease. The Planning Directors may suspend any land use permit if there are reasonable grounds for revocation and may issue a stop work order to halt all construction activities and land use pending decision on revoking the permit.

K. Relation to Nononforming Uses. It is not necessary for an owner of a legal nonconforming structure or use to obtain a land use permit in order to maintain its legal, nonconforming status. However, no Class I. nonconforming use shall be changed or extended until a land use permit has been issued by the Planning Directors. In such cases, the permit shall state specifically how the nonconforming use differs from the provision of this Ordinance.

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Section 2.02 Improvement Guarantees

A. Required. To ensure compliance with this Ordinance and any condition(s) imposed hereunder, the City Commission, Township Board, Joint Planning Commission, the Zoning Board of Appeals or the Planning Directors may require that a guarantee covering the estimated cost of improvements associated with a project for which zoning approval is sought be deposited with the City Treasurer or the Township Treasurer to ensure faithful completion of the improvements.

B. Definitions. As used in this section:
   1. "Guarantee" or "improvement guarantee" means a cash deposit, certified check, irrevocable bank letter of credit, or security bond in such form as determined jointly by the City and Township Attorneys.

   2. "Improvements" means those features and actions associated with a project, that are considered to be necessary by the reviewing authority to protect natural resources or the health, safety and welfare of the residents of the Grand Traverse Commons (including the City of Traverse City and Charter Township of Garfield) and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, parking, screening and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

C. Deposit. The guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City and Township may not require deposit of the guarantee before the date upon which the City and Township is prepared to issue the permit.

D. Rebate. The Planning Directors shall establish procedures under which a cash deposit, in reasonable proportion to the ratio of work which has been completed on the required improvements, is to be rebated as work progresses. Such procedures shall be on file in the office of each of the Planning Directors. The Planning Directors may amend such procedures, but such amendments shall not affect any guarantee previously deposited with the City and Township, except upon mutual agreement of the Planning Directors, the person obtaining the permit to which the guarantee applies, and the person making the guarantee.

Section 2.03 Certificates of Occupancy

A. Required. Certificates of occupancy shall be required for any of the following:
1. Occupancy and use of a new building or of a structurally altered building;
2. Change in the use of an existing building to a use of a different zoning classification;
3. Occupancy and use of vacant land;
4. Change in the use of land to a use of a different zoning classification; and
5. Change in the use of a nonconforming use.

No such occupancy, use, or change of use shall take place until a certificate of occupancy has been issued.

B. Temporary Certificates. Pending the issuance of a final certificate, a temporary certificate of occupancy may be issued by the Zoning Administrators. A temporary certificate shall be effective for no more than six (6) months during the completion of construction or alterations. A temporary certificate shall not be construed as altering the respective rights, duties or obligations of the owner or of the City and Township relating to the use or occupancy of the premises or any other matter covered by this Zoning Ordinance. Temporary certificates shall not be issued except under such restrictions and provisions as will adequately ensure the safety of occupants. If a temporary certificate expires and a final certificate is not issued, the building or land shall not be occupied.

C. Final Certificates. Final certificates of occupancy shall be issued if there has been compliance with all provisions of this Zoning Ordinance and all other applicable health, safety and welfare requirements.

D. Land. Certificates of occupancy for the use of vacant land or for a change in the character of the use of land shall be applied for before such land is occupied or used.

E. Statement and Record. A certificate of occupancy shall state that the building or the proposed use of the building or the land complies with this Ordinance. A record of all certificates shall be kept on file at the office of the issuing Building Department.

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Section 2.04 Zoning Administrators

A. Administration. The City Planning Director and Township Planning Director shall each designate an individual to act as the Zoning Administrator. The administration and enforcement of the Ordinance shall be the responsibility of the Zoning Administrators.

B. Appearance Tickets. The Zoning Administrators or such others as designated by the City Manager and Township Supervisor, are herby authorized to issue and serve appearance tickets with respect to a violation of this Ordinance pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCL 764.9c)2); MSA 28.868(3)(2). Appearance tickets shall be in such form as determined by the City and Township Attorneys and shall be in conformity with all statutory requirements.

Section 2.05 Fees and Deposits

At the time of a request for any zoning approval, an applicant shall pay to the City or Township Treasurer a fee as determined by joint resolution of the City Commission and Township Board. The fee shall cover the approximate cost of the procedure. In addition to any established fees, the applicant shall deposit such sum as is determined necessary by the Planning Directors to cover any extraordinary costs in processing the application.

Section 2.06 Municipal Civil Infraction

A person who violates any provision of the Ordinance may be charged with a municipal civil infraction.

Section 2.07 Declaration of Nuisances

Buildings and structures built, altered, razed or converted, or uses carried on in violation of this Ordinance are hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated, and the owner or agent in charge of the building or land may be adjudged guilty of maintaining a nuisance per se. A person may not assert that a use is a nonconforming use or vested right, by way of defense to any Ordinance enforcement action or otherwise until that person has exhausted all administrative remedies for determination of a nonconforming use.

Section 2.08 Penalty

Whoever violates or fails to comply with any of the provision of the Ordinance shall be subject to the civil infraction sanctions, injunctive relief, nuisance abatement, surcharges and equitable remedies as available under the law, as well as any damages resulting from such violation. Each day that a violation is permitted to exist constitutes a separate offense.

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Article 3
Zoning Board of Appeals

Section 3.01 Establishment

The Zoning Board of Appeals is established in accordance with Article VI. of Public Act 110 of 2006 (M.C.L. 125.3101 et seq.). The Board shall perform its duties and exercise its powers as provided by state law and this Zoning Ordinance such that the intent of this Zoning Ordinance is observed and the health, safety and welfare of the public are secured.

Section 3.02 Membership: Terms of Office

A. The Zoning Board of appeals shall consist of five (5) members.
   1. The City Commission shall appoint two (2) members from the City Board of Zoning Appeals
   2. The Township Board shall appoint two (2) members from the Township Zoning Board of Appeals
   3. One member of the Zoning Board of Appeals shall be appointed jointly by the City Commission and Township Board and shall be a registered elector of the City or Township residing within the zoning jurisdiction of the Grand Traverse Commons. The members elected shall be representative of the population distribution of the various interests present in the local unit of Government.

B. Terms shall be overlapping to provide for the appointment of an equal number of members each year. A successor member must be appointed within one month following the expiration of the previous term. At least one member shall also be a member of the Joint Planning Commission. Terms shall be three (3) years in length.

C. The City Commission and Township Board shall also each appoint one (1) alternate member for terms of three (3) years each. An alternate member may be called by the Chairperson of the Board, the Planning Directors or the Zoning Administrators to sit as a regular member of the Board in the absence of a regular member if a regular member is unable to attend a regularly scheduled meeting, of if a regular member has abstained from a decision for reason of conflict of interest.

D. An alternate member appointed to hear an appeal shall serve on the appeal until a final decision has been made. Such alternate member shall have the same voting rights as a regular member of the Board.

E. Absence, inability to attend, or abstention because of a conflict of interest may be established by communication of a Board member at least twenty-four (24) hours prior to the regularly scheduled Board meeting.

Section 3.03 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a public record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three (3) members shall be necessary to constitute a quorum and a majority vote of the members of the

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Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official, or to decide in favor of the applicant in the case of a variance, exception or interpretation.

Section 3.04 Rules of Procedure

The Zoning Board of Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

A. Appeals, Generally. For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.

B. Initiating Appeals. Appeals shall be filed with each of the Zoning Administrators within twenty-one (21) days after written notice has been given of the action being appealed. Following receipt of a written appeal request, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request.

C. Application Contents. In addition to all other requirements of this statute and ordinance, applications shall be in a form determined by the Zoning Administrators and shall contain such information as the Zoning Administrators shall direct. Such applications shall also include the following:

1. A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrators, such drawing shall be a survey performed by a registered land surveyor;

2. The name, address and telephone number of the applicant and all authorized agents of the applicant;

3. An application signed by the owner or someone acting upon written consent of the owner, whose written consent must be submitted with the application; and

4. A listing of all previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.

D. Filing Fee. The filling fee for appeals shall be established by joint resolution of the City Commission and Township Board.

E. Notices. Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen (15) days prior to the first meeting of the Board at which time the appeal will be formally considered.

F. Advertisements. One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.

G. Regular Meetings. The Board's regular meeting schedule shall be adopted and published on an annual basis.

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H. Exceptions to Regular Meeting Dates. If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and the matter rescheduled to the next regularly scheduled meeting or to the earliest possible date as determined by the Chairperson of the Board. If no requests have been received 21 days prior to the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrators.

I. Conflict of Interest. Before deliberating any appeal, the Chairperson shall ask if any member has such a conflict of interest. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

J. Representation at Hearing. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. At the discretion of the Board, if the applicant or agent is not present the appeal may be deferred until the next meeting or dismissed.

K. Reconsideration. An applicant may re-appeal a decision after twelve (12) months from the decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision unless the applicant can show that there have been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

L. Instructions. The Zoning Administrators shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.

M. Other Rules. The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with other existing statute or ordinance.

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Section 3.05 Powers and Duties

A. Generally. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property or make any change in the terms of intent of this Ordinance. The Board shall have the power to act on those matters where this Ordinance provides for an appeal, interpretation, variance or exception. The Zoning Board of Appeals shall not have the power to vary a standard for a Special Land Use Permit.

B. Appeals. The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or determination made by the administrative official or body charged with the enforcement of this Ordinance.

C. Interpretations. Upon application by a City or Township official or person of interest in a specific affected parcel of land, when all other administrative appeals have been exhausted, the Board shall have the power to:

1. Interpret this Zoning Ordinance in such a way as to carry out its intent and purpose;
2. Determine the precise location of a zoning district and special area boundaries;

3. Classify a use which is not specifically mentioned, determine the district within which the use is permitted, and determine the necessary parking to support the use; and
4. Determine the off-street parking and loading requirements of this Zoning Ordinance.

D. Variances. The Board shall have the power to authorize specific variances or departures from this Ordinance if all of the basic conditions are satisfied and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance. A variance from the dimensional requirements of this Ordinance may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Ordinance shall be prohibited.

1. Basic Conditions. Any variance granted from the Zoning Ordinance shall meet the following basic conditions:
   a. The spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
   b. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
   c. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
   d. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood and shall apply only to property that is under the control of the applicant.
   e. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
   f. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Ordinance.
   g. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
   h. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or in concert with the applicant.

2. Practical Difficulties and Unnecessary Hardships. In order to determine if there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance the following shall apply:
   a. Dimensional Variance. A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.
   b. Use Variance. An unnecessary hardship shall exist where the property considered in combination with other land owned by the applicant adjacent thereto has no reasonable value as zoned.

E. Exceptions. The Board shall have the power to grant the following exceptions:

1. Extend a district where the boundary line of a district divides a lot of record in single ownership at the time of adoption of this Ordinance.
2. Interpret or apply the Ordinance where the street layout on the ground actually varies from the street layout as shown on the District Map.

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3. Permit the alteration or enlargement of an existing building associated with a building associated with Class I. nonconforming use (*as defined in Article 13 of this Ordinance)*, or permit the increase in intensity of use of a Class I. nonconforming use, where:

   a. The change will not unreasonably delay future probability of compliance with this Ordinance.
   b. There will be greater compliance with this Ordinance or, in the alternative, with the Building Code or other applicable ordinances if the change is permitted, and such compliance is the maximum which can be reasonably expected.
   c. The change will not detract from any historical or unique architectural qualities of the building.
   d. The change will not be detrimental or tend to alter the character of the campus.

4. Permit a change in use of a Class I. nonconforming use (*as defined in Article 13 of this Ordinance)* to another nonconforming use which is more nearly conforming to the use restrictions of this Ordinance. Such a change in use may be permitted only where:

   a. The change in use will not unreasonably delay future probability of compliance with this Ordinance.
   b. There will be greater compliance with this Ordinance if the change is permitted, and such compliance is the maximum which can reasonably be expected.
   c. The change will not be detrimental to the campus or tend to alter the character of the campus.

   After a change in use has been permitted, the use shall not be changed back to the former nonconforming use or to any less conforming use.

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Section 3.06 Time Limitations of Orders

A. Building Alterations. An order of the Zoning Board of Appeals permitting the erection or alteration of a building is valid for no longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

B. Uses. An order of the Board permitting the use of a premises is valid for no longer than one (1) year unless such use is established within such period. However, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and as such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

C. Modification. Time limits established by this section may be lengthened or shortened by the Board as a condition imposed under the standards for conditions set forth in this Ordinance.

D. Expiration. In addition to any expiration provision contained in an order itself, an order of the Zoning Board of Appeals may be declared by the Zoning Administrators to be expired where there has been a change in a material circumstance of facts such as, but not limited to, destruction of a building or natural feature, vacation of a street or a change in topography upon which the order was issued. Before so declaring an order expired, the Zoning Administrators shall notify the landowner and, if requested, shall conduct a hearing with notice and procedures as practical.

Section 3.07 Court Review

A. Circuit Court Review. A decision of the Zoning Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Zoning Board of Appeals may appeal to the Circuit Court if the appeal is made to the Court within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing signed by the Chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision or upon a grant by the Court of leave to appeal.

B. Standards for Review. The Circuit Court shall review the record and decision of the Board of Zoning Appeals to ensure that the decision:

1. Complies with the constitution and laws of the State;
2. Is based upon proper procedure;
3. Is supported by competent, material, and substantial evidence on the record; and
4. Represents the reasonable exercise of discretion granted by the law to the Zoning Board of Appeals.

C. Inadequate Record. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Zoning Board of Appeals, the Court shall order further proceedings before the Zoning Board of Appeals on conditions which the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decision shall be filed with the Court. The Court may affirm, reverse or modify the decision.

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Article 4
Zoning Districts, Boundaries and Map

Section 4.01 Designation of Districts

The Grand Traverse Commons is divided into the following zoning districts and sub-districts:

Village District:
- V-1 Sub District
- V-2 Sub District
- V-3 Sub District
- V-4 Sub District
- V-5 Sub District
- V-6 Sub District
- V-7 Sub District
- V-8 Sub District

Medical District:
- M-1 Sub District
- M-2 Sub District
- M-3 Sub District
- M-4 Sub District
- M-5 Sub District
- M-6 Sub District
- M-7 Sub District
- M-8 Sub District

Institutional District:
- I-1 Sub District
- I-2 Sub District
- I-3 Sub District

Residential District:
- R Sub District

Recreation and Cultivation District:
- RC Sub District

Conservation and Recreation District:
- C-1 Sub District

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Section 4.02 Zoning Map

The boundaries of the districts are shown on the map adopted by the City Commission and Township Board designated as the Zoning Map. Such Map is filed in the offices of the City and Township Clerks. The Zoning Map and all notations, references and other information shown thereon are hereby declared to be part of this

Zoning Code and shall have the same force and effect as if the Zoning Map and all notations, references and other information shown thereon were fully set forth and described herein.

Section 4.03 Zoning Map Boundary Determination

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the district boundary line shall be determined by use of the scale appearing on the Zoning Map.

Section 4.04 Zoning of Water Areas

All areas in the Grand Traverse Commons which are under water and not shown, as included within any district shall be subject to all of the regulations of the district which immediately adjoin the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

Section 4.05 Zoning of Annexed Land

The zoning of annexed land is governed by State statute MCL 117.4(i)(3): MSA 5.2082

Section 4.06 Categories Within Zoning Districts

Any building or structure built, rebuilt, converted, enlarged, moved or structurally altered shall be used only for a use allowed in the district in which the building or structure is located. In order to ensure all possible benefits and protection for the zoning districts in this code, the land uses have been classified into two categories:

A. Uses Permitted by Right. The primary uses and structures specific for which the zoning district has been established.

B. Uses Permitted by Special Use Permit. Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and the Grand Traverse Commons as a whole.

Section 4.07 Incorporating Uses Allowed

When the regulations of a zoning district incorporate the uses of a different zoning district, only those uses listed in the sections entitled "Uses Allowed by Right" are incorporated and not any of those uses allowed by special land use permit or any other special zoning permission.

Section 4.08 Uses Not Mentioned

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

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(Insert zoning map)

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(Rear page zoning map)

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Article 5
Village District

The following standards shall be applied to each Sub-District (V-1, V-2, V-3, V-4, V-5, V-6, V-7, and V-8) within the Village District.

Section 5.01 Uses Allowed By Right

The following uses of land and buildings, together with accessory uses, are permitted in the Mixed Use District provided the use will not generate excessive noise, lighting, fumes or other nuisances.

- Art Galleries and Studios
- Assisted Living
- Craftperson Studios
- Cottage Manufacturing or Processing Services, provided that no perceptible noise, light, odor, or vibration shall emanate from the site
- Dwellings, Single and Multi-Family
- Eating/Drinking Places without drive-throughs
- Food and Beverage Processing
- Food Stores
- Lodging Facilities; Retail
- Services, including:
  - Business
  - Cultural and Community
  - Education
  - Funeral except Crematorium
  - Health Services except Hospitals
  - Office
  - Personal
  - Recreation
  - Social and Government
  - Veterinary without boarding or outdoor runs.
- Parking Areas, subject to the requirements of Section 1.14.
- Parking Structures, subject to the requirements of Section 1.15.
- Paved Squares
- Other uses and site adjustments as approved by the Planning Directors if such uses are compatible with adjacent uses, will generate similar motor vehicle traffic and will not generate excessive noise, lighting, fumes or other nuisances. Decisions of the Planning Directors shall be appealable to the Joint Planning Commission.

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Section 5.02 Special Uses

Reserved.

Section 5.03 General Design Standards

A. Color. Exterior building walls shall be light, earth tones. Roof color shall be darker than the exterior building walls.

B. Materials. New buildings, reconstruction, and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of a combination of existing buildings within the District Development Envelope.

C. Façade.

1. Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street or sidewalk-facing wall

may be achieved with wall offsets in combination with pilasters, corbelling or other permanent architectural elements; however, offsets in any wall shall not be less than eight (8) inches.

2. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
3. Window glass panes shall be recessed at least four (4) inches from the outside of all building walls to create a shadow line.
4. Windows shall have a vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
5. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.
6. Window and door transparency of at least 20% is required on all façades facing a public or private street or the Historic Front Lawn.

D. Character Photos. Character Photos have been inserted throughout this Ordinance as examples of appropriate architectural design within an individual Sub-District. Character Photos are intended as a visual tool to assist in the evaluation of whether an application meets the General Design Standards of the Sub-District, but are not intended to strictly establish architectural design standards.

E. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors as visually compatible with the building.

F. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.

G. Accessory Buildings. The accessory building shall be constructed using materials and features similar to the principal building.

H. SHPO Conflicts. The Planning Directors may waive or vary the above standards if determined to be in conflict with the recommendations of the State Historic Preservation Office (SHPO).

I. Architectural Exceptions. Exceptions to the architectural requirements specified within this Ordinance may be approved by the Planning Directors upon finding that the requested exception is consistent with the architectural character of surrounding structures and/or will not adversely affect the character of the area.

J. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.

K. Ground Story. A Ground Story shall not be included toward maximum story limitations.

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Section 5.04 Lighting Standards

- See Article 1, Section 1.12.

Section 5.05 Sign Standards

- See Article 15

Section 5.06 Sidewalk Standards

- All buildings shall provide clearly defined pedestrian travelways from the public or common sidewalk to the main entrances of the building or uses of the land.
- A sidewalk shall be a minimum of five (5) feet wide and free from obstructions.

Section 5.07 Landscape Standards

- See Article 14

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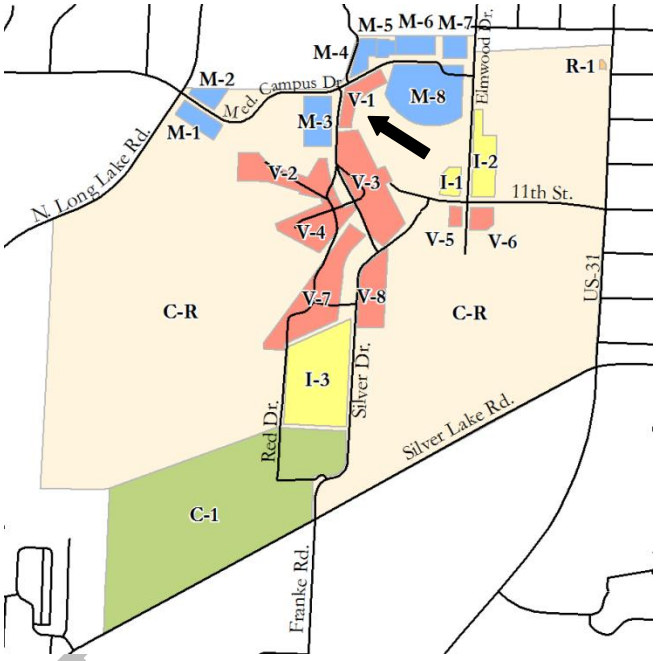
Village District
Sub District 1 (V-1)



Section 5.08 Building Types

- Large Cottage

Section 5.09 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.09*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.09* along the façade of each building wall that faces the historic front lawn, alley, or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.09*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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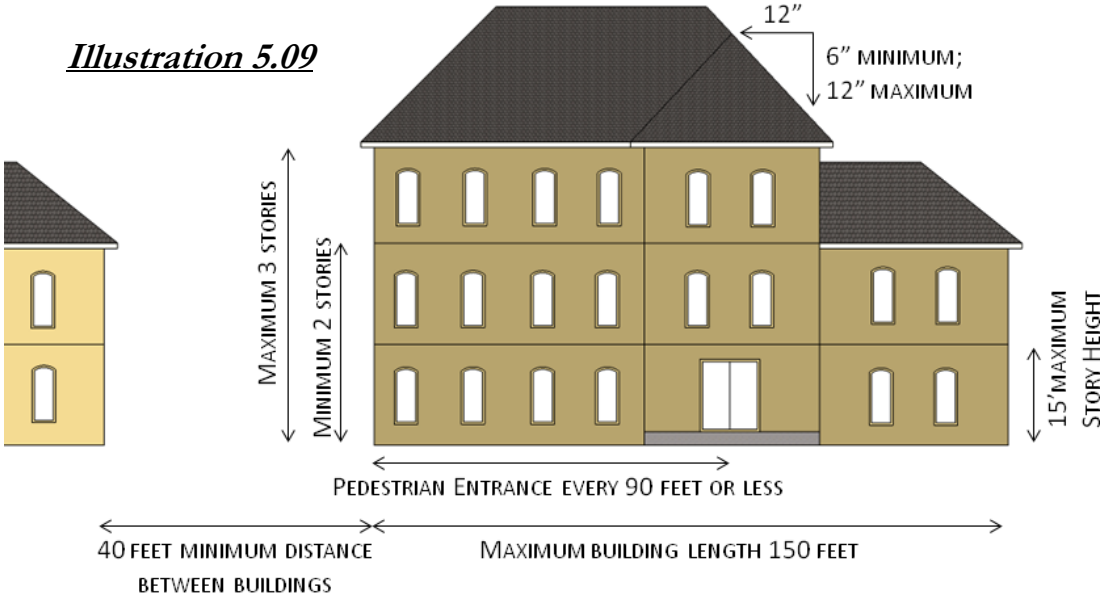
Section 5.10 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

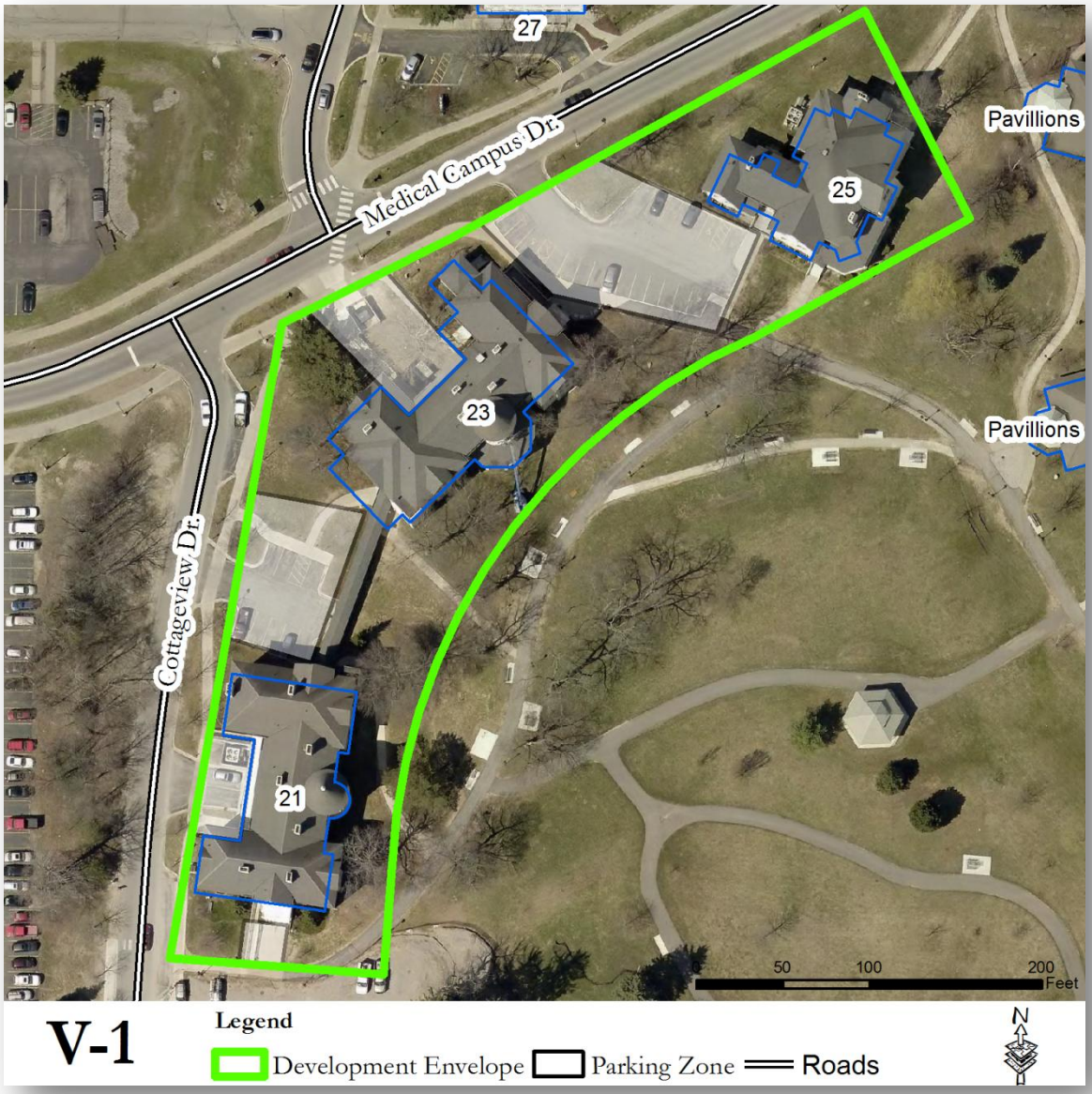
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.10*.
- Maximum Total Building Coverage: 30% / 27,150 square feet of Development Envelope.
- Maximum Total Parking Surface: 20% / 18,100 square feet of Development Envelope.
- Maximum Total Impervious Surface: 50% / 45,250 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.09*. Accessory buildings are exempt from these requirements.

Illustration 5.09

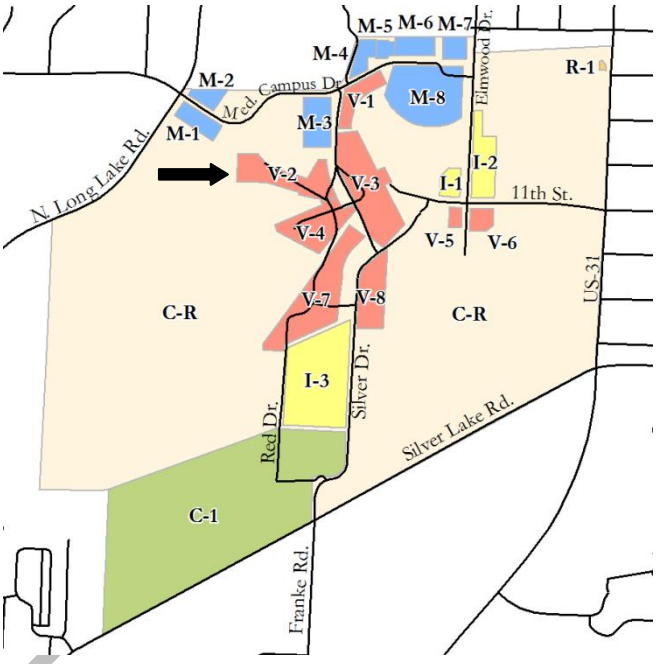


V-1 Character Photos

Illustration 5.10



Village District
Sub District 2 (V-2)



Section 5.11 Building Types Allowed by Right

- Warehouse

Section 5.12 Design Standards

A. Roofs. Roofs shall be flat or a shed type.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.12* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.12*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within of the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

Section 5.13 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.13*.
- Maximum Total Building Coverage: 50% / 105,700 feet of Development Envelope.
- Maximum Total Parking Surface: 30% / 63,400 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 169,100 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.12*. Accessory buildings are exempt from these requirements.

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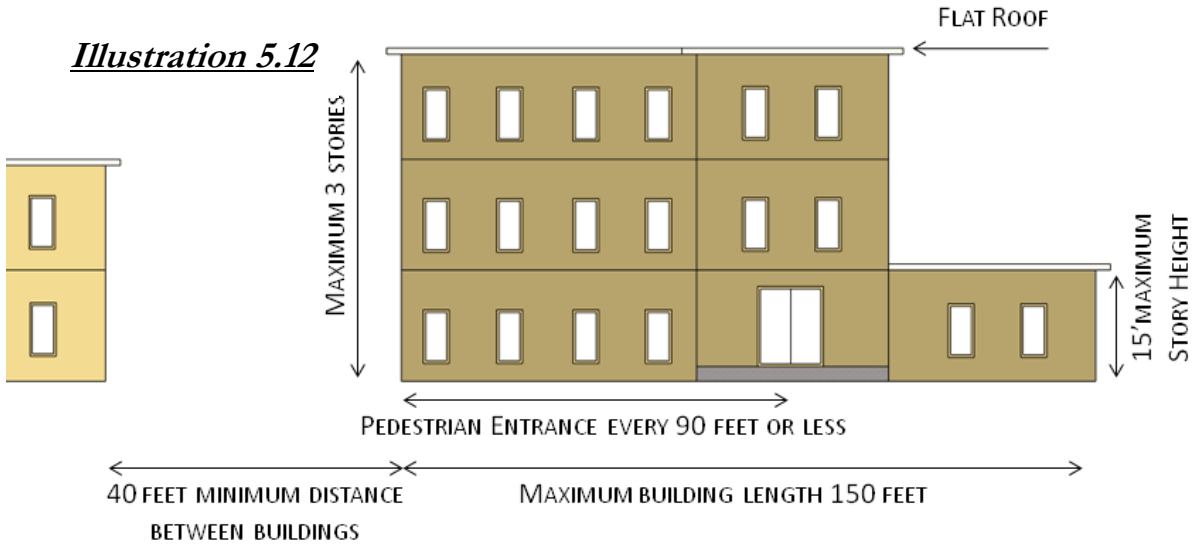
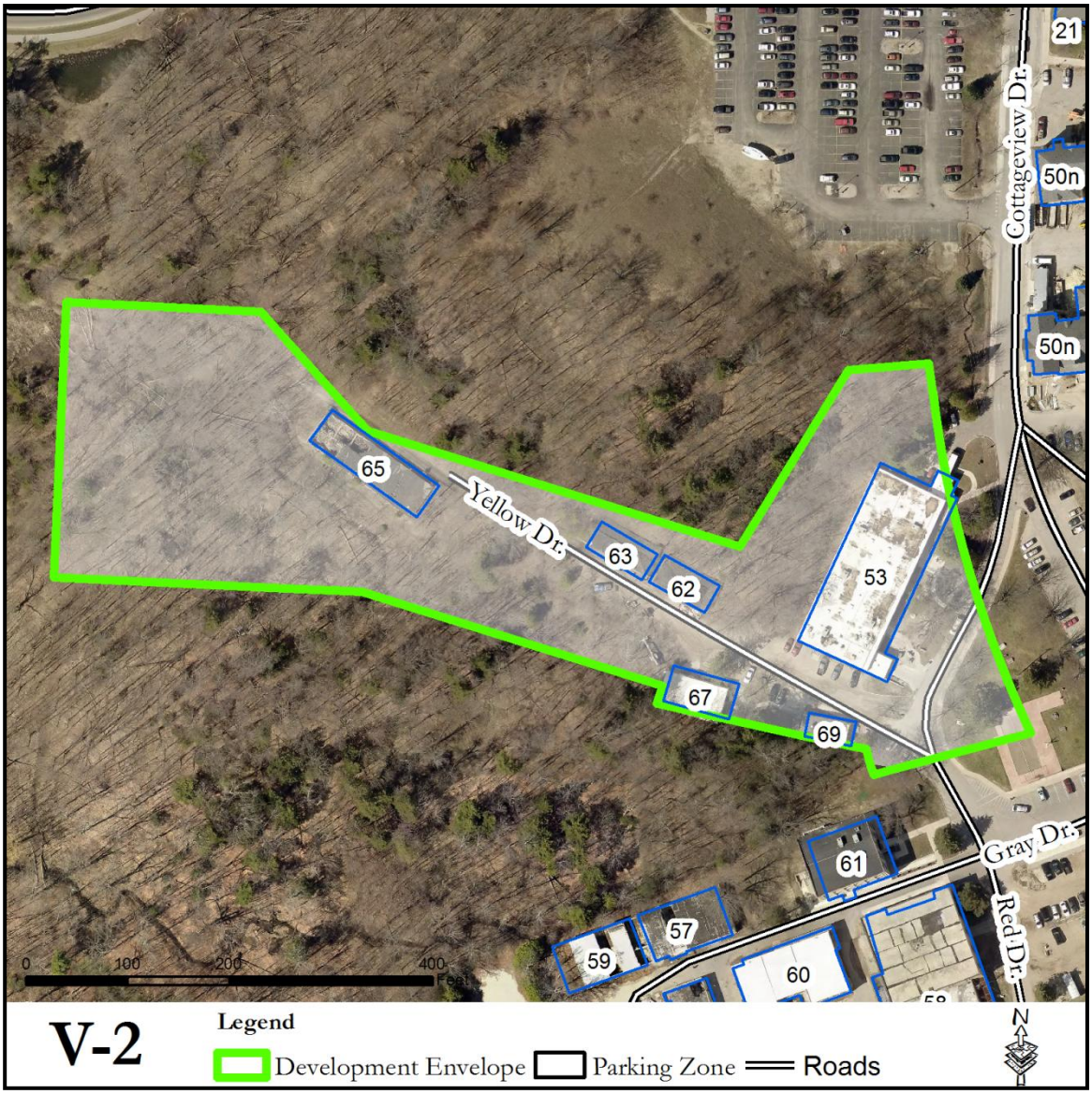
Illustration 5.12

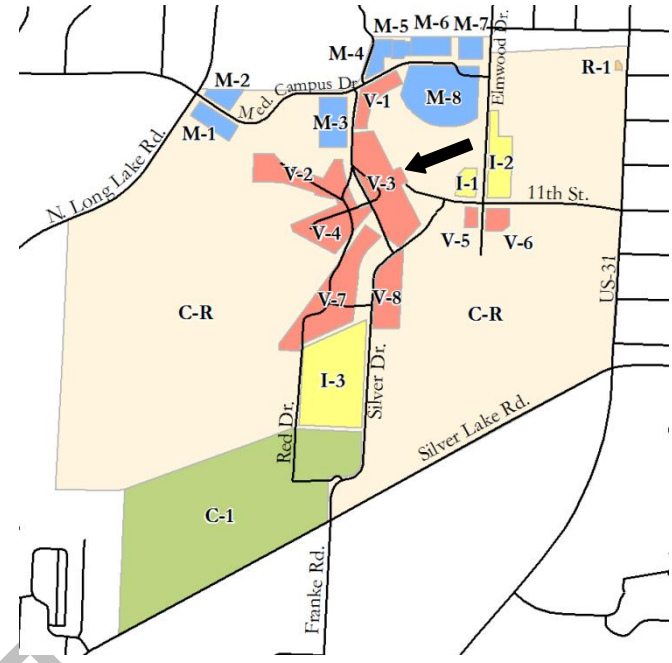


V-2 Character Photos

Illustration 5.13



Village District
Sub District 3 (V-3)



Section 5.14 Building Types Allowed by Right

- Monumental

Section 5.15 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.15*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.15* along the façade of each building wall that faces the historic front lawn, alley, or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 5.15*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty-five (25) feet in height.

Section 5.16 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.16*.
- Maximum Total Building Coverage: 35% / 123,700 feet of Development Envelope.
- Maximum Total Parking Surface: 30% / 106,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 65% / 229,700 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.15*. Accessory buildings are exempt from these requirements.

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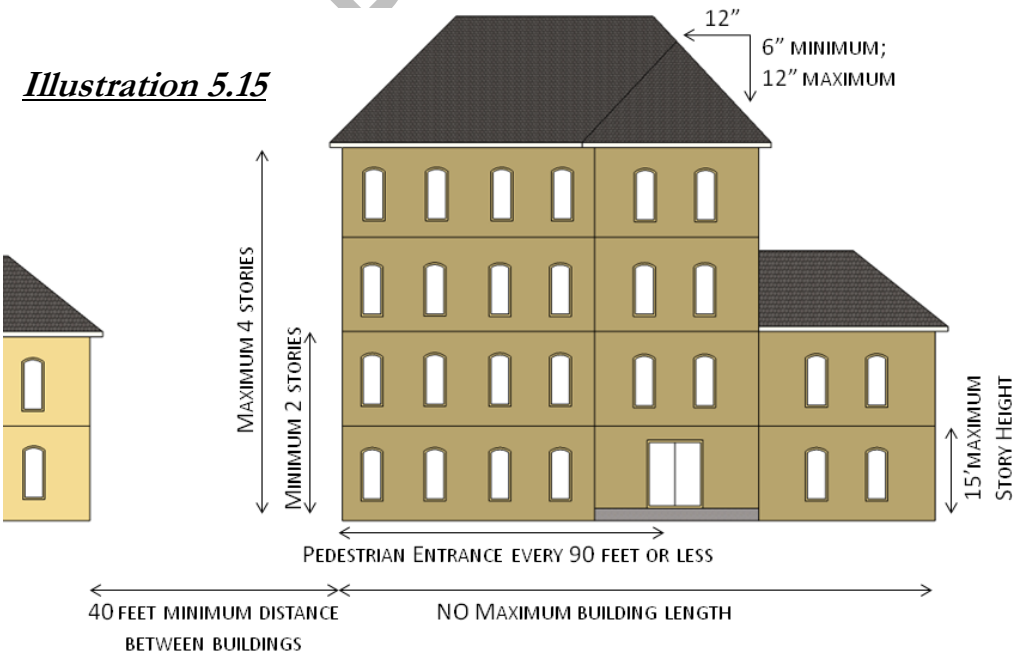
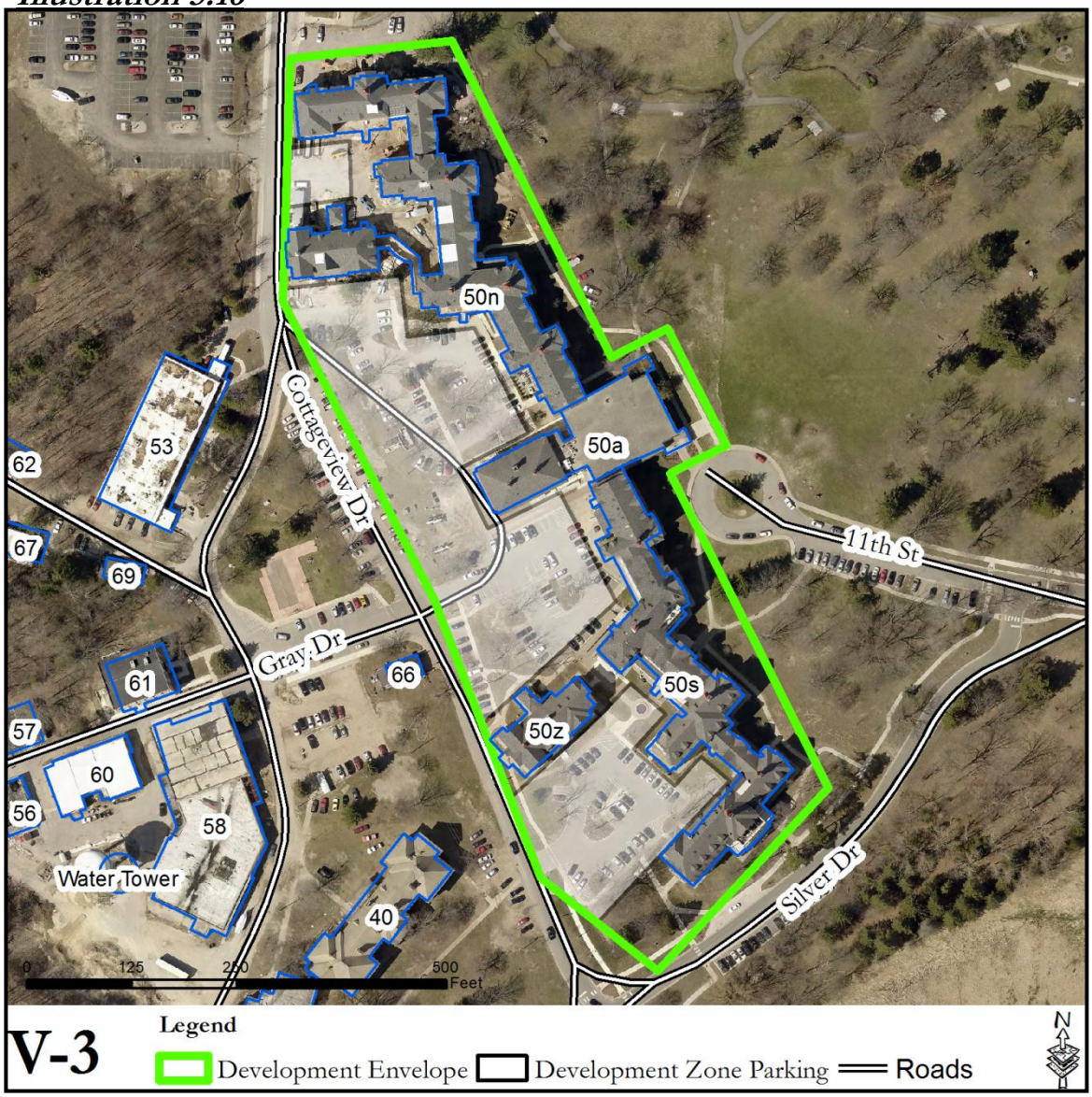
Illustration 5.15

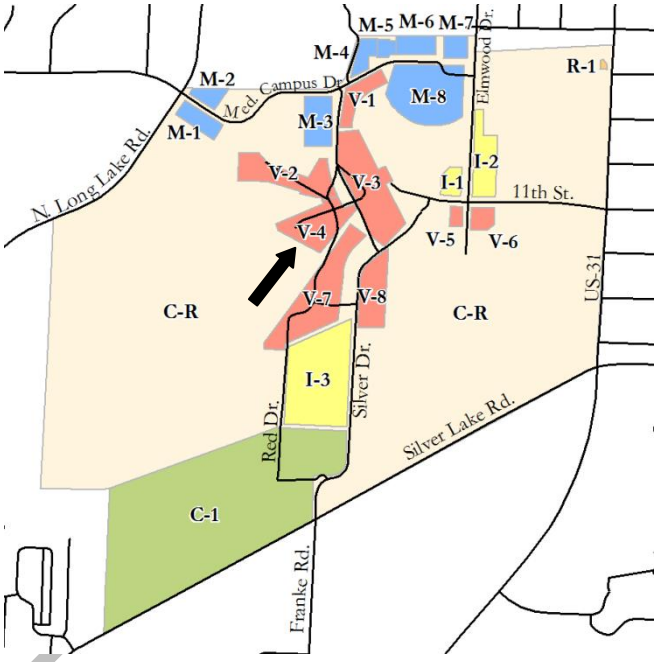


V-3 Character Photos

Illustration 5.16



Village District
Sub District 4 (V-4)



Section 5.17 Building Types Allowed by Right

- Warehouse

Section 5.18 Design Standards

A. Roofs. Roofs shall be flat. Any roof which is not flat may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.18* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 5.18*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty-five (25) feet in height.

Section 5.19 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.19*.
- Maximum Total Building Coverage: 50% / 101,200 square feet of Development Envelope.
- Maximum Total Parking Surface: 40% / 81,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 90% / 182.200 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.18*. Accessory buildings are exempt from these requirements.

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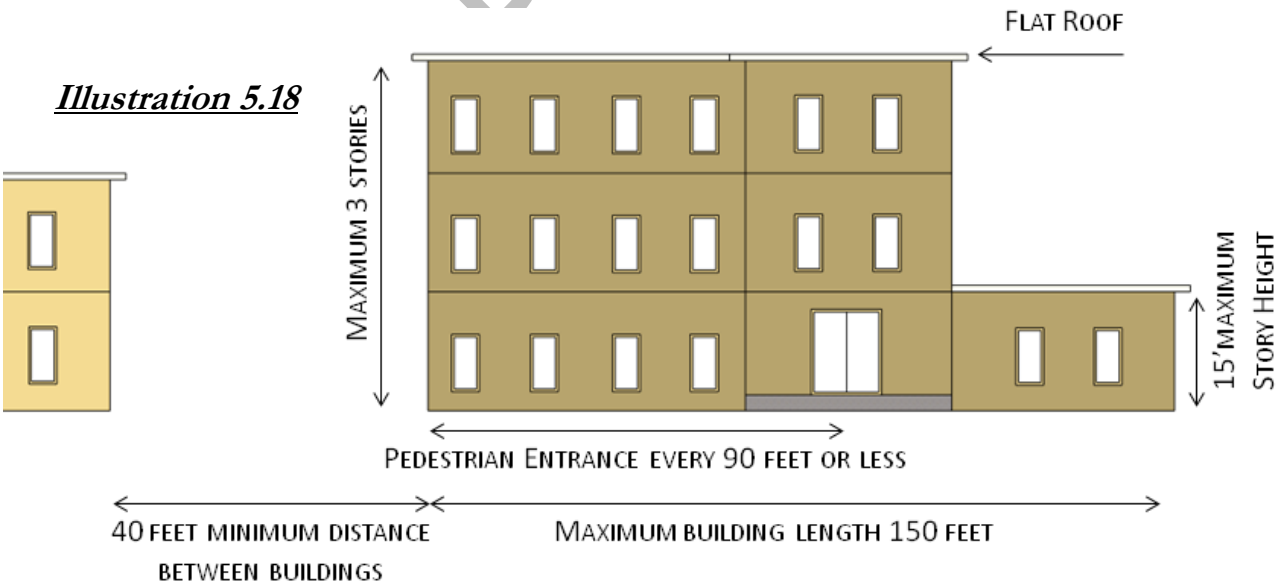
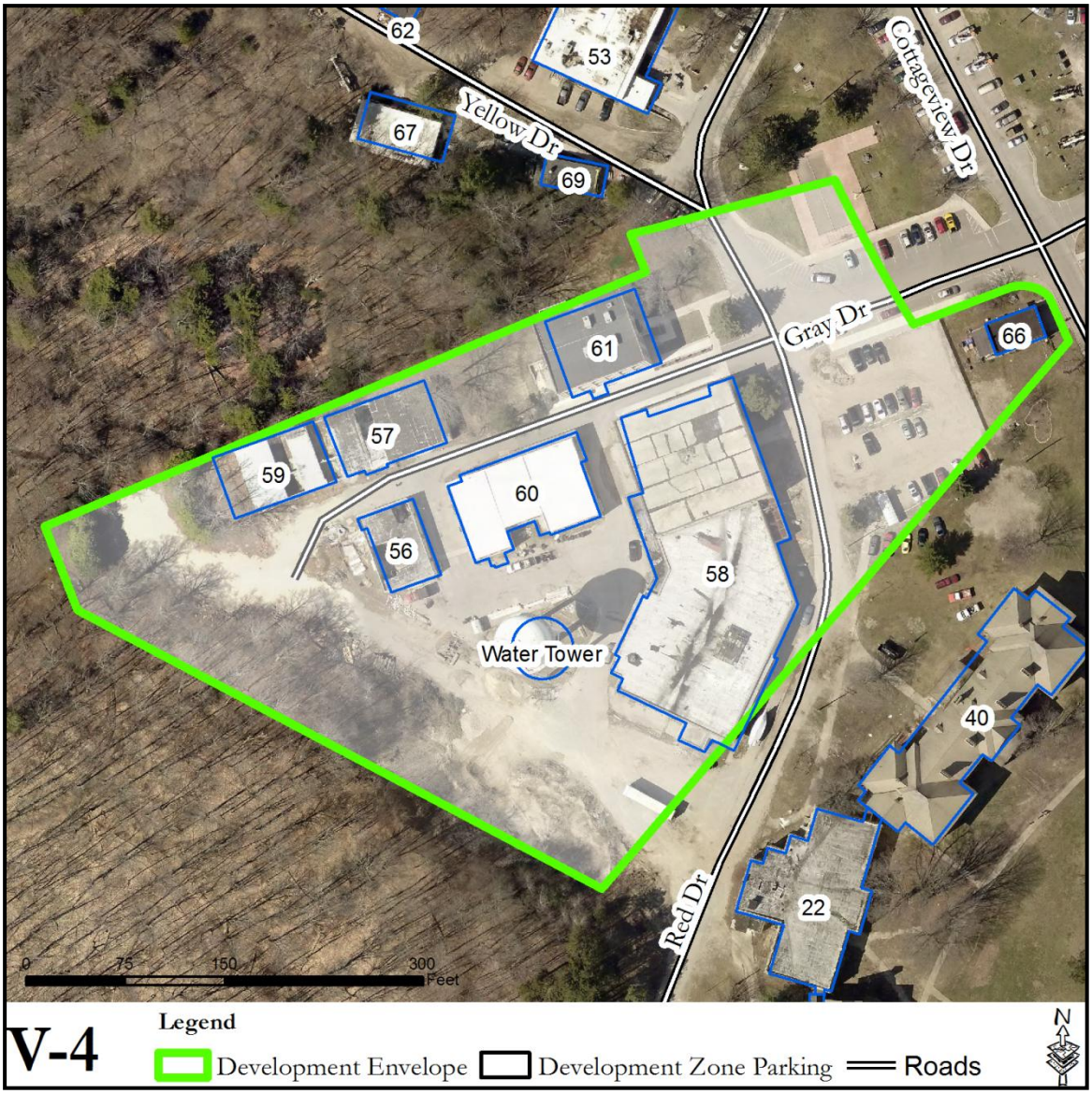
Illustration 5.18

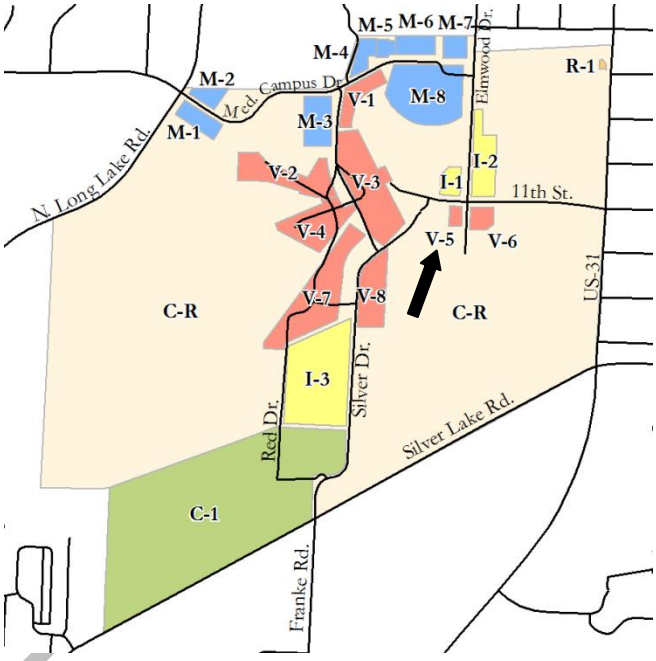


V-4 Character Photos

Illustration 5.19



Village District
Sub District 5 (V-5)



Section 5.20 Building Types Allowed by Right

- Small Cottage

Section 5.21 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.21*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.21* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.21*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

Section 5.22 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.22*.
- Maximum Total Building Coverage: 20% / 4,550 feet of Development Envelope.
- Maximum Total Parking Surface: 20% / 4,550 square feet of Development Envelope.
- Maximum Total Impervious Surface: 40% / 9,100 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.21*. Accessory buildings exempt from these requirements.

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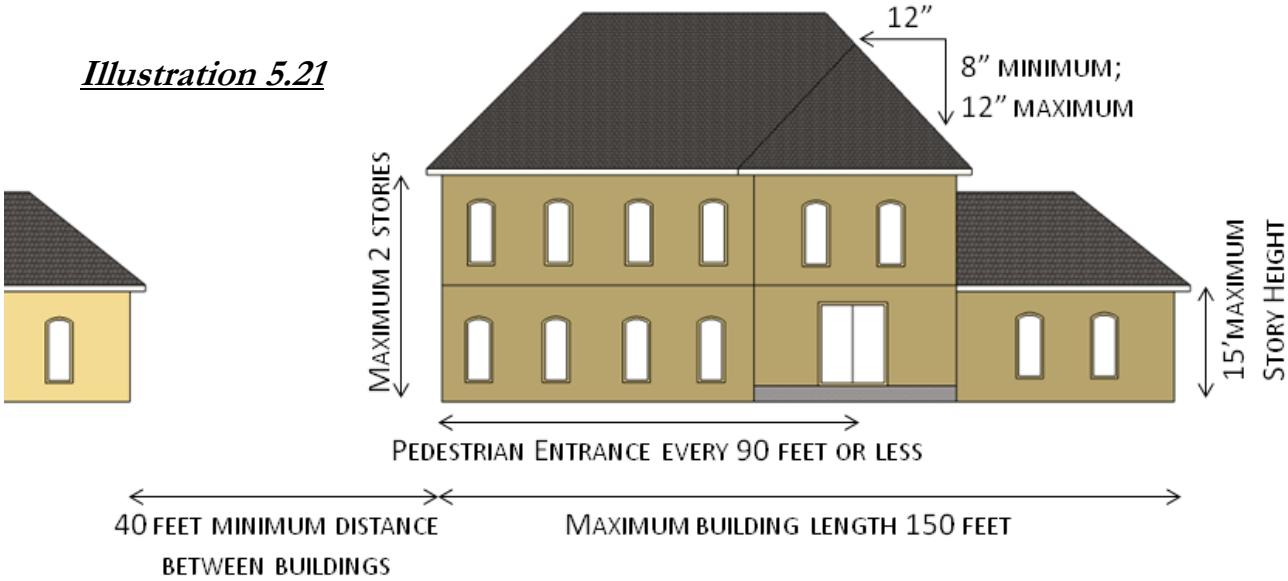
Illustration 5.21

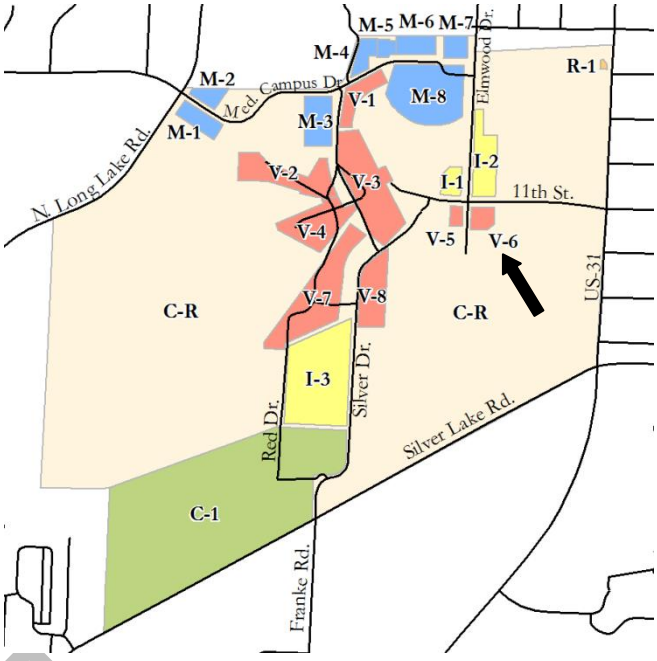


Click here to return to Table of Contents

V-5 Character Photos

Illustration 5.22

Village District
Sub District 6 (V-6)



Section 5.23 Building Types Allowed by Right

- Small Cottage

Section 5.24 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.24*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.24* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.24*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

Section 5.25 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.25*.
- Maximum Total Building Coverage: 20% / 9,600 feet of Development Envelope.
- Maximum Total Parking Surface: 20% / 9,600 square feet of Development Envelope.
- Maximum Total Impervious Surface: 40% / 19,200 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.24*. Accessory buildings are exempt from these requirements.

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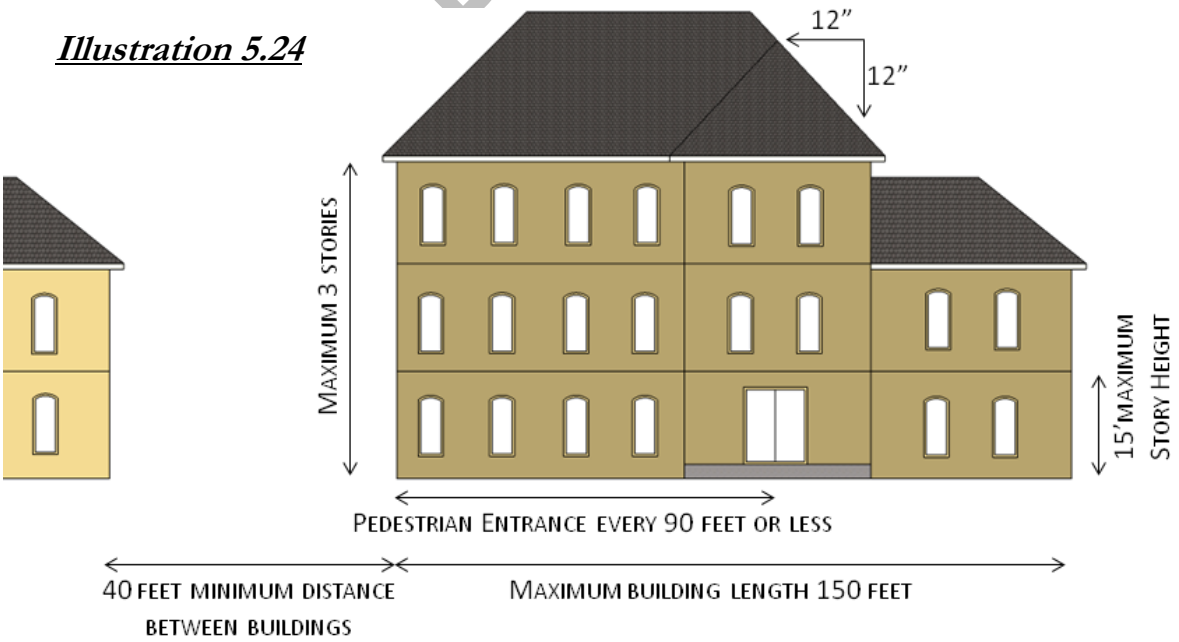
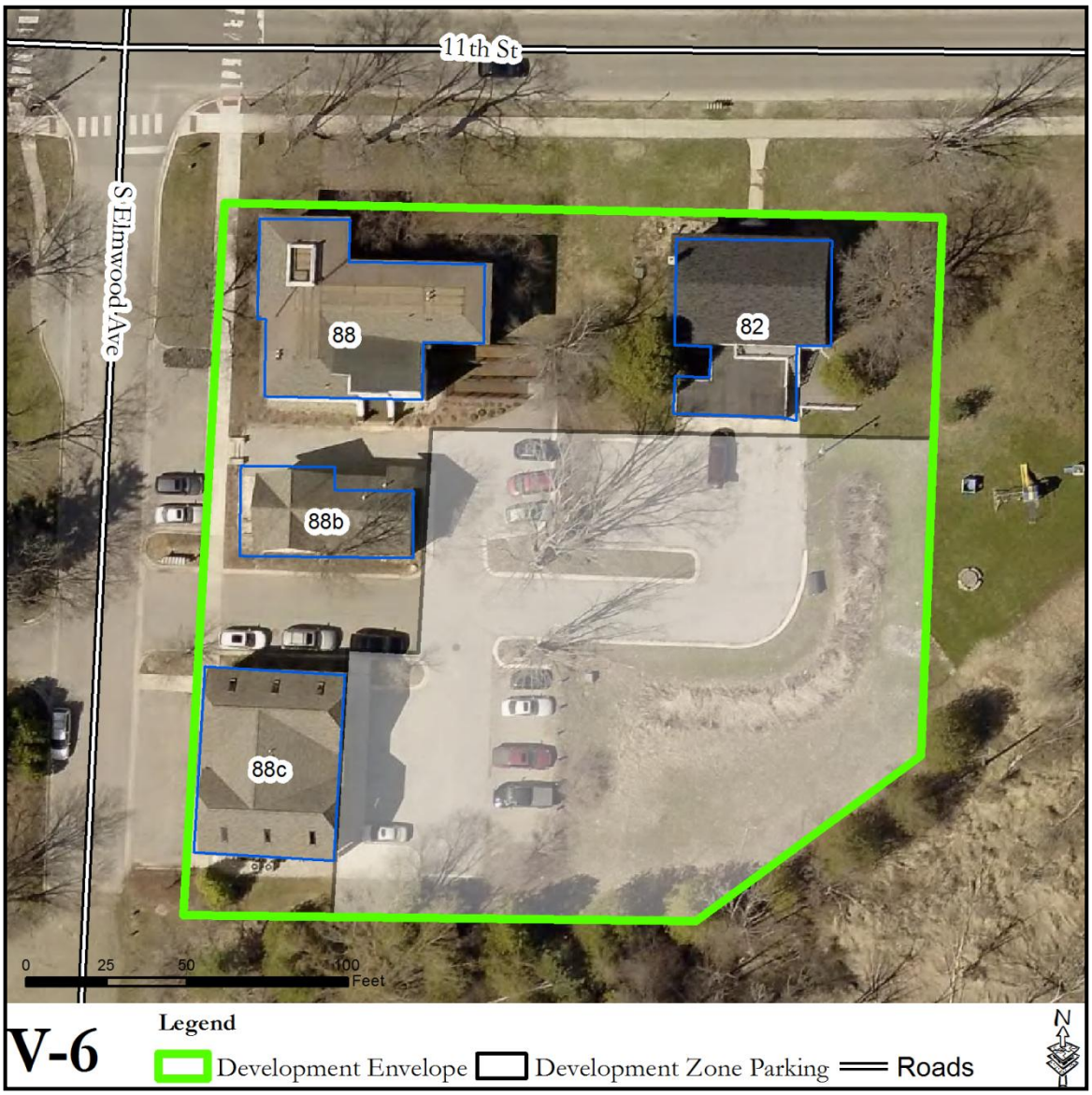
Illustration 5.24

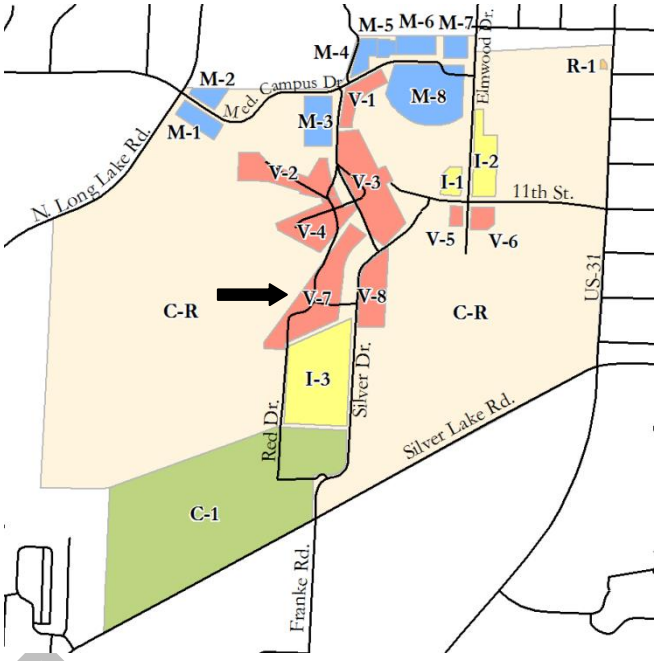


V-6 Character Photos

Illustration 5.25



Village District
Sub District 7 (V-7)



Section 5.26 Building Types Allowed by Right

- Large Cottage

Section 5.27 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.27*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.27* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.27*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty-five (25) feet in height.

Section 5.28 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.28*
- Maximum Total Building Coverage: 25% / 92,700 feet of Development Envelope.
- Maximum Total Parking Surface: 20% / 74,200 square feet of Development Envelope.
- Maximum Total Impervious Surface: 45% / 166,800 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.27*. Accessory buildings are exempt from these requirements.

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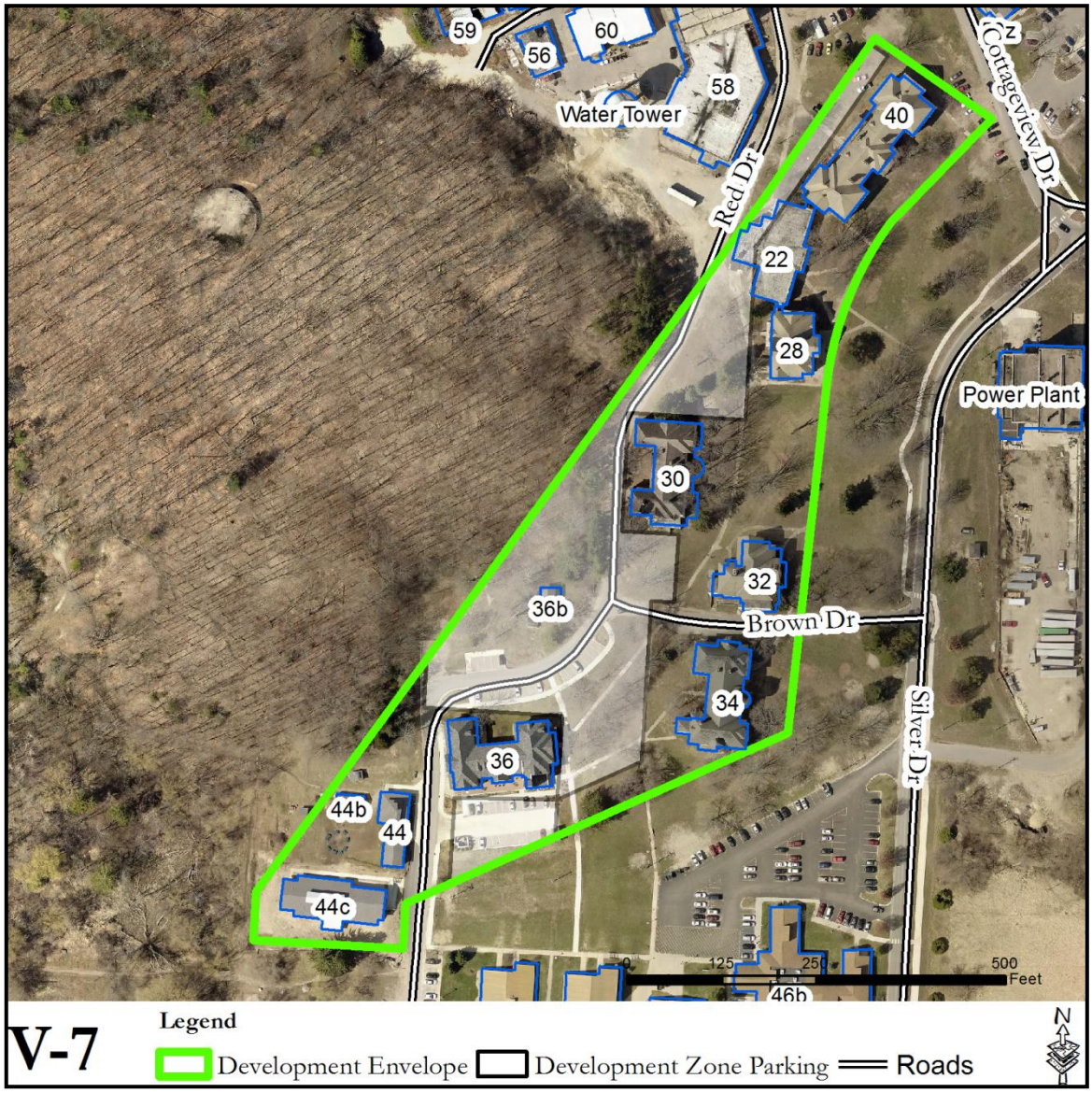
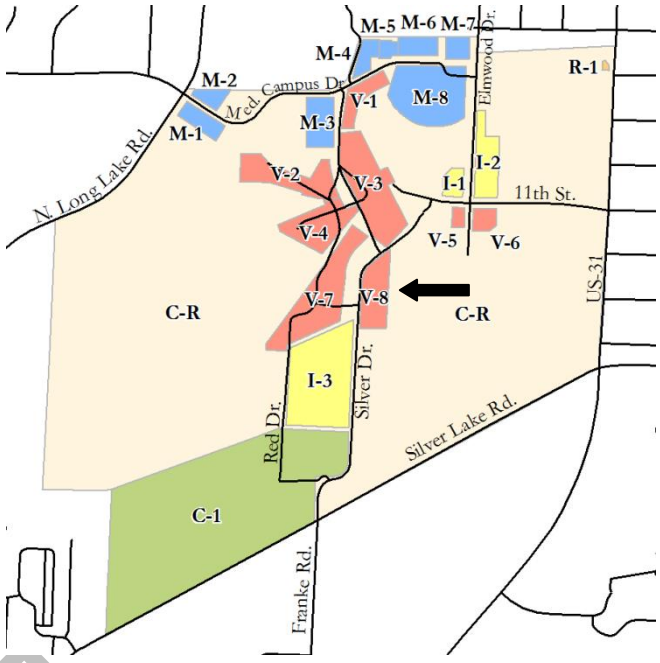
Illustration 5.27

V-7 Character Photos

Illustration 5.28



Village District
Sub District 8 (V-8)



Section 5.29 Building Types Allowed by Right

- Utilitarian

Section 5.30 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 5.30*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 5.30* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 5.30*. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty-five (25) feet in height.

Section 5.31 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 5.31*
- Maximum Total Building Coverage: 80% / 112,200 feet of Development Envelope.
- Maximum Total Parking Surface: 30% / 42,100 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 112,200 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 5.30*. Accessory buildings are exempt from these requirements.

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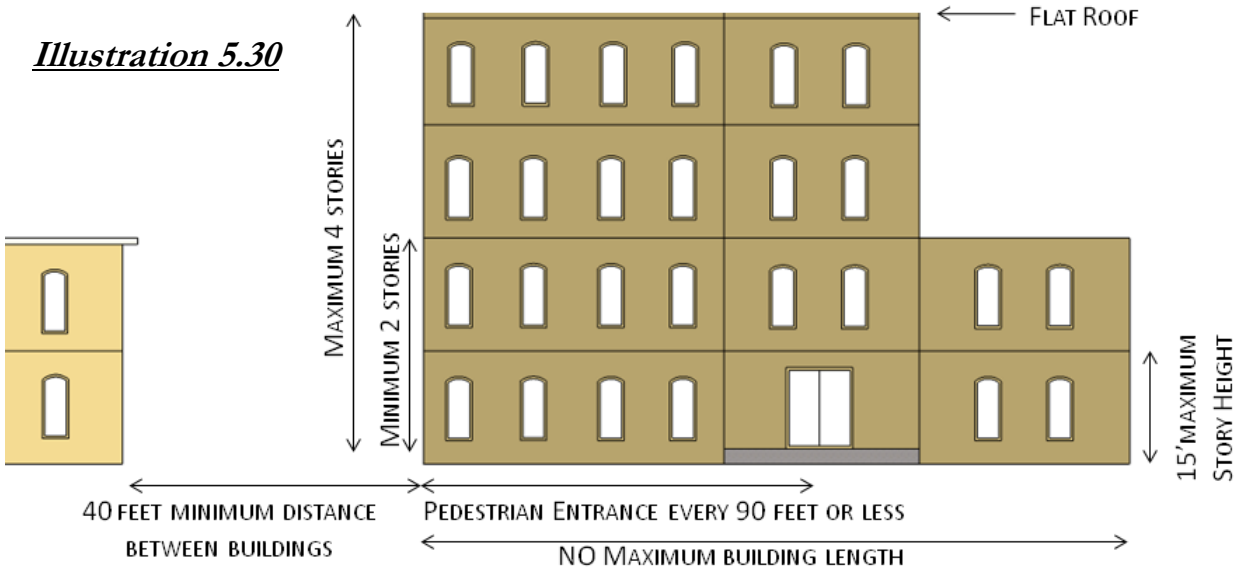
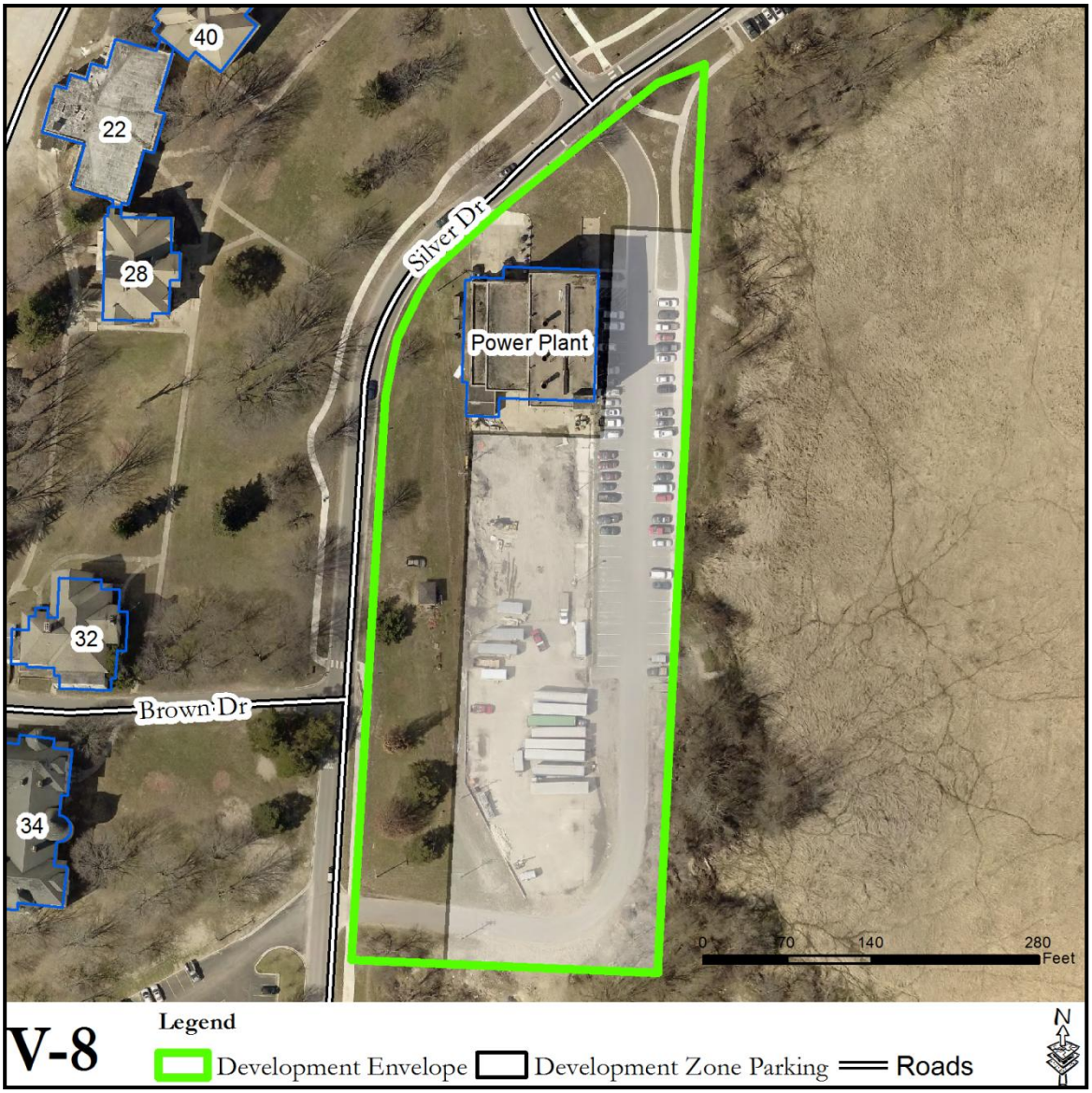
Illustration 5.30



V-8 Character Photos

Illustration 5.31



Article 6
Medical District

The following standards shall be applied to each Sub-District (M-1, M-2, M-3, M-4, M-5, M-6, M-7, and M-8) within the Mixed Use Medical District.

Section 6.01 Uses Allowed by Right

The following uses of land and buildings, together with accessory uses, are allowed in the Mixed Use Medical District:

- Assisted Living
- Dwellings
- Eating and Drinking Places (without drive-throughs)
- Lodging Facilities
- Retail
  - Pharmacy
  - Medical
  - Gift shop
  - Florist
- Services (without drive-throughs)
  - Business
  - Cultural and Community
  - Education
  - Finance, Insurance, Legal and Real Estate
  - Health Services
  - Office
  - Personal
  - Recreation
  - Social
  - Government
  - Veterinary
- Parking Areas (subject to the requirements of Section 1.14)
- Parking Structures (subject to the requirements of Section 1.15)
- Other uses and site adjustments as approved by the Planning Directors if such uses are compatible with adjacent uses, will generate similar motor vehicle traffic patterns and will not generate excessive noise, excessive lighting, excessive fumes or other nuisances.

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Section 6.02 Special Uses

Reserved.

Section 6.03 General Design Standards

A. Color. Exterior building walls shall be light, earth tones. Roof color shall be darker than the exterior building walls.

B. Materials. New buildings, reconstruction, and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials or a combination of existing buildings within the District Development Envelope.

C. Façade.
   1. Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street or sidewalk-facing wall may be achieved with wall offsets in combination with pilasters, corbelling or other permanent architectural elements; however, offsets in any wall shall not be less than eight (8) inches.

2. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
3. Window glass panes shall be recessed at least four (4) inches from the outside of all building walls so as to create a shadow line.
4. Windows shall have a vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
5. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.
6. Window and door transparency of at least 20% is required on all façades facing a public or private street or the Historic Front Lawn.

D. Character Photos. Character Photos have been inserted throughout this Ordinance as examples of appropriate architectural design within an individual Sub-District. Character Photos are intended as a visual tool to assist in the evaluation of whether an application meets the General Design Standards of the Sub-District, but are not intended to strictly establish architectural design standards.

E. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors so as to be visually compatible with the building.

F. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.

G. Accessory Buildings. The accessory buildings shall be constructed using materials and features similar to the principal building.

H. Waivers. The Planning Commission may waive or vary the above standards if determined to be in conflict with the recommendations of the State Historic Preservation Office (SHPO).

I. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.

J. Ground Story. A Ground Story shall not be included towards maximum story limitations.

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Section 6.04 Lighting Standards

- See Section 1.12

Section 6.05 Sign Standards

- See Article 15

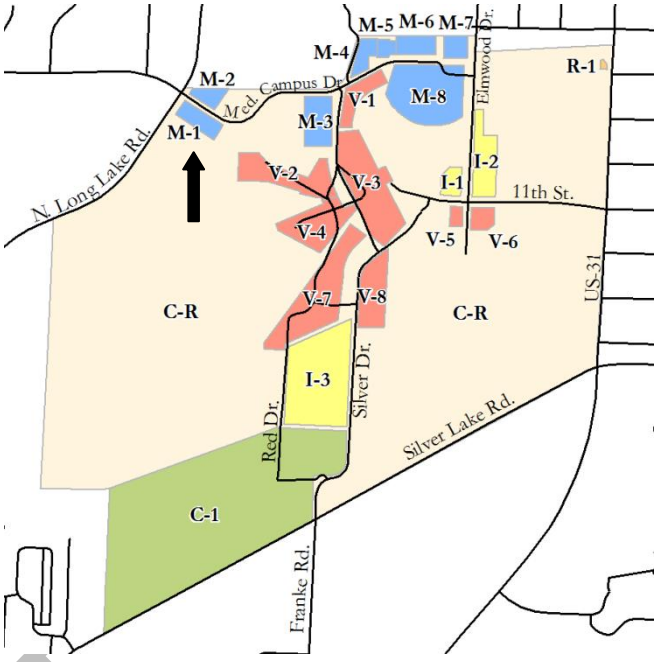
Section 6.06 Sidewalk Standards

- All buildings shall provide clearly defined pedestrian travelways from the public or common sidewalk to the main entrances of the building or uses of the land.
- A sidewalk shall be a minimum of five (5) feet wide and free from obstructions.

Section 6.07 Landscape Standards

- See Article 14

Medical District
Sub-District 1 (M-1)



Section 6.08 Building Types

- Large Cottage

Section 6.09 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.09*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.09* along the façade of each building wall that faces an alley or street..

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.09*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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Section 6.10 Size, Impervious Surface, and Siting Standards

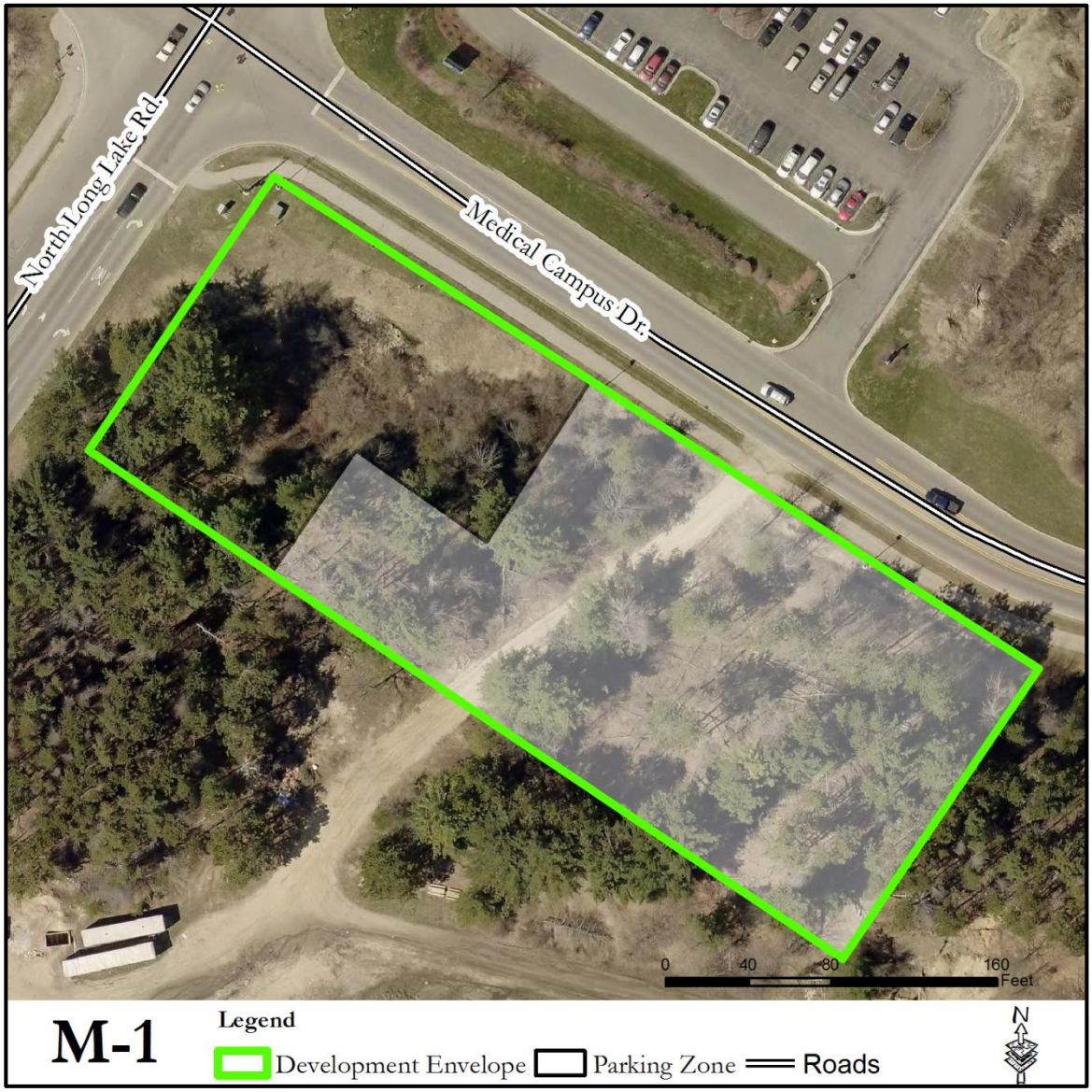
Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6.10*.
- Maximum Total Building Coverage: 40% / 29,000 square feet of Development Envelope.
- Maximum Total Parking Surface: 40% / 29,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 58,000 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.09*. Accessory buildings are exempt from these requirements.

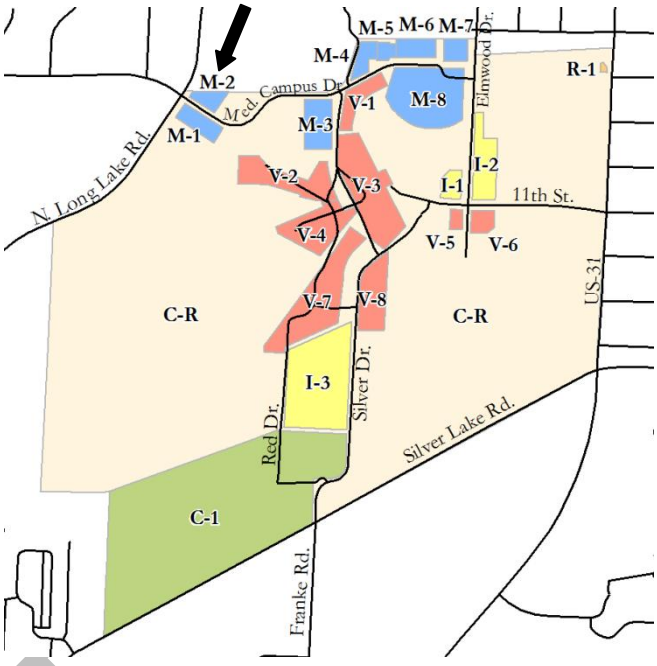
Illustration 6.09

M-1 Character Photos

Illustration 6.10



Medical District
Sub-District 2 (M-2)



Section 6.11 Building Types

- Large Cottage

Section 6.12 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.12*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.12* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.12*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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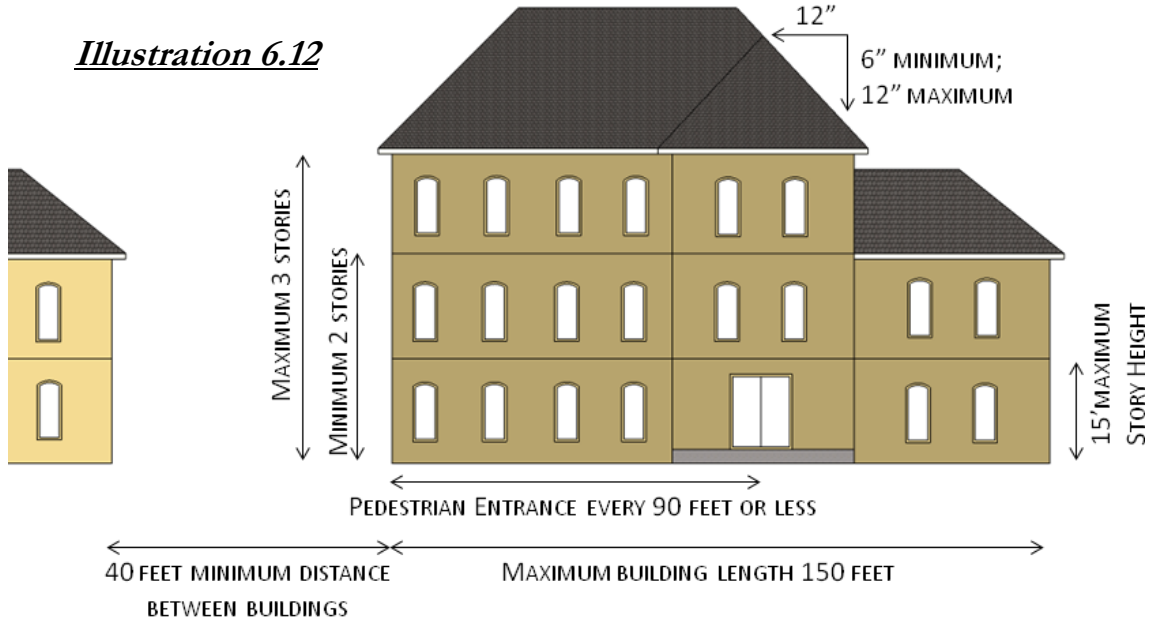
Section 6.13 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

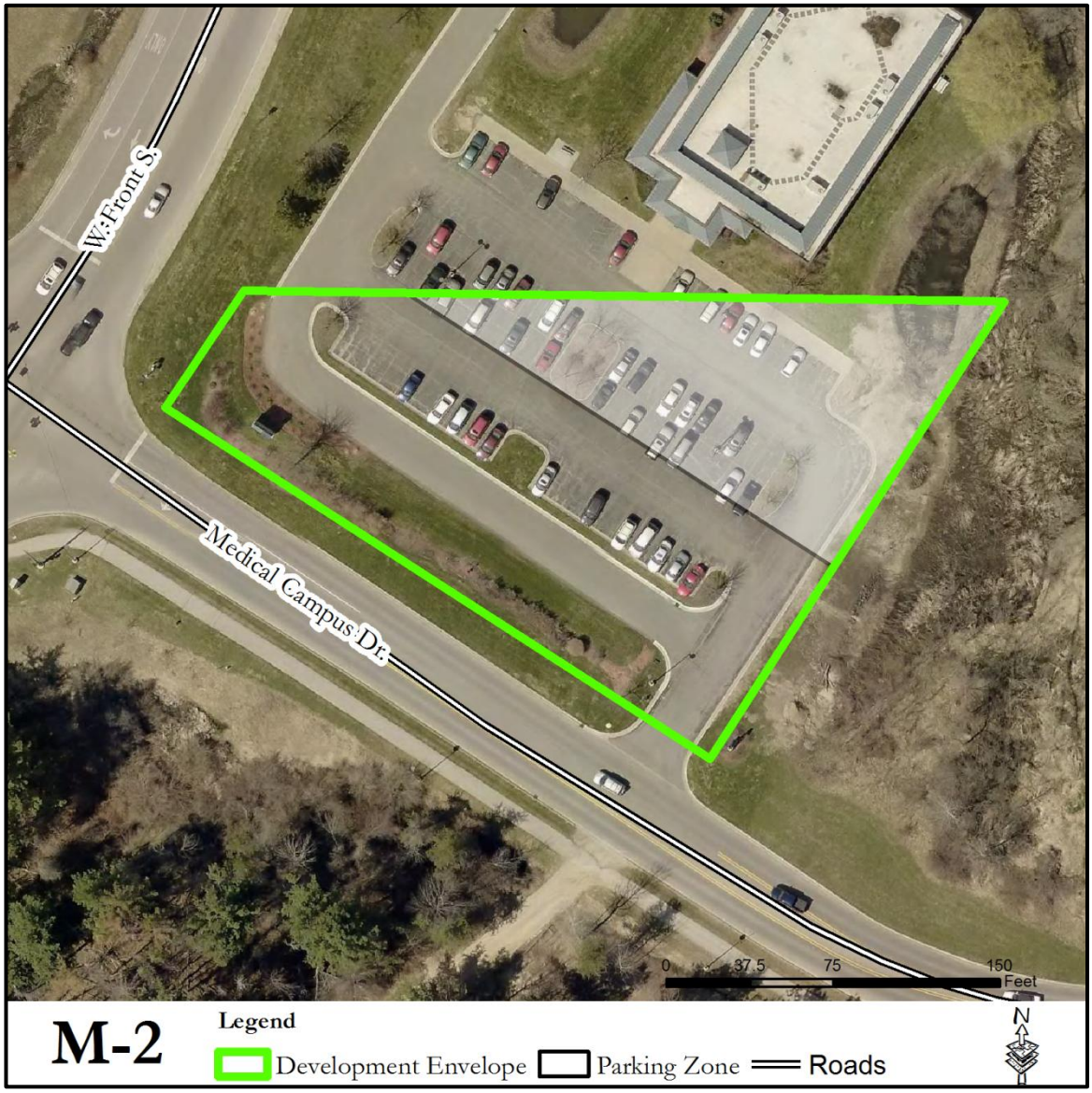
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6.13*.
- Maximum Total Building Coverage: 40% / 17,900 square feet of Development Envelope.
- Maximum Total Parking Surface: 40% / 17,900 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 35,800 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.12*. Accessory buildings are exempt from these requirements.

Illustration 6.12

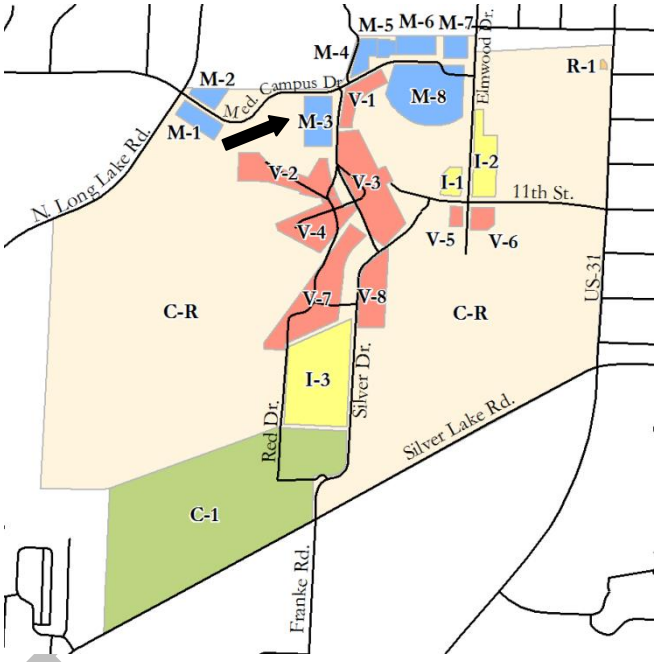


M-2 Character Photos

Illustration 6.13



Medical District
Sub-District 3 (M-3)



Section 6.14 Building Types

- Large Cottage
- Utilitarian (*See Sub-District M-6 design standards.*)

Section 6.15 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.15*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.15* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.15*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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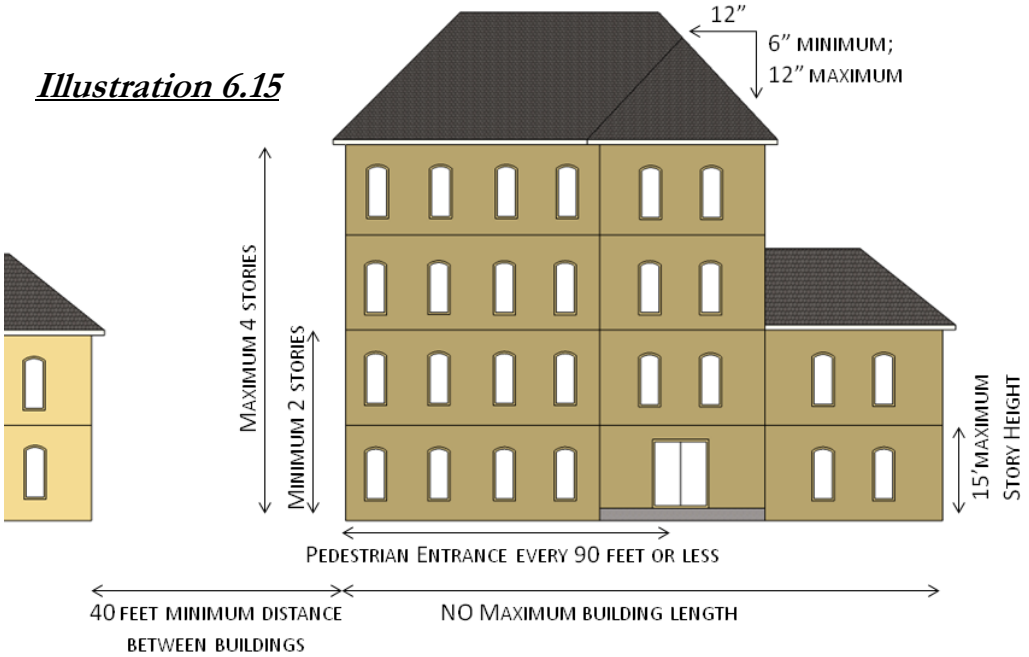
Section 6.16 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

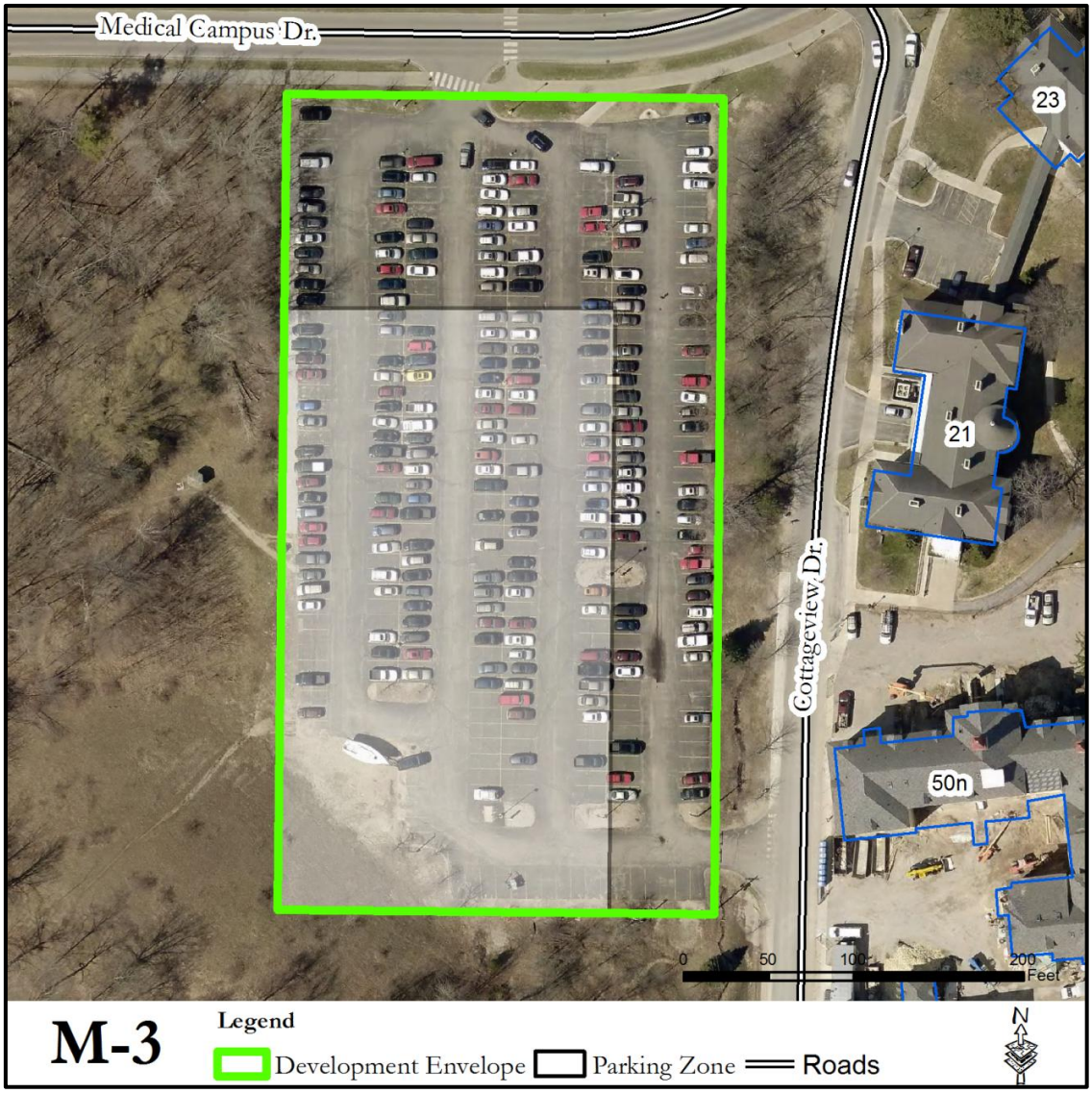
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6. 16*.
- Maximum Total Building Coverage: 90% / 111,100 square feet of Development Envelope.
- Maximum Total Parking Surface: 55% / 67,800 square feet of Development Envelope.
- Maximum Total Impervious Surface: 90% / 111,100 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.15*. Accessory buildings are exempt from these requirements.

Illustration 6.15



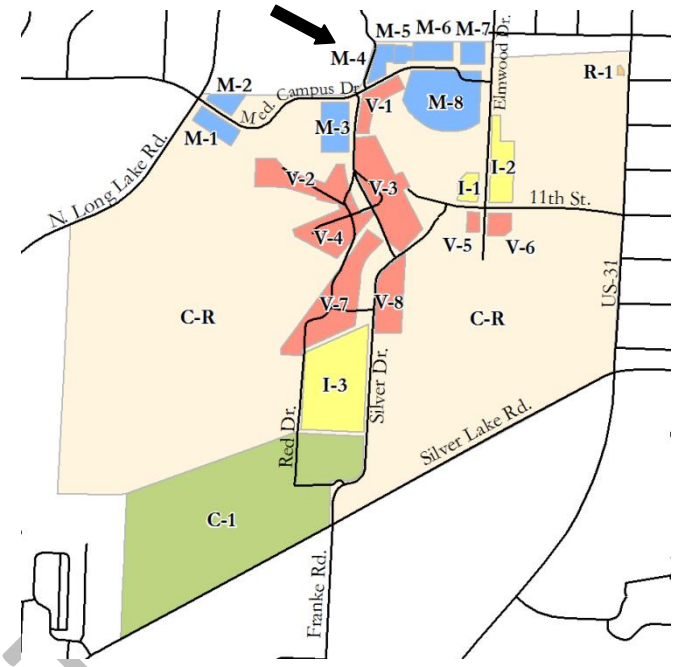
M-3 Character Photos

Illustration 6.16



Click here to return to Table of Contents

Medical District
Sub District 4 (M-4)



Section 6.17 Building Types

- Small Cottage

Section 6.18 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.18*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.18* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 6.18*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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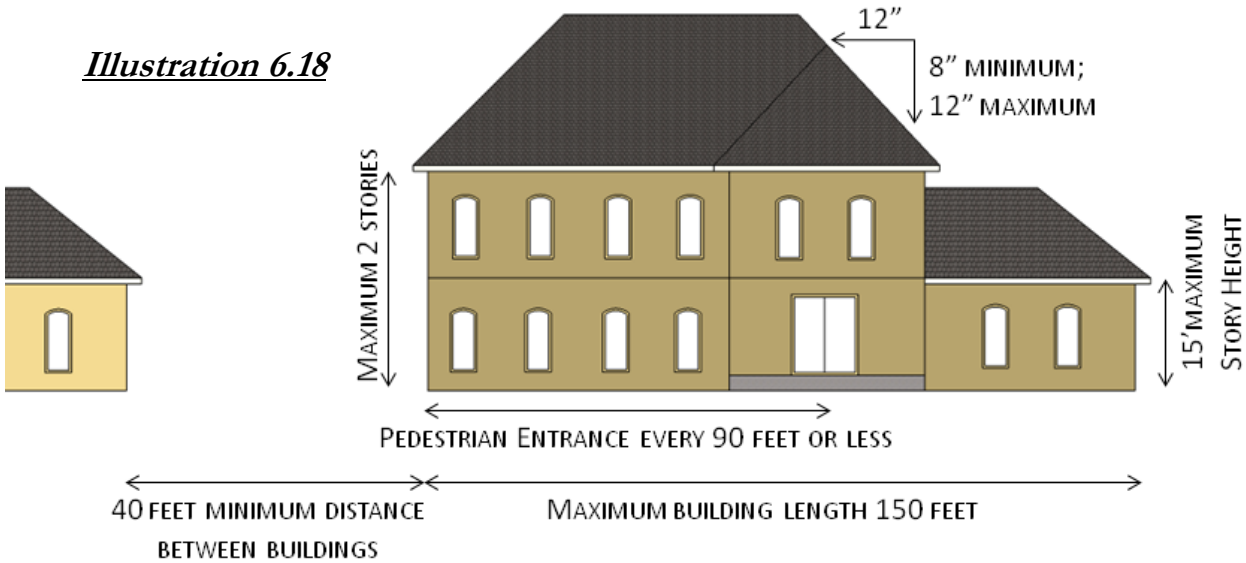
Section 6.19 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

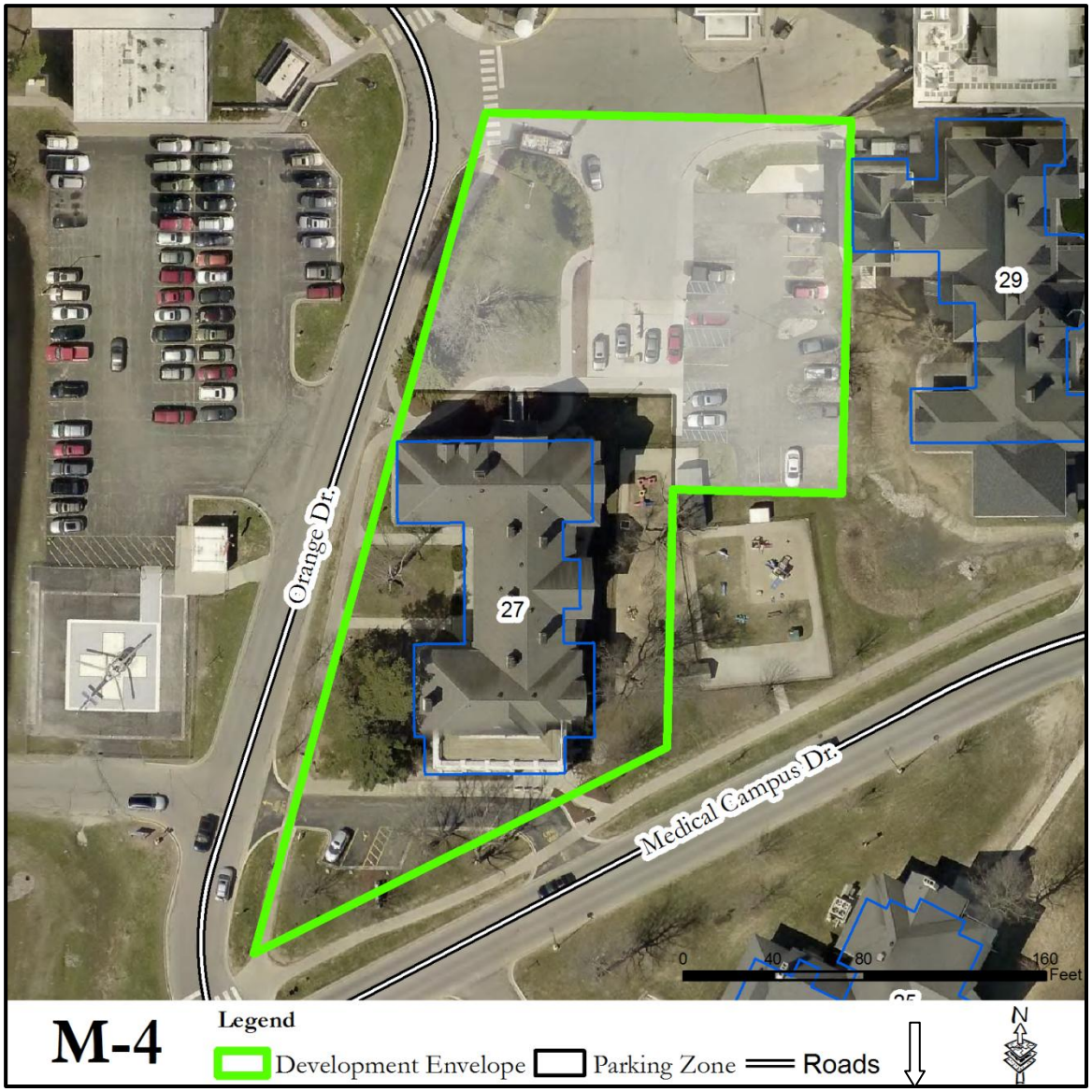
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6.19*.
- Maximum Total Building Coverage: 50% / 26,800 square feet of Development Envelope.
- Maximum Total Parking Surface: 40% / 21,400 square feet of Development Envelope.
- Maximum Total Impervious Surface: 90% / 48,200 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.18*. Accessory buildings are exempt from these requirements.

Illustration 6.18

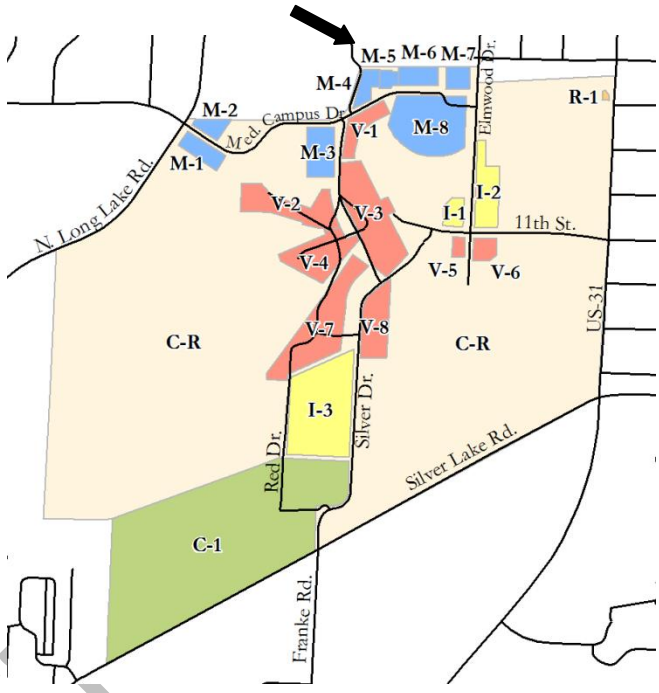


M-4 Character Photos

Illustration 6.19



Medical District
Sub District 5 (M-5)



Section 6.20 Building Types

- Small Cottage

Section 6.21 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.21*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.21* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.21*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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Section 6.22 Size, Impervious Surface, and Siting Standards

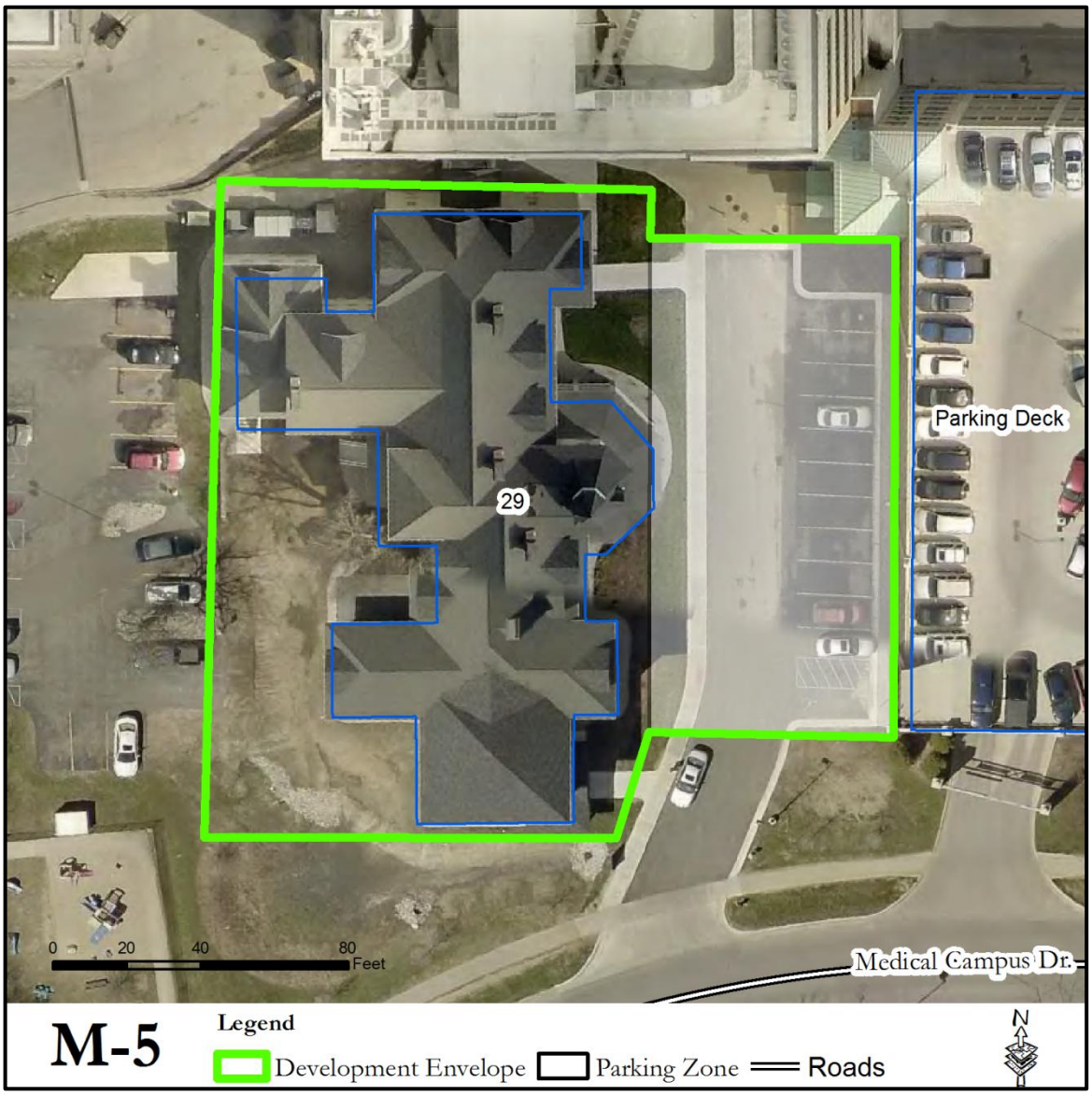
Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6. 22*.
- Maximum Total Building Coverage: 50% / 14,900 square feet of Development Envelope.
- Maximum Total Parking Surface: 20% / 6,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 70% / 20,850 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.21*. Accessory buildings are exempt from these requirements.

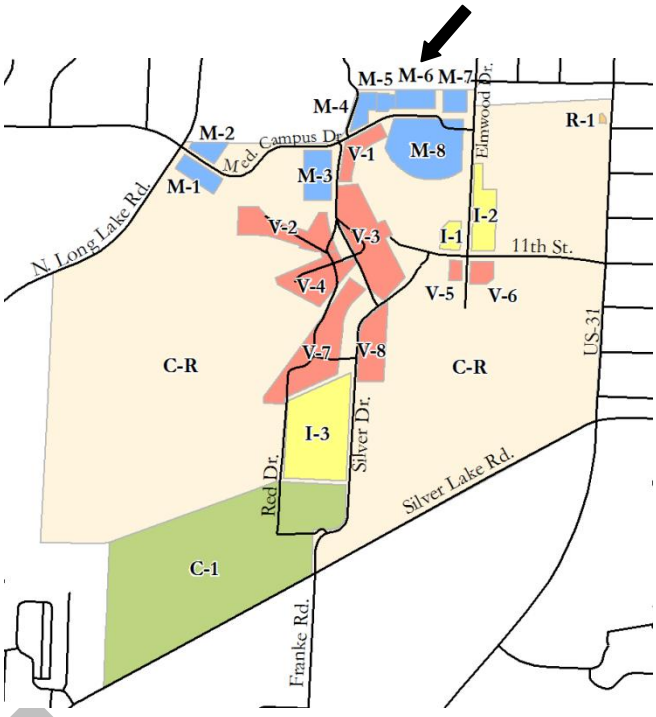
Illustration 6.21

M-5 Character Photos

Illustration 6.22



Medical District
Sub District 6 (M-6)



Section 6.23 Building Types

- Utilitarian

Section 6.24 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.24*. Any roof pitch outside the range indicated may be approved by the Planning Director. Roofs for parking garages shall be flat. However, a parapet treatment will be required at the roof deck to terminate the structure and screen vehicles and mechanical equipment from public or private streets or sidewalks.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.24* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.24*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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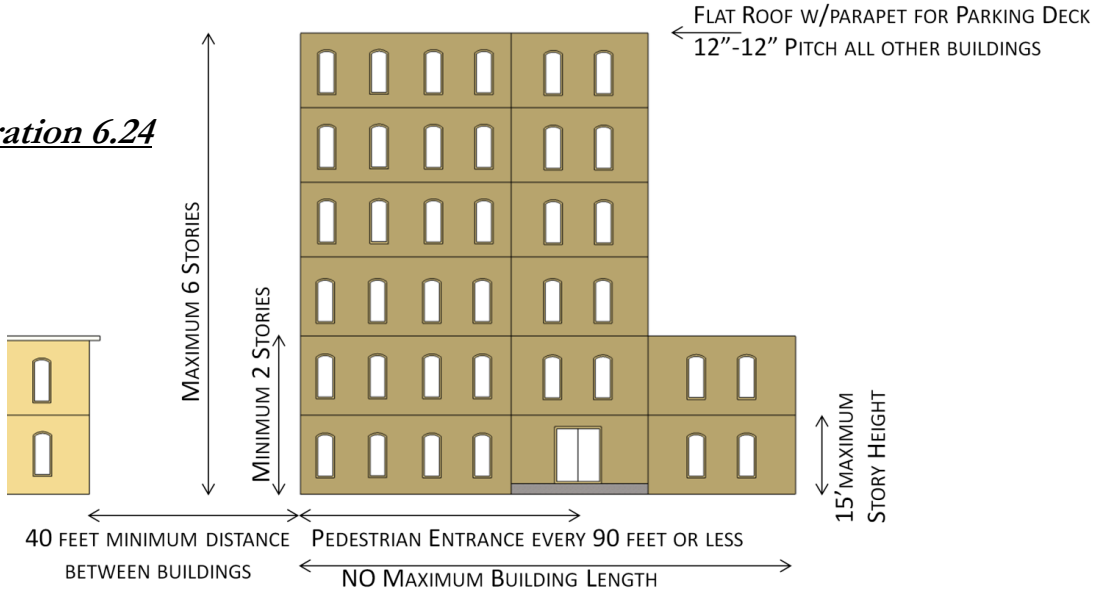
Section 6.25 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

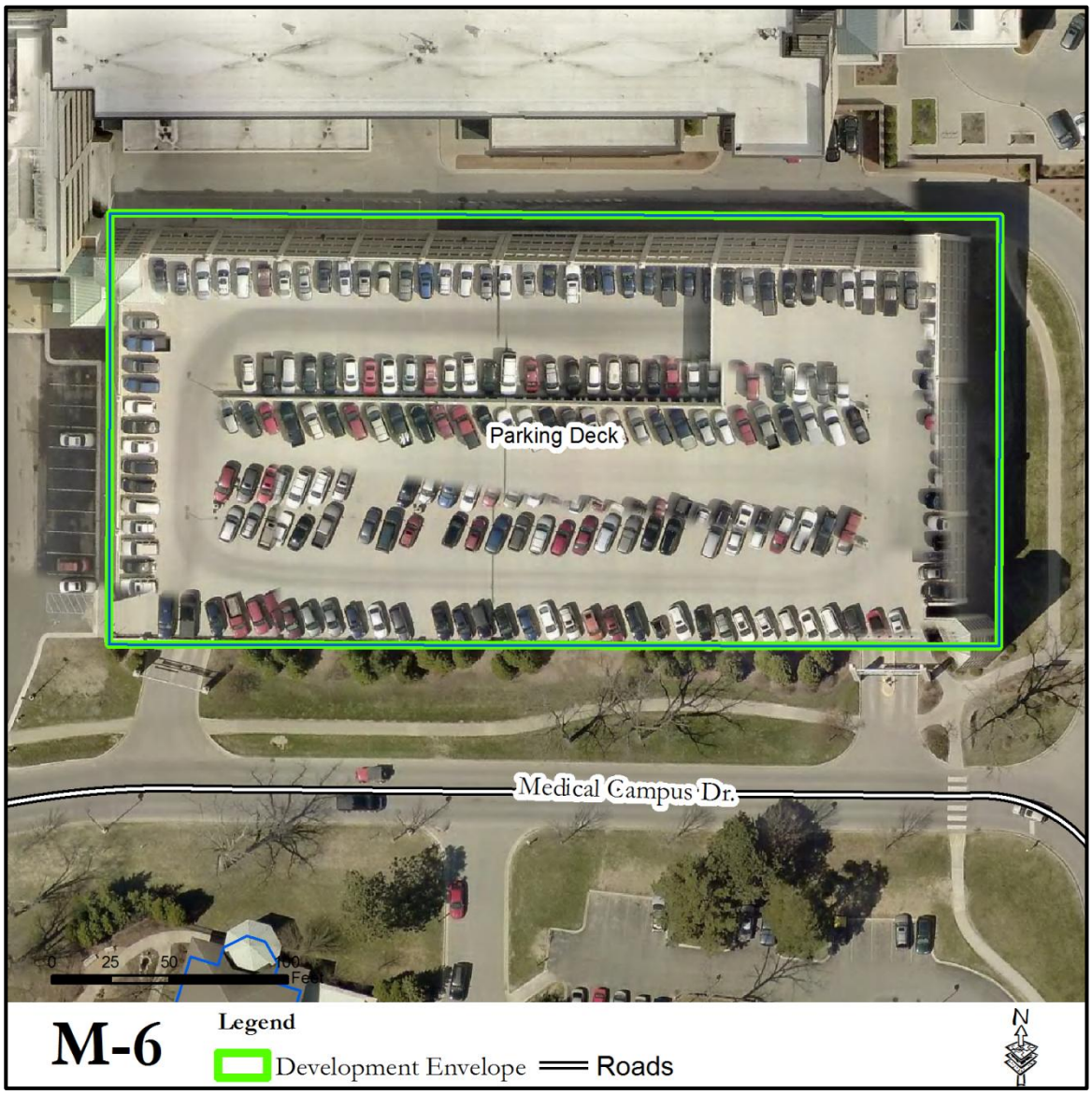
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6.25*.
- Maximum Total Building Coverage: 100% / 69,200 square feet of Development Envelope.
- Maximum Total Parking Surface: 0% / 0 square feet of Development Envelope.
- Maximum Total Impervious Surface: 100% / 69,200 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.24*. Accessory buildings are exempt from these requirements.

Illustration 6.24

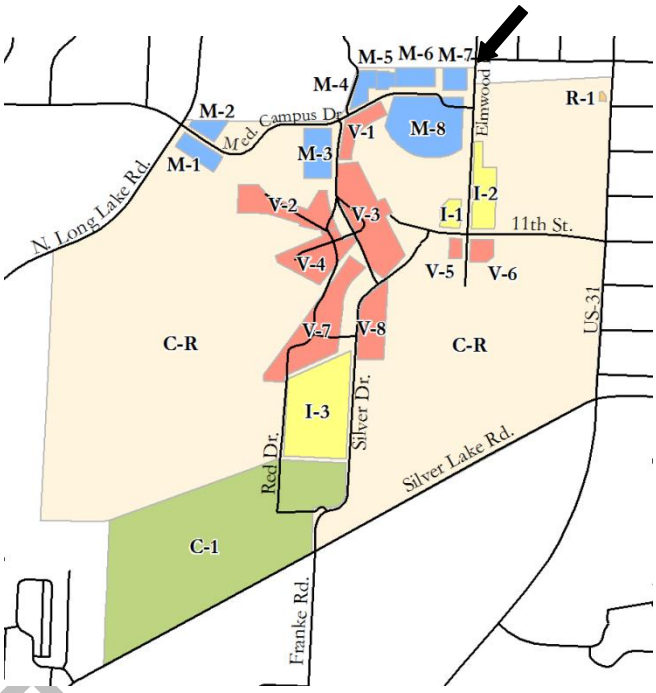


M-6 Character Photos

Illustration 6.25



Medical District
Sub District 7 (M-7)



Section 6.26 Building Types

- Large Cottage

Section 6.27 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.27*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.27* along the façade of each building wall that faces an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 6.27*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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Section 6.28 Size, Impervious Surface, and Siting Standards

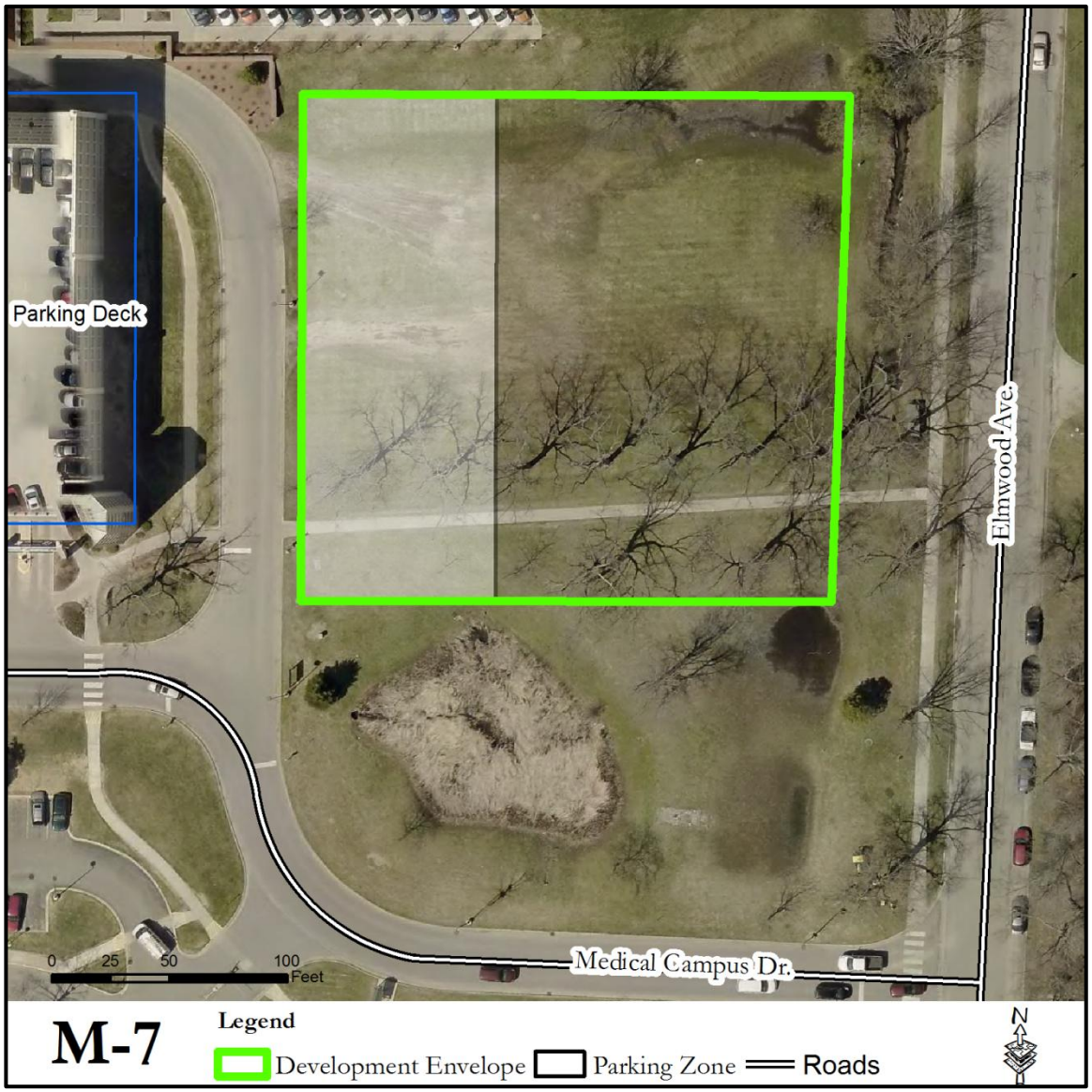
Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6. 28*.
- Maximum Total Building Coverage: 90% / 44,400 square feet of Development Envelope.
- Maximum Total Parking Surface: 35% / 17,300 square feet of Development Envelope.
- Maximum Total Impervious Surface: 90% / 44,400 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.27*. Accessory buildings are exempt from these requirements.

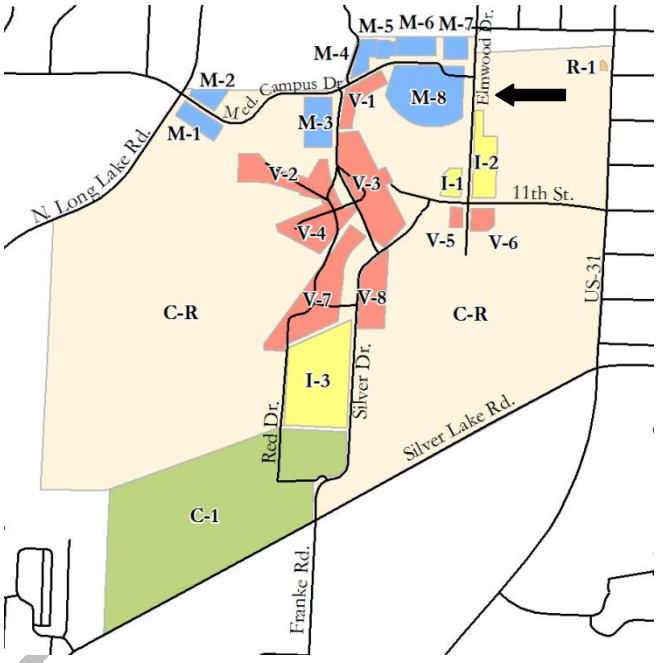
Illustration 6.27

M-7 Character Photos

Illustration 6.28



Medical District
Sub District 8 (M-8)



Section 6.29 Building Types

- Large Pavilion

Section 6.30 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 6.30*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 6.30* along the façade of each building wall that faces the historic front lawn, alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 6.30*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the development envelope of the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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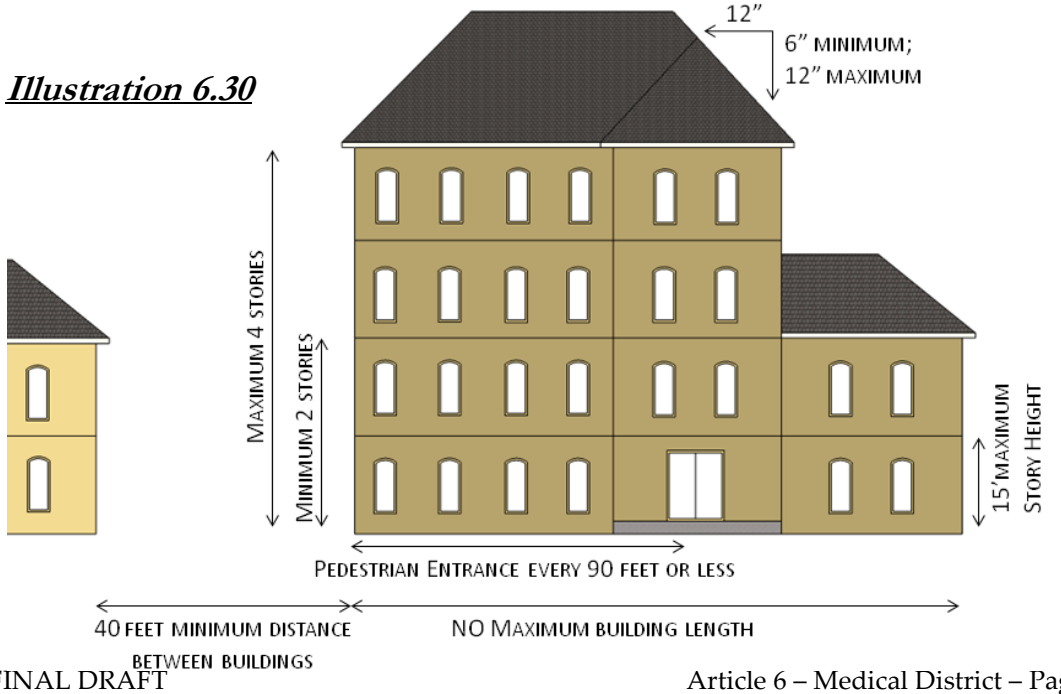
Section 6.31 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

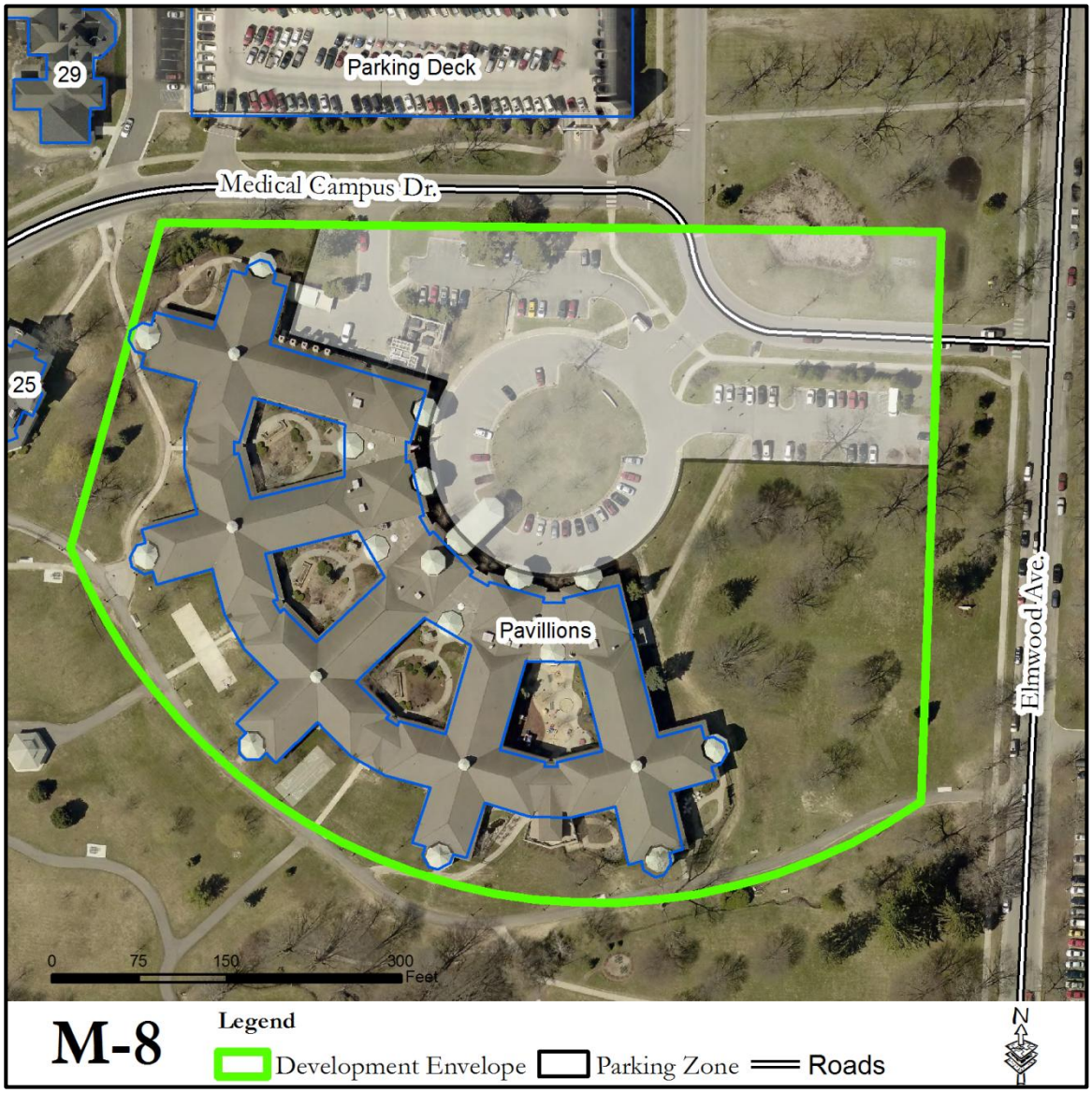
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 6.31*.
- Maximum Total Building Coverage: 50% / 185,700 square feet of Development Envelope.
- Maximum Total Parking Surface: 30% / 111,400 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 297,100 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 6.30*. Accessory buildings are exempt from these requirements.

Illustration 6.30



M-8 Character Photos

Illustration 6.31



Article 7
Institutional District

The following standards shall be applied to each Sub-District (I-1, I-2, and I-3) within the Institutional District.

Section 7.01 Uses Allowed by Right

The following uses of land and buildings, together with accessory uses, are allowed in the Institutional District:

- Business
- Cultural and Community
- Education
- Finance, Insurance, Legal and Real Estate
- Health Services except Hospitals
- Office
- Personal Services
- Recreation
- Social and Government
- Veterinary
- Parking Areas (subject to the requirements of Section 1.13)
- Places of Worship
- Other uses as approved by the Joint Planning Commission if such uses are compatible with adjacent uses, will generate similar traffic patterns and parking configurations and will not generate excessive noise, excessive lighting, excessive fumes or other nuisances.

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Section 7.02 Special Uses

Reserved.

Section 7.03 General Design Standards

A. Color. Exterior building walls shall be light, earth tones. Roof color shall be darker than the exterior building walls.

B. Materials. New buildings, reconstruction, and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of a combination of existing buildings within the District Development Envelope.

C. Façade.
   1. Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street or sidewalk-facing wall may be achieved with wall offsets in combination with pilasters, corbelling or other permanent architectural elements; however, offsets in any wall shall not be less than eight (8) inches.
   2. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
   3. Window glass panes shall be recessed at least four (4) inches from the outside of all building walls to create a shadow line.
   4. Windows shall have a vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
   5. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.
   6. Window and door transparency of at least 20% is required on all façades facing a public or private street or the historic front lawn.

D. Character Photos. Character Photos have been inserted throughout this Ordinance as examples of appropriate architectural design within an individual Sub-District. Character Photos are intended as a visual tool to assist in the evaluation of whether an application meets the General Design Standards of the Sub-District, but are not intended to strictly establish architectural design standards.
E. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors as visually compatible with the building.
F. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.
G. Accessory buildings. The accessory buildings shall be constructed using materials and features similar to the principal building.
H. Waivers. The Planning Commission may waive or vary the above standards if determined to be in conflict with the recommendations of the State Historic Preservation Office (SHPO).
I. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.
J. Ground Story. A Ground Story shall not be included towards maximum story limitations.

Section 7.04 Lighting Standards

- See Section 1.12

Section 7.05 Sign Standards

- See Article 15

Section 7.06 Sidewalk Standards

- All buildings shall provide clearly defined pedestrian travelways from the public or common sidewalk to the main entrances of the building or uses of the land
- A sidewalk shall be a minimum of five (5) feet wide and free from obstructions.

Section 7.07 Landscape Standards

- See Article 14

Section 7.08

- Reserved

Section 7.09

- Reserved

Section 7.10

- Reserved

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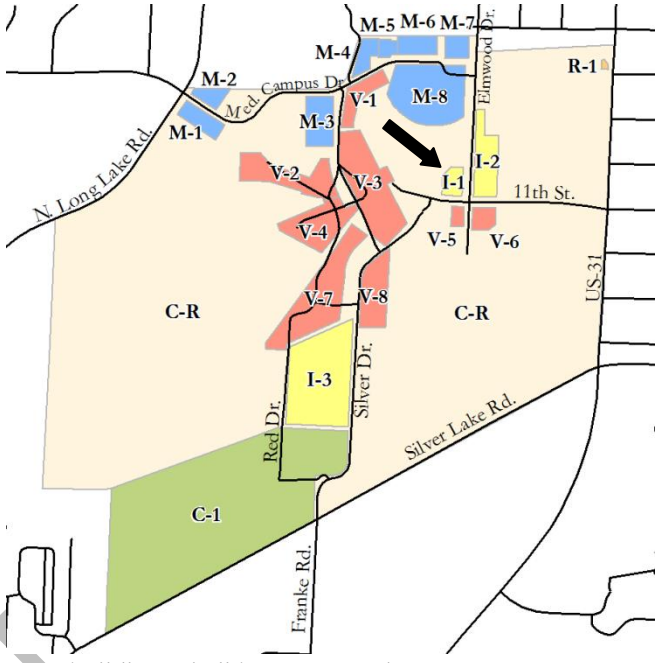
Institutional District
Sub-District 1 (I-1)



Section 7.11 Building Types

- Institutional

Section 7.12 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 7.12*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 7.12* along the façade of each building that faces onto the historic front lawn, alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 7.12*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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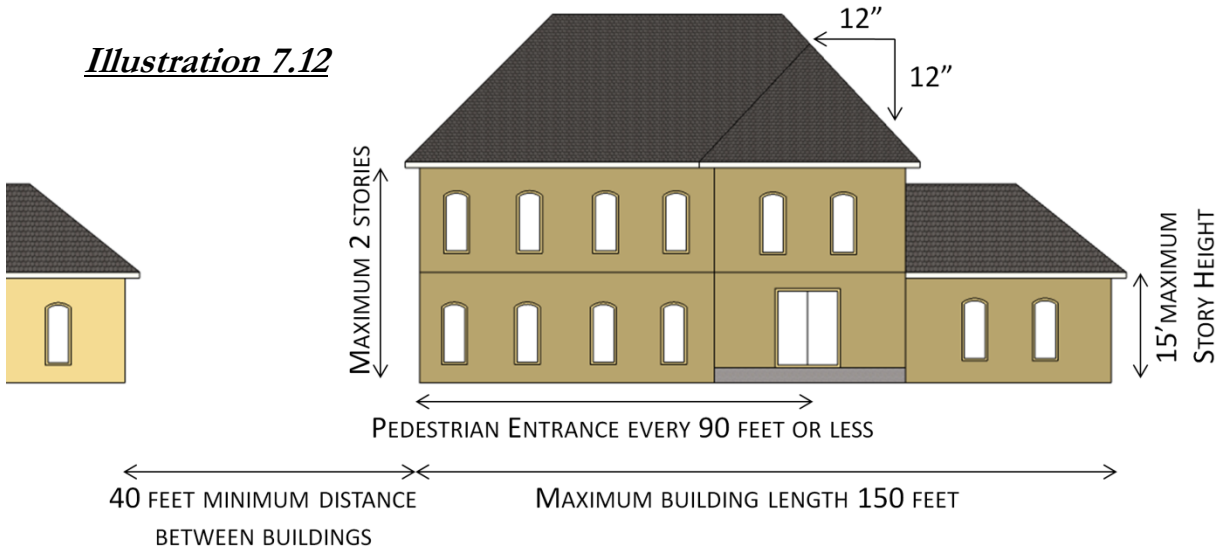
Section 7.13 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

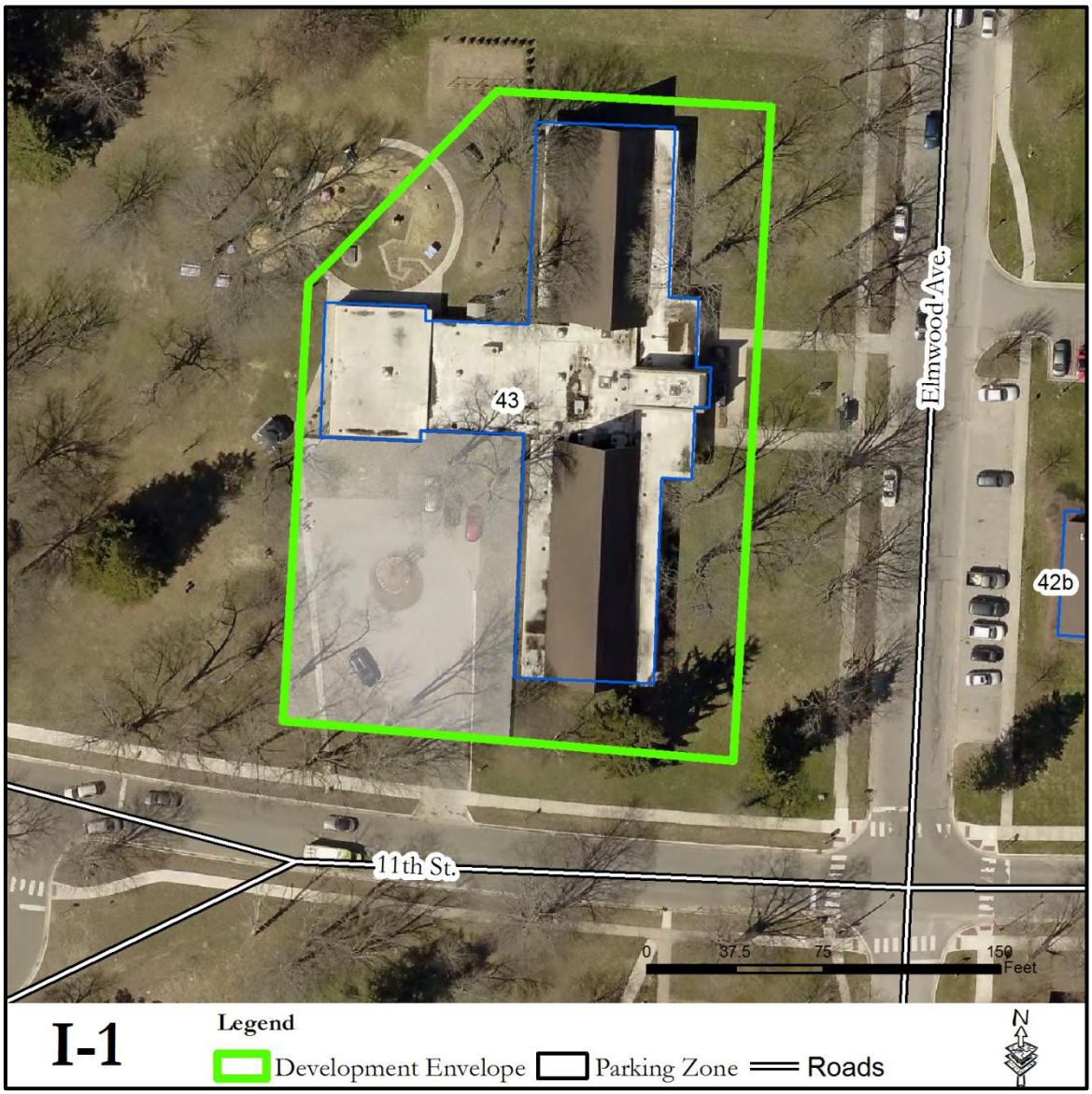
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 7.13*.
- Maximum Total Building Coverage: 50% / 24,800 square feet of Development Envelope.
- Maximum Total Parking Surface: 25% / 12,400 square feet of Development Envelope.
- Maximum Total Impervious Surface: 75% / 37,210 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 7.12*. Accessory buildings are exempt from these requirements.

Illustration 7.12

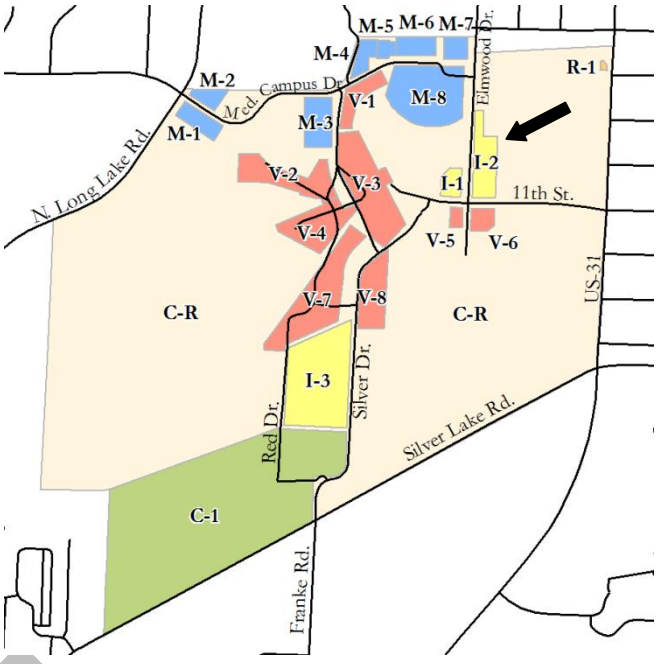


I-1 Character Photos

Illustration 7.13



Institutional District
Sub-District 2 (I-2)



Section 7.14 Building Types

- Institutional

Section 7.15 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 7.15*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 7.15* along the façade of each building that faces onto an alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 7.15*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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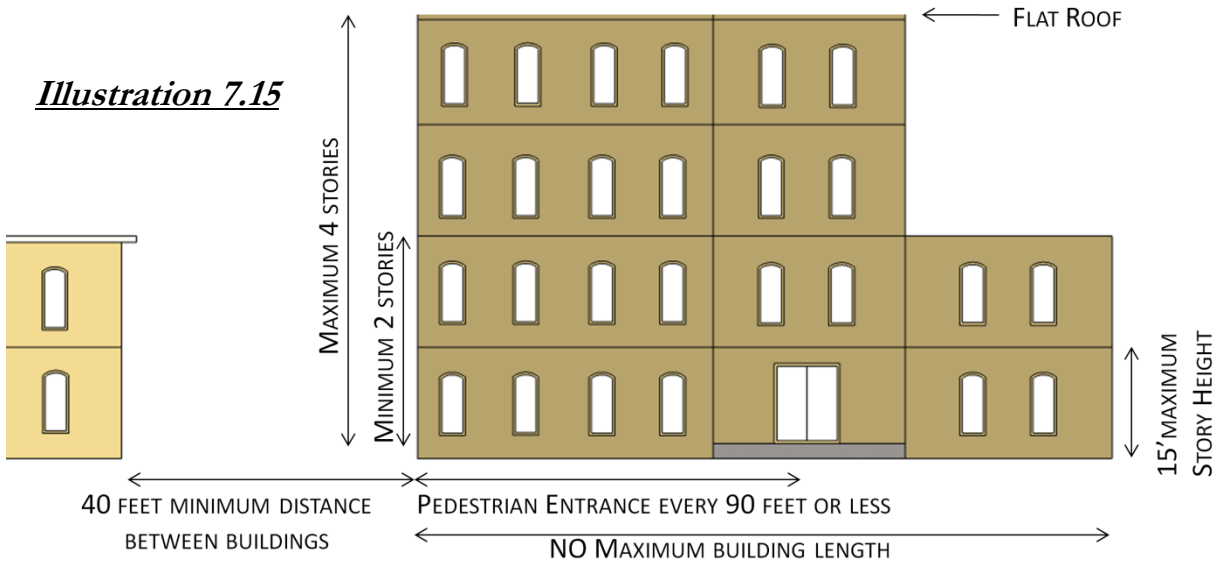
Section 7.16 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

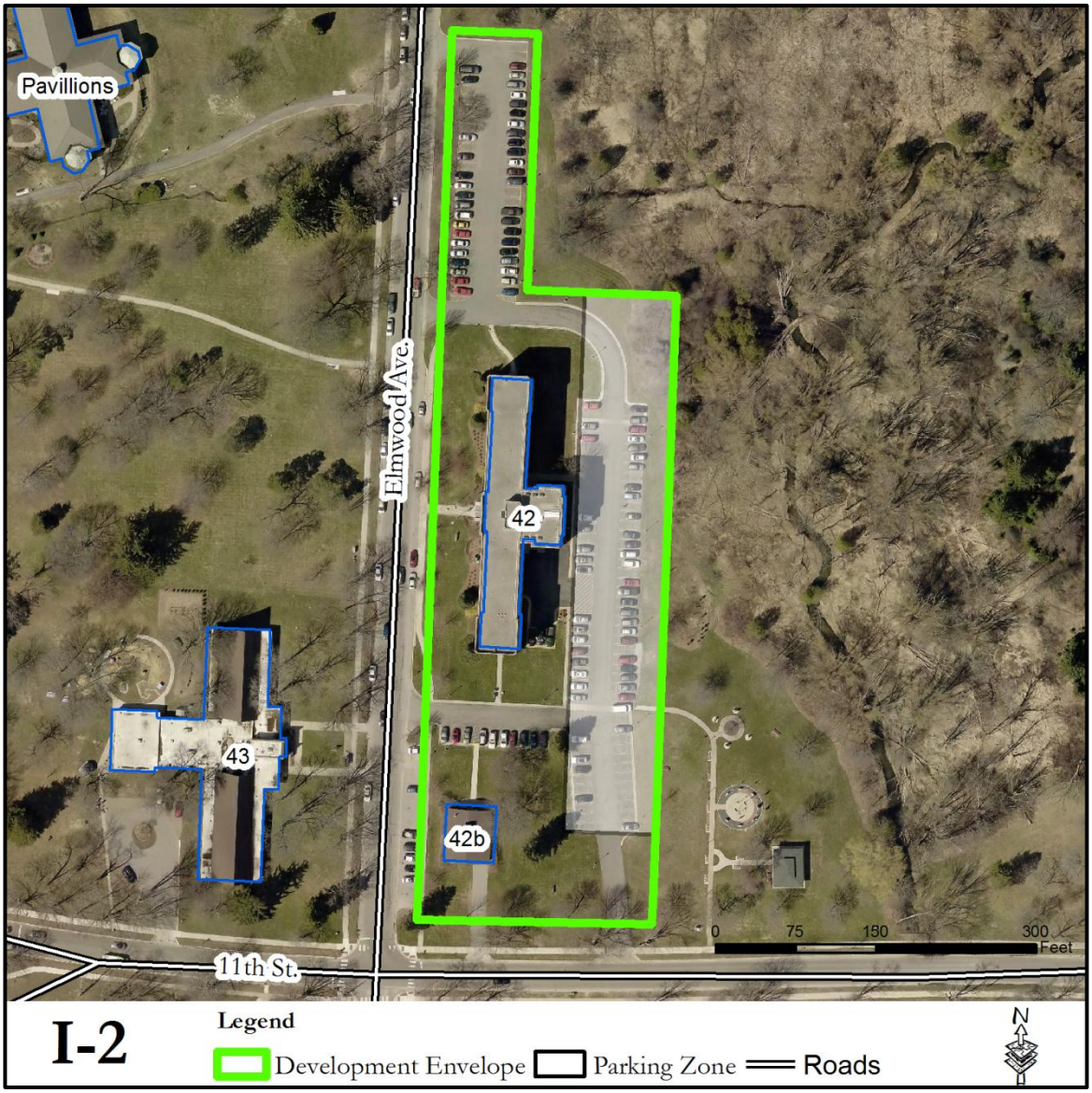
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 7.16*.
- Maximum Total Building Coverage: 50% / 74,700 square feet of Development Envelope.
- Maximum Total Parking Surface: 30% / 44,800 square feet of Development Envelope.
- Maximum Total Impervious Surface: 80% / 119,500 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 7.15*. Accessory buildings are exempt from these requirements.

Illustration 7.15

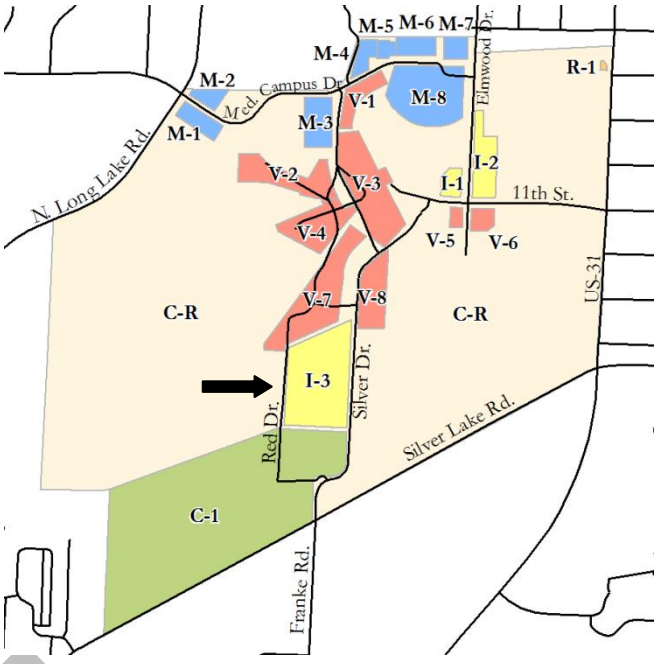


I-2 Character Photos

Illustration 7.16



Institutional District
Sub-District 3 (I-3)



Section 7.17 Building Types

- One-to-Two Story Institutional

Section 7.18 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 7.18*. Any roof pitch outside the range indicated may be approved by the Planning Directors.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 7.18* along the façade of each building that faces onto an alley or street.

C. Height. Principle buildings shall be measured by stories, as indicated in *Illustration 7.18*. Attic space may be utilized in addition to the principle building height requirements provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

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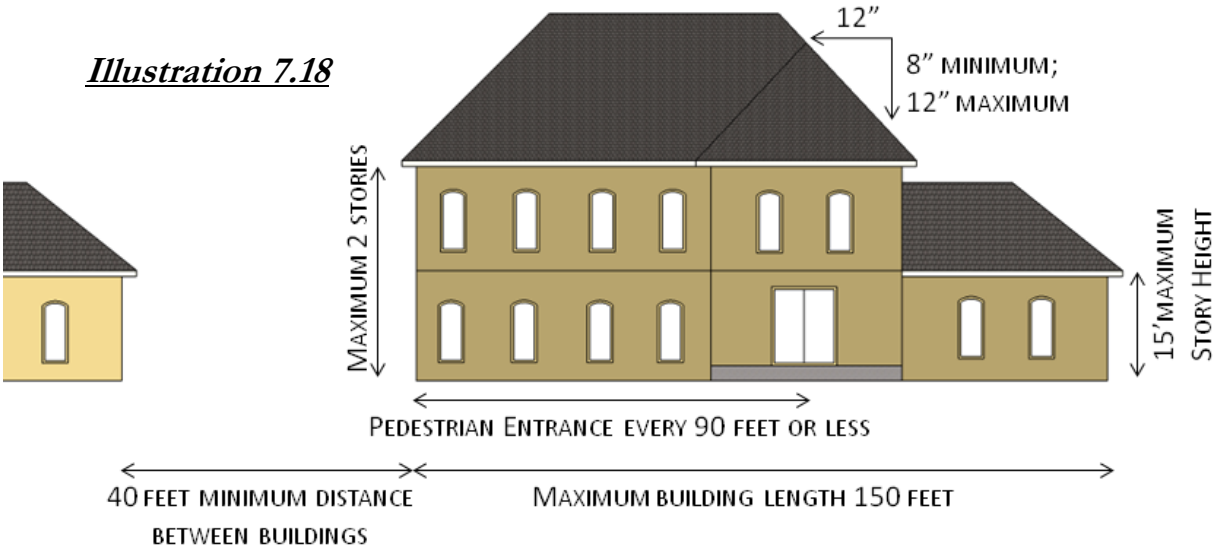
Section 7.19 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

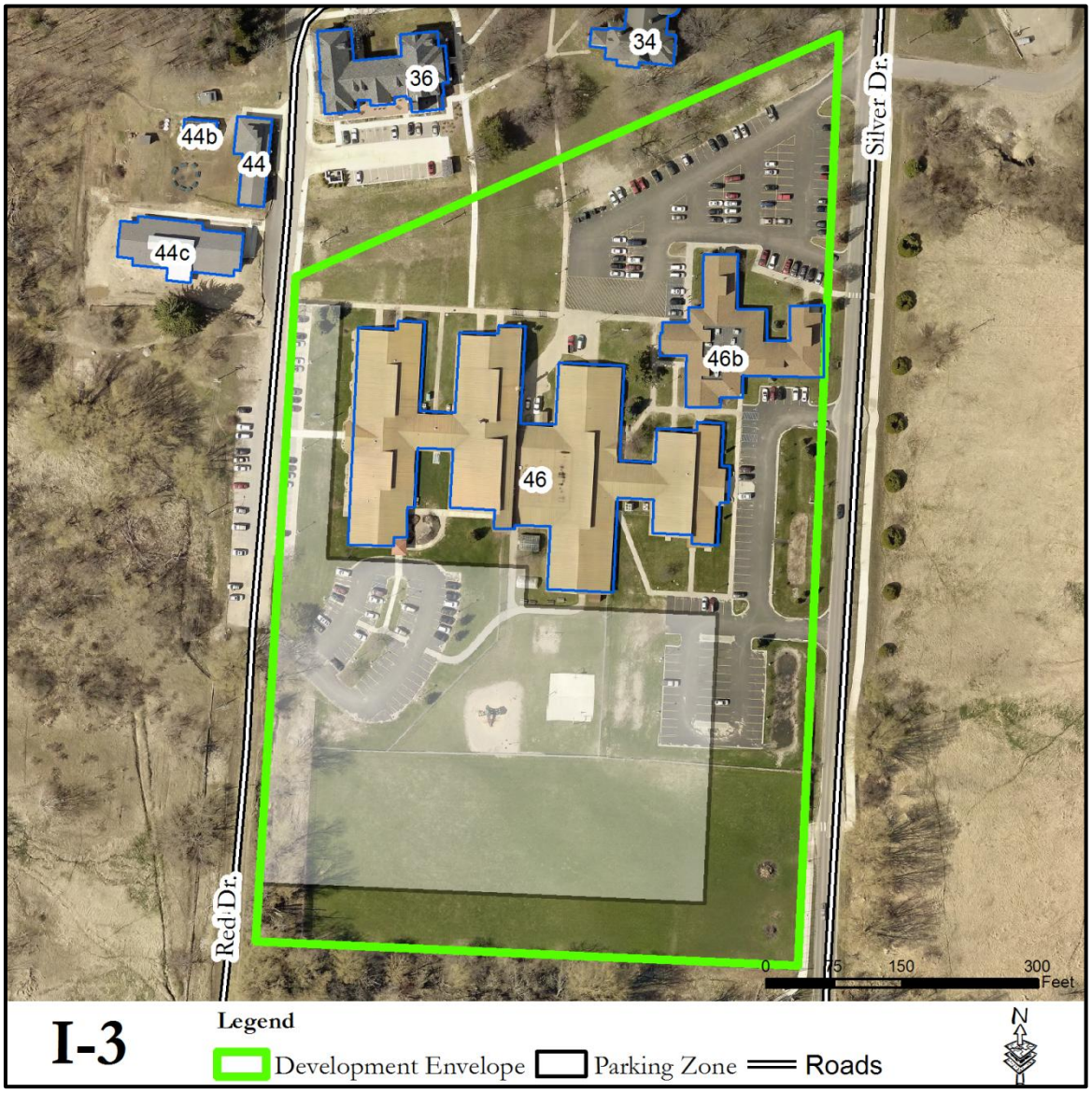
- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 7.19*.
- Maximum Total Building Coverage: 50% / 261,850 square feet of Development Envelope.
- Maximum Total Parking Surface: 35% / 183,300 square feet of Development Envelope.
- Maximum Total Impervious Surface: 85% / 445,150 square feet of Development Envelope.
- Minimum distance between buildings and maximum building length shall be established by *Illustration 7.18*. Accessory buildings are exempt from these requirements.

Illustration 7.18



I-3 Character Photos

Illustration 7.19



Article 8
Residential District (R)

The following standards shall be applied to the Residential District.

Section 8.01 Uses Allowed by Right

The following uses of land and buildings, together with accessory uses, are allowed in the Residential District provided that the use generates no more than 100 vehicle trip-ends per day:

- Bed and Breakfast
- Skilled Nursing Care Facility & Support Facilities
- General Medical Related Uses
- Dwellings, Single-Family
- Office Services
- Design Services
- Personal Services
- Cottage Manufacturing Services
- Cultural Services
- Community Services
- Parking Areas, subject to the requirements of Section 1.13.
- Other uses as approved by the Joint Planning Commission, if such uses are compatible with adjacent uses, will generate similar traffic patterns and parking configurations and will not generate excessive noise, lighting, fumes or other nuisances.

Section 8.02 Special Uses

Reserved.

Section 8.03 General Design Standards

A. Color. Exterior building walls shall be light, earth tones. Roof color shall be darker than the exterior building walls.

B. Materials. New buildings, reconstruction, and additions to existing buildings, including parking structures, shall be constructed of durable materials utilizing the predominant building materials of a combination of existing buildings within the District Development Envelope.

C. Façade.
   1. Vertical building modulation shall be used to add variety and interest and to make a large building appear to be an aggregation of smaller units. Relief from a continuous street or sidewalk-facing wall may be achieved with wall offsets in combination with pilasters, corbelling or other permanent architectural elements; however, offsets in any wall shall not be less than eight (8) inches.
   2. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
   3. Window glass panes shall be recessed at least four (4) inches from the outside of all building walls to create a shadow line.
   4. Windows shall have a vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
   5. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.
   6. Window and door transparency of at least 20% is required on all façades facing a public or private street or the historic front lawn.

D. Character Photos. Character Photos have been inserted throughout this Ordinance as examples of appropriate architectural design within an individual Sub-District. Character Photos are intended as a visual tool to assist in the evaluation as to whether an application meets the General Design Standards of the Sub-District, but are not intended to strictly establish architectural design standards.

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E. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors as visually compatible with the building.
F. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.
G. Accessory Buildings. The accessory buildings shall be constructed using materials and features similar to the principal building.
H. Waivers. The Planning Directors may waive or vary the above standards if the standards in Section 1.13 are met.
I. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.
J. Ground Stories. Ground Stories are not included towards maximum height or story limitations.

Section 8.04 Lighting Standards

- See Section 1.12

Section 8.05 Sign Standards

- See Article 15

Section 8.06 Sidewalk Standards

- All buildings shall provide clearly defined pedestrian travelways from the public or common sidewalk to the main entrances of the building or uses of the land.
- A sidewalk shall be a minimum of five (5) feet wide and free from obstructions.

Section 8.07 Landscape Standards

- See Article 14

Section 8.08

- Reserved

Section 8.09

- Reserved

Section 8.10

- Reserved

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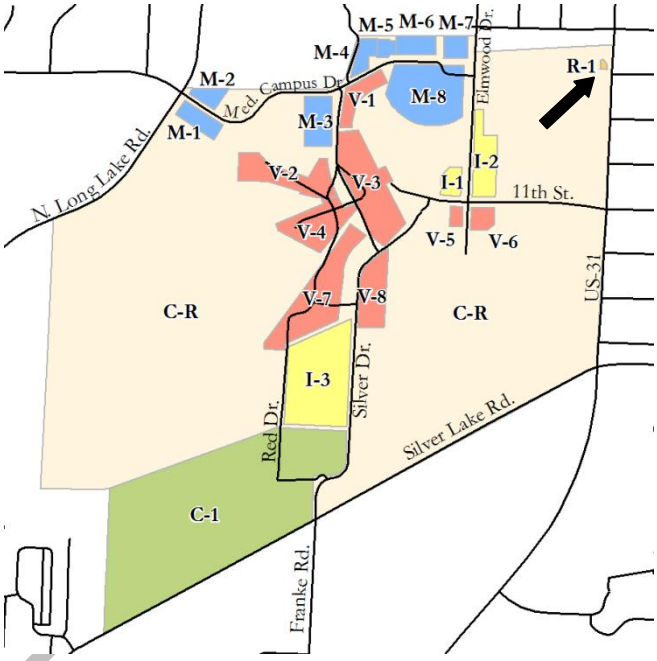
Residential District
Sub-District 1 (R-1)



Section 8.11 Building Types

- Small Cottage

Section 8.12 Design Standards

A. Roofs. Roof pitch shall be as indicated in *Illustration 8.12*. Any roof pitch outside the range indicated may be approved by the Planning Director.

B. Doors/Entries. Spacing shall be provided as indicated in *Illustration 8.12* along the façade of each building that faces onto an alley or street.

C. Height. Principle buildings shall be measured by stories as indicated in *Illustration 8.12*. Attic space may be utilized in addition to the principle building height requirements, provided that the height of the attic space shall be no more than ½ story tall. The height of the first floor above the sidewalk elevation of the primary entrance of the building should be consistent with that of the surrounding buildings within the Sub-District. Accessory buildings shall be no more than twenty (20) feet in height.

Section 8.13 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings shall be within the Development Envelope. All motor vehicle parking shall be within the Parking Zone areas indicated in *Illustration 8.13*.
- Maximum Total Building Coverage: 100% / 6,050 square feet of Development Envelope.
- Maximum Total Parking Surface: 80% / 10,500 square feet of Parking Zone.
- Maximum Total Impervious Surface: n/a
- Minimum distance between buildings and maximum building length shall be established by *Illustration 8.12*. Accessory buildings are exempt from these requirements.

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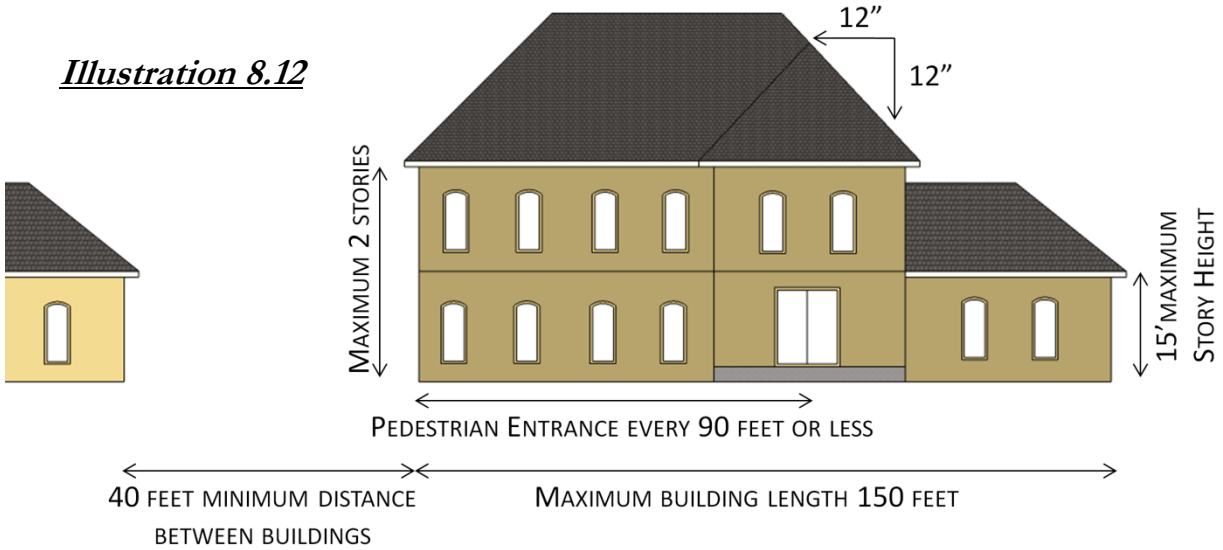
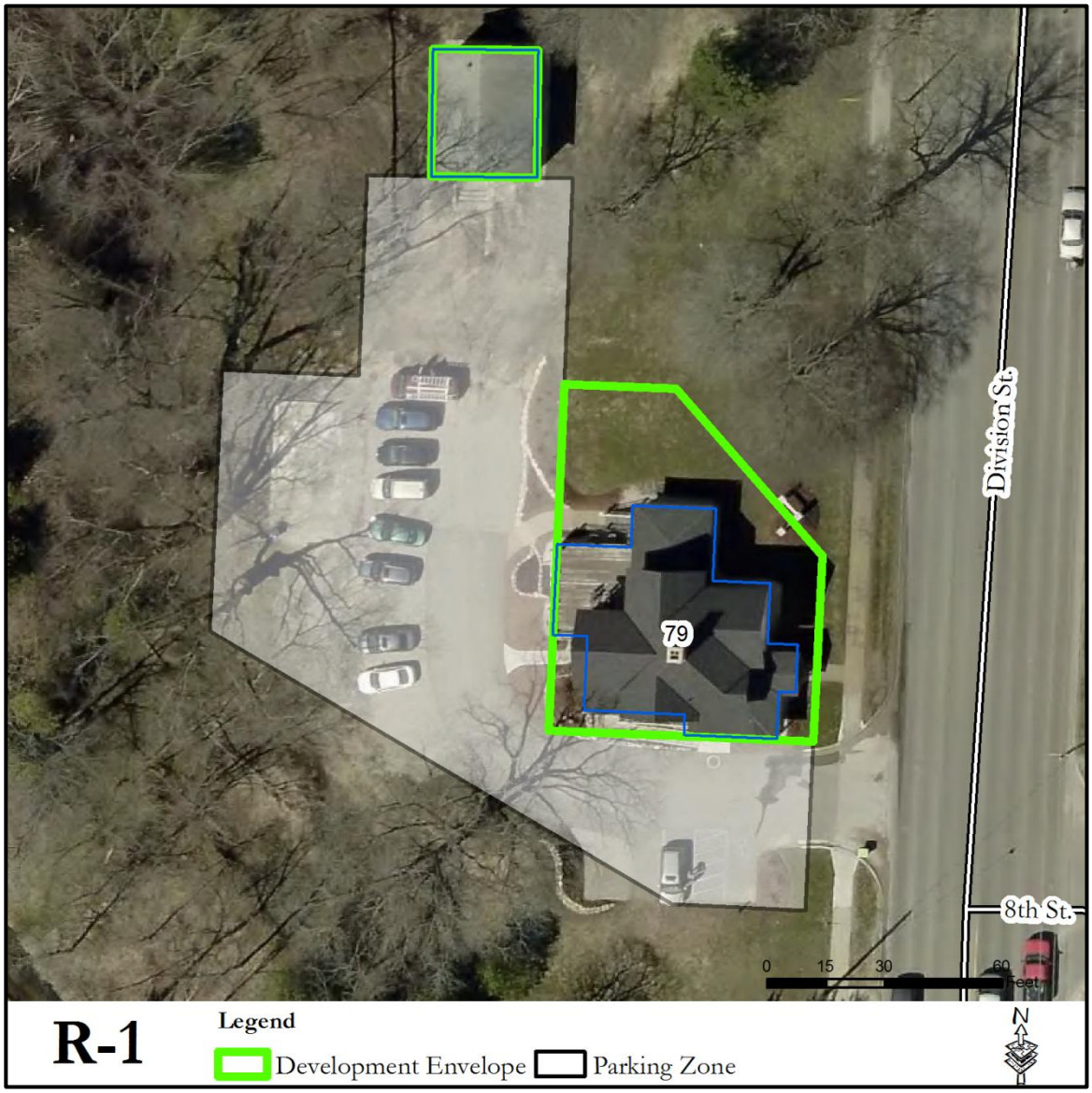
Illustration 8.12



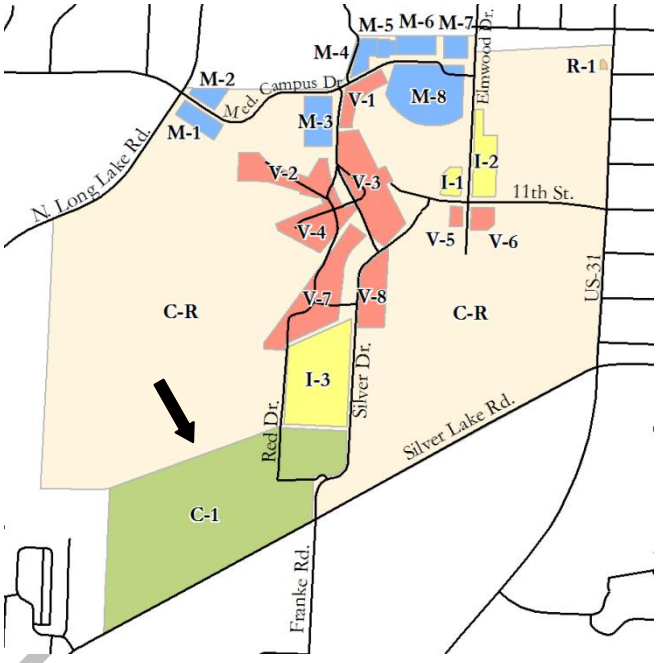
R-1 Character Photos

Illustration 8.13



Article 9
Recreation and Cultivation District (C-1)

The following standards shall be applied to the Recreation and Cultivation District.



Section 9.01 Uses Allowed By Right

The following uses of land and buildings, together with accessory uses, are permitted in the Recreation and Cultivation District:

- Public Parks & Recreation
- Community Building/Center
- Places of Assembly
- Botanical Garden
- Community Garden
- Outdoor Gathering
- Small scale energy demonstration
- Small-scale farming/cultivation
- Services
  - Cultural and Community
  - Education
- Other uses as approved by the Joint Planning Commission, if such uses are compatible with adjacent uses, will generate similar traffic patterns and parking configurations and will not generate excessive noise, excessive lighting, excessive fumes or other nuisances.

Section 9.02 Special Uses

- Reserved

Section 9.03 General Design Standards

A. Color. Exterior building walls shall be light, earth tones compatible with the historical character of the Barns. Roof color shall be darker than the exterior building walls.

B. Materials. New buildings, reconstruction, and additions to existing buildings, shall be constructed of durable materials utilizing the predominant building materials of a combination of existing buildings within the District Development Envelope.

C. Façade.
   1. Fenestration, cornices and other architectural elements incorporated in new buildings or additions to existing buildings shall be in context with historic buildings in the District.
   2. With the exception of structures such as greenhouses, conservatories, or atriums, window glass panes shall be recessed at least four (4) inches from the outside of all building walls to create a shadow line.
   3. Windows shall have a square or vertical emphasis, similar to predominant windows on existing buildings within the Envelope.
   4. Clear or lightly tinted transparent glass shall be used in all windows facing a public street or sidewalk. Decorative stained glass may be used for accents.

D. Rooftop Equipment. Any rooftop equipment shall be enclosed or screened from street or sidewalk level view using the same materials used for the building walls or a material which is approved by the Planning Directors as visually compatible with the building.

E. Doors/Entries. Pedestrian entrances shall open onto the sidewalk or walkways leading to the public right-of-way or private street and to adjacent buildings. Entries must be prominently identified and must not interfere with safe pedestrian passage.

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F. Accessory Buildings. Accessory buildings shall be constructed using materials and features similar to the principal building and shall be constructed within the designated building Development Envelope. Seasonal hoop houses, open-air recreation-based structures such as pavilions, and temporary structures under 200 square feet are exempt from this requirement.
G. Waivers. The Planning Commission may waive or vary the above standards if determined to be in conflict with the recommendations of the State Historic Preservation Office (SHPO).
H. Impervious Surface Calculations. Sidewalks, plazas and recreational hard surfaces, or other impervious surfaces of the Development Envelope are exempt from impervious surface calculations.
I. Ground Story. A Ground Story shall not be included towards maximum story limitations.

Section 9.04 Lighting Standards

- See Section 1.12

Section 9.05 Sign Standards

- See Article 15

Section 9.06 Building Types

- Cathedral Barn
- Greenhouse
- Granary
- Silo
- Shed
- Cottage - Small

Section 9.07 Design Standards

A. Roofs. Roof pitch shall be reflective of the surrounding buildings. Any roof pitch outside the range indicated may be approved by the Planning Director.
B. Height. Building height shall not exceed the height of the Historic Barns.

Section 9.08 Size, Impervious Surface, and Siting Standards

Structures shall meet all of the following dimensional and bulk standards:

- All buildings and motor parking areas shall be within the Development Envelope unless otherwise approved by the Planning Directors or exempted by Section 9.03.
- Maximum Total Building Coverage: 10% / 39,000 square feet of Development Envelope.
- Maximum Total Parking Surface: 10% / 39,000 square feet of Development Envelope.
- Maximum Total Impervious Surface: 20% / 78,000 square feet of Development Envelope.

Section 9.09 Site Development Plan

This article incorporates the Site Development Plan as the guide for the future use and development of the Historic Barns Park. The site development plan is indicated by Figure 9.09 (*see page 4 of this Article*) and includes the recognized building and parking Development Envelope. As noted under Section 9.03, certain structures may be constructed outside of the designated Development Envelope.

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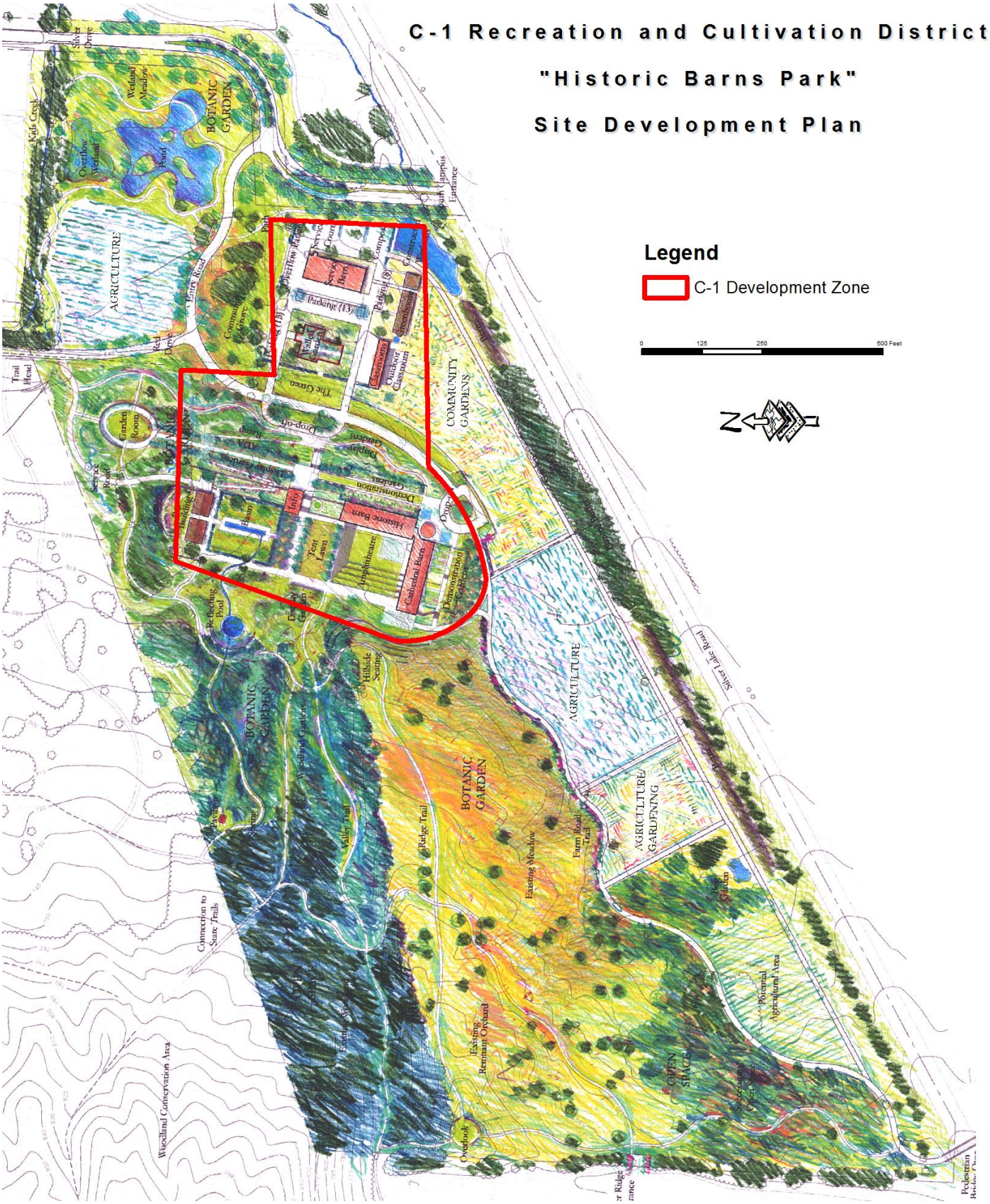
Section 9.10 Character Illustrations

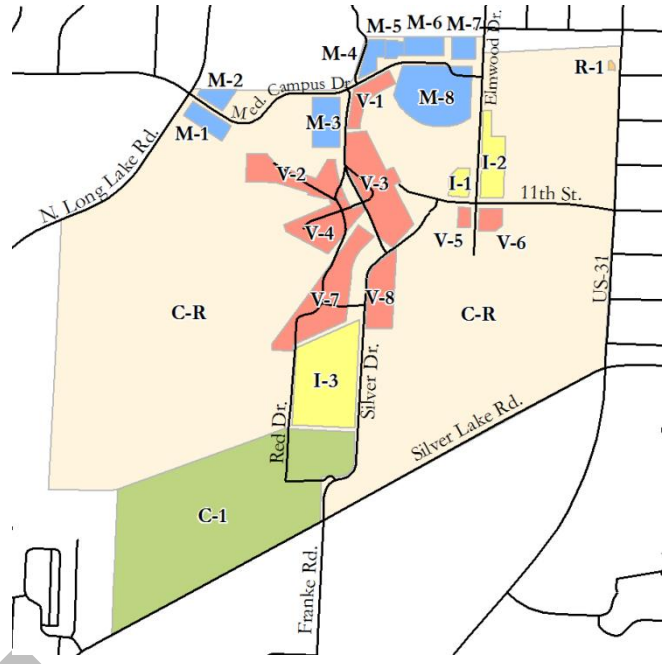
Entrance Walk

Bird's-eye view

Figure 9.09 C-1 Site Development Plan:



Article 10
Conservation and Recreation District (CR)



Section 10.01 Building Types Allowed by Right
Recreational-based structures such as pavilions, restrooms, warming huts, and other similar structures as approved by the Planning Commission are allowed by right.

Section 10.02 Uses Allowed By Right
The following uses of land, together with accessory uses, are allowed in District CR:

- Passive recreation;
- Trailhead;
- Non-motorized pathways; and
- Other uses as approved by the Joint Planning Commission, if such uses are compatible with adjacent uses, will generate similar traffic and parking and will not generate excessive noise, lighting, fumes or other nuisances.

Section 10.03 Sign Standards
Only signs, such as kiosk signs, maps, and trail marking signs used in support of recreational function, shall be permitted within the CR district.

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Article 11
Special Land Use Regulations

Reserved.

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Article 12
Site Plans and Site Development Standards

Section 12.01 Site Plans Required; Site Diagrams; Waiver

A. Site Plans. Site plans are required as follows:
   1. Any request for a land use permit, land clearing permit (see definition), an administrative special land use permit or a building permit shall be accompanied by three (3) copies of a site plan complying with the requirements as set forth in this section.

   2. Any request for a special land use permit, a planned unit development permit, or a request for a land use permit for a use that generates more than 500 trip-ends per day shall be accompanied by eight (8) copies of a site plan complying with the requirements of this section. Note: refer to the latest edition of the *Trip Generation* manual promulgated by the Institute of Transportation Engineers to determine the generation of trip-ends.

B. Site Diagrams. Any request for a land use permit or a building permit for an accessory structure shall be accompanied by three (3) copies of a diagram drawn to scale showing the proposed use of the site, buildings and structures on the site, a rendition of the exterior appearance of the building and structure, and lot lines and their relationship to existing property lines and to neighboring sites. The Planning Directors shall circulate site diagrams to the relevant officials for comments as to conformance to State and Federal laws.

C. Waiver. The Planning Directors may waive site plan requirements upon determination that the submission of a site plan would serve no useful purpose in any of the following cases:

   1. Accessory structures;
   2. A change in principal use where such change would not result in an increase in impervious surface, in additional off-street parking, or a change in access to other external site characteristics or is in violation of this Ordinance.

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Section 12.02 Site Plan Review

A. Procedure for all site plans.

   1. Pre-Application Conference. Before submitting an application, an applicant may meet with the Planning Directors to review the proposed project, the Ordinance, and the planning documents (i.e. Master Plan) that relate to the property.

   2. Application. An applicant shall apply for site plan consideration not less than 21 calendar days before the date on which such site plan shall be reviewed by the Joint Planning Commission. All site plans shall be submitted to the Planning Directors for review according to the standards and requirements of this Article.

   3. Official Review. The Planning Directors shall circulate site plans to the relevant agencies and/or officials for comments as to the proposed development's conformance to all applicable standards and requirements and as to whether approval of the site plan is recommended.

   4. Approval; Referral. Once the Planning Directors deem the site plan or site diagram to be complete, a land use permit may be issued. If the site plan accompanies a request for a Joint

Planning Commission special land use permit, or a change of use that generates more than 500 trips per day, the Planning Directors shall refer the plan to the Joint Planning Commission for review accompanied by a recommendation to approve, deny, or modify the site plan. If modifications are recommended, the applicant shall be notified in advance of the Joint Planning Commission meeting so that adjustments can be made prior to such meeting. A site plan shall be deemed approved only upon the signature of each Planning Director on a land use permit. No land use permit or building permit shall be issued without an approved site plan.

5. Time Limits. Fourteen (14) days are allowed for departmental review of all site plans and site diagrams and seven (7) days are allowed for site plans which have been approved by the Joint Planning Commission. If, for any reason, the Planning Directors cannot process the plan within these time limits, the applicant shall be notified and a date shall be set for finalizing review.

B. Planning Commission Review. Once a site plan is forwarded to the Joint Planning Commission, the Joint Planning Commission shall review the site plan according to the standards and requirements of this section. The Joint Planning Commission shall approve or deny the site plan (not the use) according to the standards and requirements of this Ordinance.

Section 12.03 Site Plan Requirements

A. **Requirements.** A land use permit application shall be accompanied by a filing fee established by concurrent resolutions of the City Commission and Township Board. Site plans shall be sealed by a registered architect or engineer. Site plans shall be drawn to scale, shall be rendered on a minimum sheet size of 24 inches by 36 inches, and shall include the following:
   1. A legal description, property lines, lot lines and property dimensions;
   2. The scale, north arrow, date and vicinity map;
   3. The property owner's and applicant's names and addresses;
   4. The preparer's name and address;
   5. Street names, existing street and alley widths, the location and width of utility easements, the size and location of existing and proposed public utilities and building service lines;
   6. The zoning classification of the site and surrounding properties and, where applicable, the zoning request;
   7. Required setback lines, lot size, lot coverage, and any variance to be requested;
   8. A vicinity map showing the location of the site to the surrounding street system;
   9. The size and location of existing buildings and improvements on and adjacent to the subject parcel;
   10. The existing building use and proposed building use, location, shape, building height, elevations, floor area and unit computations and dimensions, and a description of all exterior building materials;
   11. Location and type of the outdoor light fixtures, including a description of the outdoor light fixture, support, shading, baffling, and photometric data;
   12. A land use tabulation summary, indicating types of use, acreage for each land use, number of units, densities and land use intensities, to be provided in the margin of the plan;
   13. The proposed number and location of parking spaces, maneuvering lanes, sidewalks, driveways and loading areas, and their dimensions and proposed points of access to the site from streets and alleys;
   14. The proposed location and dimensions of site drainage areas, walkways, landscaped areas, recreation areas, open spaces and screen walls;

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15. Natural features, such as unique topographic features, wetlands, 100-year flood plain in elevations, creeks, springs and others, with an indication as to which are proposed to be maintained, altered, or removed during site development;
16. Any other information necessary to establish compliance with this Ordinance; and
17. Any additional information as requested by the Planning Directors as follows:
    a. A report describing the soil types and ability of soils to accommodate the proposed development;
    b. A tree location survey signed by an engineer, a surveyor, and/or landscape architect, showing all existing trees having a diameter at breast height of six (6) inches or greater, the common and/or scientific names of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominant species represented, the number present, and the diameter at breast height range of the group or clump; and
    c. The existing and proposed topography at 2 foot contours.

B. **Waiver.** The Planning Directors may waive any or all site plan requirements if the construction or alteration does not affect existing traffic circulation, drainage, grading, relationship of buildings to each other, landscaping, buffering, lighting, parking and other considerations of the site plan review. Any of these requirements may be waived through the mutual consent of the Planning Directors where, in their judgment, such data will not bear on their decision for approval or the decision for approval of the Joint Planning Commission. In the event that the Planning Directors disagree, the Joint Planning Commission shall determine to grant or deny the waiver.

C. **Appeals.** The property owner may appeal a decision of the Planning Directors or Joint Planning Commission to the Zoning Board of Appeals.

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Section 12.04 Standards for Granting Site Plan Approval

A site plan shall conform to all applicable local agency requirements and approval may be conditioned upon the applicant receiving necessary local, State, and Federal permits before final site plan approval or an occupancy permit is granted. In addition, a development shall conform to the site development standards, which shall be reflected on the site plan as stated below:

A. Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
B. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from public sidewalks adjacent to the site by a parapet wall or similar architectural feature.
C. Reasonable visual and sound mitigation for all dwelling units shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.
D. Every principal building or groups of buildings shall be arranged so as to permit emergency access by some practical means to all sides.
E. Every development shall have legal access to a public or private street.
F. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, and pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent developments shall be designed appropriately to carry the projected traffic.

G. A pedestrian circulation system which is physically separated and reasonably insulated as from the vehicular circulation system shall be provided.
H. All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, encourage the appropriate use of alleys, and minimize the negative visual impact of such parking areas.
I. Where the opportunity exists, development shall use shared drives—unnecessary curb cuts shall not be permitted.
J. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six (6) feet in height.
K. Exterior light sources shall meet the requirements of Section 1.12 of this Ordinance.
L. Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.
M. Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and/or wetlands.
N. Storm water management systems and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
O. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of pedestrian traffic or will not create standing water.

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Section 12.05 Conditional Approvals

A. The Joint Planning Commission or Planning Directors may attach conditions to the approval of a site plan when such conditions:
   1. Would ensure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased demands caused by the land use or activity;
   2. Would protect the built and natural environment; or
   3. Would ensure compatibility with adjacent uses of land.

B. The Joint Planning Commission or Planning Directors may conditionally approve a site plan based on compliance with fencing, screening, buffering or landscaping requirements of this Ordinance and may collect a performance guarantee consistent with these requirements to ensure compliance. When so doing, the following finding shall be made and documented as part of the review process:
   1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
   2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

Section 12.06 Site Plan Amendments

No change shall be made to an approved site plan during construction except upon application to the original approving authority in accordance with the following procedures:

A. **Minor change.** A change to a site plan or site plans involving minor changes in the siting of buildings; the adjustment of utilities, walkways, traffic ways and parking areas, and similar minor changes may be approved by the Planning Directors.
B. **Major Change**. A change or amendment to a Joint Planning Commission approved site plan, involving a change in the number and location of accesses to public streets and alleys, an increase or decrease over ten (10%) percent in the number of parking spaces, a major relocation or re-siting of a building, an increase in the gross floor area or height of a building, a change to the façade of a building, a reduction in open space, and similar major changes shall require the approval of the Joint Planning Commission. A major change to the site plan before or during construction where a Joint Planning Commission approved site plan was required shall be approved by the Joint Planning Commission.

Section 12.07 Expiration

Site plan approval shall automatically expire with the expiration of the land use permit.

Section 12.08 Shell Permitting Process

To encourage the continued redevelopment of the historic center of the Grand Traverse Commons, a "shell" permitting process shall be made available to allow for the ability to repair and modify a structure to correct blight, remediate contamination and enhance the marketability of buildings located within the Village District, Sub-districts V-1 through V-8. The intent of this process is to allow for preliminary construction activities in advance of preparation of final site plans otherwise required by this Article.

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A. **Activities Permitted Administratively**
The Planning Directors may authorize work within and upon an existing structure footprint, as follows:
1. Structural work associated with existing walls, roofs, floors, window and door openings, where such work is not reasonably anticipated to change the essential character of the structure.
2. Structural work, temporary or permanent, and other activities to facilitate possible hazardous material remediation.
3. Permanent and/or temporary connections to electrical and gas lines.
4. Selective demolition of associated with load-bearing walls or other structural components.
5. Rough preparation of interior spaces "gray box."

B. **Activities Permitted by Joint Planning Commission**
The Joint Planning Commission may authorize work beyond the scope of what may be Administratively approved, as follows:
1. Construction of footings, walls, and roofs for building additions.
2. Increases in building height or additional building stories provided that the building addition is in compliance with the regulations of the underlying Subarea are maintained.
3. Work which may reasonably be anticipated to change the essential character of the structure, such as new windows or doors, or closures of windows or doors.

C. **Documents to be Submitted for Administrative Shell Permit**
1. Floor plans and elevations prepared by a licensed architect or engineer showing existing building limits and floor plan, and a basic site diagram showing project boundary.
2. Conceptual approval from SHPO.
3. Plans and specifications for the Shell work to be performed.
4. Plans and specifications for any Utility work to be performed.

5. Preliminary or contingent Fire Department approval.

D. **Documents to be Submitted for Joint Planning Commission Shell Permit**
Each of the items specified under Subsection C., above, plus preliminary site plans which adequately demonstrate that any building addition will not adversely impact future site circulation and access.

E. **Remaining Approvals Required**
Upon receipt of a Shell Permit, all necessary and required jurisdictional approvals shall be obtained prior to the commencement of construction or the Shell Permit shall be considered automatically void.

F. **Submittal of Final Construction Documents and Site Plan**
Prior to interior build-out, the developer shall obtain Site Plan Review Approval as required by this Ordinance.

G. **Assumption of Risk by Developer**
Work authorized by a Shell Permit shall be undertaken at the risk of the developer, who shall acknowledge upon an application form that a Certificate of Occupancy shall be dependent upon an approved site plan and all construction completed in accord with final construction documents.

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Article 13
Nonconforming Uses

Section 13.01 Nonconformities

The intent of this Ordinance is to allow for a continued lawful use of any building or for land existing on the effective date of this Ordinance, or any amendment thereto, although it may not conform with this Ordinance or amendment, but to encourage its improvement if it enhances the character of the campus, building and structures.

Section 13.02 Classifications

Nonconforming uses shall be classified as follows:

A. Class I. The use of the building or land does not conform to the zoning district use regulations.

B. Class II. The use of the building or land complies with the zoning district use regulations, but does not meet the dimensional or parking regulations of the Ordinance.

C. Class III. The use of the building or land was a use as of right or a legal nonconforming use, but later is allowed only by a special land use permit in the zone in which it is located.

Section 13.04 General Regulations

A. Enlargement or structural alterations. Nonconforming uses of property shall be subject to the following regulations.
   1. A Class I nonconforming use of a building or structure shall not be enlarged or structurally altered when such alteration requires a building permit, nor shall it be expanded nor increased in intensity of use unless the Zoning Board of Appeals grants an exception as described in this Zoning Ordinance.

   2. A Class II nonconforming use of a building or structure shall not be enlarged or structurally altered when such alteration requires a building permit, unless the resultant building creates no further violation of this Ordinance than lawfully existed at the time of the enlargement or alteration. However, upon approval of the Planning Directors, a Class II nonconforming use may be expanded to add floor space above the first floor to the extent of the first floor encroachment, and a porch or other architectural features which once existed and encroached in the required setback may be reconstructed subject to the following conditions:
      a. Prior to the issuance of a building permit, the building plans for the addition shall be approved by the Planning Directors, who will consider the relationship of the addition with the scale, materials and architectural style of the existing structure and surrounding structures.
      b. The addition shall not substantially degrade the light and/or air available to the neighboring properties.
      c. The addition shall not include or utilize window or wall air conditioning units or other appliances or devices which may unnecessarily disturb neighbors due to their proximity to adjacent structures.
      d. Ice, snow and storm water from the addition shall be maintained within the boundaries of the subject property and shall not present a safety hazard to residents, guests or neighbors.

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3. A Class III nonconforming use of a building or structure shall not be enlarged or structurally altered without first obtaining a special land use permit for the existing use and the alteration, if the enlargement or the alteration would result in any one (1) of the following:
   a. An increase or decrease in the square footage of the building by more than ten (10%) percent;
   b. The introduction of a new use on the site which is anticipated to increase daily motor vehicle trip-ends;
   c. The addition of a separate building or structure occupied on a regular basis;
   d. The addition or deletion of parking spaces; or
   e. A significant alteration of traffic patterns adjacent to the site.

B. Repair or Improvement of Nonconforming Buildings. A nonconforming use may be repaired or improved provided that such repair or improvement to a Class I nonconforming use is approved by the Planning Directors and will do one or more of the following:
   1. Improve the structure by adding only an unenclosed porch or another similar architectural feature that is keeping with the surrounding architectural style.
   2. Improve the structure by providing barrier free access or accommodation.
   3. Improve the structure by making only changes recommended by the City Historic Districts Commission.
   4. Improve, clearly and convincingly, the health, safety or welfare of the surrounding campus.

C. Notice. Before deciding on the request for enlargement of a Class II nonconforming use for repair or improvement of a Class I nonconforming use, the Planning Directors shall notify all persons to whom real property is assessed within 300 feet of the boundary of the property in question. Notice shall be mailed and shall describe the request and indicate the deadline for written comments to be received by the Planning Directors. The Planning Directors' decision may be appealed to the Zoning Board of Appeals by an aggrieved person.

D. Reconstruction and Restoration. A nonconforming use damaged by fire, explosion, act of God or other similar causes may be restored or rebuilt, provided that such restoration for a Class I nonconforming use does not exceed fifty (50%) percent of its true cash value, exclusive of land and foundations, as determined for property tax assessment purposes.

E. Change of Use. A Class I nonconforming use shall not be changed to other than a permitted use unless the Zoning Board of Appeals grants an exception as described earlier in this Ordinance.

F. Prior Construction Approved. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been properly issued and substantial construction commenced prior to the effective date of this Ordinance, provided that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the building permit.

G. Nonconforming Land Uses. The nonconforming uses of land where no building is located may continue provided that the nonconforming land use shall not in any way be expanded or extended either on the same property or adjoining property.

H. Nonconforming Use Certificate. A nonconforming use certificate may be issued by the Zoning Administrators upon receipt of an application submitted on a form prepared by the Zoning Administrators and accompanied by other pertinent information as may be deemed appropriate by the Zoning Administrators. Upon application for a nonconforming use certificate, the Zoning

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Administrators shall issue or deny such certificate within thirty (30) days or such greater time as may be mutually agreed upon. The certificate shall specify the nature of the nonconformity and describe the manner in which the use of the site may or may not continue. An applicant may appeal the denial of a certificate to the Zoning Board of Appeals. This administrative remedy shall be exhausted before a person alleges the existence of a nonconforming use as a defense to a zoning enforcement action.

Section 13.05 Loss of Nonconforming Use Status

A. Loss. Status as a nonconforming use shall be lost and the nonconformity shall be deemed a violation of this Zoning Ordinance if any of the following occur:
   1. An increase in the non-conformity by way of size, degree, or intensity of the nonconformity, unless otherwise allowed or except where permitted by the Zoning Board of Appeals;
   2. A change to a conforming use of the ordinance;
   3. A zoning violation, except for the initial nonconformity; or
   4. An abandonment of the use, where it may be presumed that the use has ceased through vacancy, lack of operation or otherwise for twelve (12) or more successive calendar months.

B. Reduction. If a nonconforming use or structure is reduced or changed in such a way as to decrease the size, degree, or intensity of the nonconformity, the use or structure may not thereafter be expanded or changed to cause an increase in the nonconformity.

C. Conformity Required. If nonconforming use status is lost, all future use shall be in conformity with this Zoning Ordinance and the initial nonconforming use may not be continued or re-established.

Section 13.06 Illegal uses

Nonconforming uses of buildings or land established without a required building permit or land use permit, or those nonconforming uses which cannot be proven conclusively as existing prior to the effective date of the section upon which the nonconformity is based, are declared illegal uses and shall be discontinued.

Section 13.07 District Boundary Changes

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of another classification, this section shall also apply to any existing uses or structures that become nonconforming as a result of the boundary changes.

Section 13.08 Elimination

In accordance with Act 110 of the Public Acts of 2006, as amended (M.C.L 125.3101 et seq.) the City and Township may acquire, by purchase, condemnation or other means, private properties on which nonconforming uses or structures are located, and may remove such uses and structures. The resultant property may be leased or sold for a conforming use or may be used for a public use. The net cost of such acquisition may be assessed against a benefit district, may be paid from other sources of revenue, or may be paid by a combination of special assessments and other revenue.

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Article 14
Landscaping

Section 14.01 Purpose

The process of development may require the alteration of existing topography and soil structure, the disruption of native vegetation and the expansion of impervious surface area over the development site. The cumulative effects of the land-altering process extend far beyond the district lines of an individual development site and if development is not undertaken within the context of the broader community, it will degrade not only the individual development, but also the community of which it is a part; therefore, the intent of the Article is to protect and manage vegetation. While establishing standards for landscaping, this Article will:

A. Aid in the stabilization of the environment through air purification, oxygen regeneration, groundwater protection and recharge, and the control of storm water runoff;
B. Safeguard and enhance private and public property values and encourage continued investment in the community;
C. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale;
D. Provide visual screens between land uses of differing character and use intensities;
E. Prevent reductions in The Commons' forest;
F. Provide for the preservation of larger native trees which are valuable amenities to the urban environment that, once destroyed, can only be replaced after generations; and
G. Ensure that the local stock of native trees and vegetation is replaced.

It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this Article be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide development substantially better than that achievable using the minimum standards of the Article. The provisions of this Article shall be considered the minimum standards and not a design goal.

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Section 14.02 Compliance Required

In all districts, compliance with this Article shall be required for:

A. Any new building, rebuilding, conversion, enlargement or structural alteration, or surface parking area requiring a building and/or land use permit and having a value of $50,000 or more;

B. Land clearing as described in this Zoning Ordinance.

Section 14.03 Alternative Compliance

The Planning Directors may approve variations from strict compliance with this Article when an applicant can demonstrate that the following apply to a specific development site:

A. The topography, shape, size or other natural features make full compliance impractical or impossible.
B. The space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Grand Traverse Commons.

C. The safety considerations warrant alternative compliance.
D. There is not an alternative for the practical siting of a building, for the location of site access, or for the location of underground utilities to service the site.
E. The alternative compliance plan is equal to or superior in its ability to fulfill the intent of this Article.

Section 14.04 Standards and Materials

A. General Performance Standards. The following general performance standards shall apply whenever compliance is required.

1. All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers. The combination of plant material selected shall be placed in harmonious and natural associations and represent the native landscape materials and their cultivars listed in Appendix 1.
2. Not less than 80 percent of any landscape shall be covered by plant materials. Stone, mulch, grass and other ground covers, pedestrian walks, and other impervious surfaces or water surfaces may cover the remaining 20 percent of the landscape area.
3. Whenever possible, the general site topography and any natural landforms unique to the property shall be maintained and made part of the development to reinforce the local and regional character.
4. All trees shall be located to allow sufficient room for growth.
5. Landscape materials, vegetation or otherwise, shall not obstruct access to or view of fire hydrants or other fire connections.

B. Landscape Materials. The following landscape material requirements shall apply whenever compliance is required.

1. Prohibited, permitted, and recommended species shall be based on the most current publication of the Grand Traverse Regional Invasive Species Network's *Recommended Planting Guidelines for Garfield Township* (The "ISN Planting Guidelines.").
2. All plant material shall be hardy to the Grand Traverse area, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen.
3. A landscape plan shall contain not more than twenty-five (25%) percent of any single plant species, per feature. At least seventy (70%) percent of new plantings shall be native.
4. All landscape plant materials preserved or used pursuant to the provisions of this Ordinance shall be healthy and compatible with local climate, site soils characteristics, drainage and available water supply.
5. Deciduous canopy trees required by the Ordinance shall not be less than 2 ½ inches diameter at breast height.
6. Coniferous trees required by this Ordinance shall be at least six (6) feet in height when planted.
7. All newly planted shrubs shall be of a size generally known in the nursery industry as requiring a five (5) gallon container.

C. Irrigation and Maintenance Standards. The following irrigation and maintenance standards shall apply whenever compliance is required.

1. All landscape plant materials required by this Ordinance shall be supplied with a watering system sufficient to maintain the plants in a healthy condition.
2. All plant materials shall be maintained in a healthy growing condition. Dead and unsalvageable

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plant materials shall be replaced with the same size and variety of plant materials originally required on the site development plan within 30 days of the "Notice to Replace" issued by the City or Township. Replacement may be delayed if the Planning Directors determine that circumstances beyond the control of the property owner prevent timely replacement.

D. Utilities. All utility lines, such as electric, telephone, cable television and other similar lines, shall be installed underground. All utility junction boxes, access boxes and pad-mounted fixtures shall be appropriately screened with landscape materials.

E. Existing Vegetation. The following standards shall apply to existing site vegetation whenever compliance is required.

1. Existing healthy trees, of an approved species listed in Appendix 1, shall be preserved and incorporated into the final development plan.
2. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.
3. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or drip-line and a tree preservation plan shall be submitted and approved by the Planning Directors.
4. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.
5. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

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Section 14.05 Screening Requirements for Parking Areas

Parking areas shall be screened from the alley and from neighboring properties whenever parking is developed according to the following:

A. Unless waived by the Planning Directors, screening shall be provided within the zoning district and the screening shall establish an opaque screen at least five (5) feet in height as measured from the finished parking area grade.

B. Required screening of parking areas shall be achieved through the use of a decorative masonry screen-wall, earth-berms and landscape materials either in combination or independently.

C. Specific screening elements may be relocated, redesigned or partially eliminated at the direction of the City Engineer or Township Engineer to correct clear vision or other safety considerations.

D. Required screening may be interrupted to provide reasonable pedestrian or bicycle access to a property from a public right-of-way, using contrasting paving material which provides a durable surface.

Section 14.06 Landscape Requirements for Streets

The following landscape requirements for street rights-of-way shall apply when compliance is required.

A. With the approval of a forester or arborist, canopy trees shall be provided along the public streets in a planting area provided in the treelawn and at a maximum distance of 50 feet between trees. The

trees shall be planted so as not to interfere with utilities, streets, sidewalks, street lights, sight distances, clear vision areas, and shall not be planted closer than eight (8) feet to fire hydrants.

B. All trees shall have a maximum size of 2 ½ inches in caliper diameter at breast height.

C. Trees shall be sufficient in size to be pruned to a (7) seven-foot branching height with one (1) main stem upon planting.

D. If existing trees can be preserved within the treelawn, the requirement for additional street tree planting may be reduced or eliminated by the Planning Directors.

Section 14.07 Landscape Plan

Where compliance is required, a landscape plan shall be required for any development requiring a site plan and no building or land use permit shall be issued until a landscape plan has been submitted to and approved by the Planning Directors. All landscape plans shall utilize the required site plan as a base sheet and shall include the following additional information:

A. A tree survey, sealed by a landscape architect, surveyor, engineer or architect licensed to practice in the State of Michigan. The survey shall establish the location, species and assessment of the general health and condition of all trees with a six (6) inch or greater diameter at breast height, their approximate height, and spread or crown diameter in the disturbed area of the site.

B. A calculation verifying that the minimum percentage of landscape area has been met and the appropriate percentage of landscape is dedicated to pedestrian ways and inorganic mulches.

C. A detailed description in either written or graphic form, indicating the applicant's plans to protect the existing trees from damage during site development and construction.

D. The contour lines at minimum two (2) foot intervals shall be shown for sites with grades in excess of six (6%) percent slope, otherwise, proposed and existing elevations at sufficient locations on the site shall clearly show drainage patterns.

E. A description of the type of equipment and methods to be used to irrigate the required landscape areas.

F. The location, height, elevation/section and material of proposed screening walls, fencing, retaining walls and berming shall be clearly shown on the plan. Berms are to be delineated by (1) one-foot contours and designed with slopes not to exceed 1:3 gradient, with a minimum of two (2) feet between contour at the top of the berm. Slopes are to be protected with sod, shrubs or other types of natural ground covers.

G. A complete description of plant materials, including common and botanical names, quantities, container or caliper sizes, heights, spread, and spacing at installation is to be shown on the plan.

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Article 15
Signs

Section 15.01 Purpose

The purpose of the Article is to establish standards and to provide time, place, and manner regulations for signs that do the following:

A. Protect property values by improving the Grand Traverse Commons image;
B. Acknowledge that signs help locate goods, services and facilities;
C. Promote safe travel by minimizing sign hazards, obstructions and driver distractions;
D. Recognize the contribution business signs make to sales, job opportunities and the City's and Township's tax base;
E. Recognize that well-designed signs create attractive business districts;
F. Further visibility and effectiveness of all signs by instituting reasonable standards;
G. Protect scenic views, landscapes, architecture and the night sky;
H. Provide flexible regulation for diverse needs;
I. Preserve public health, safety and welfare.

Section 15.02 Application of Article; Conflict of Laws

This Article shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the Grand Traverse Commons. No person shall display, construct, enlarge, erect, alter, use or maintain any sign except in conformity with this Article. Furthermore, if any of the provisions of the Article are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement will apply. If any of the provisions of any of the other Articles of this Ordinance is clearly in conflict with this Article, the Article shall apply.

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Section 15.03 Sign Definitions

As used in this Article:

Awning means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a "wall sign."
Banner means a sign made of vinyl, cloth or other flexible material.
Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.
Canopy means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.
Commercial Use means a use for the sale of products or services.
Electronic Message Sign means any sign that is capable of changing a display with a light source.
Freestanding Sign means a sign principally supported independent of any building.
Grade means the degree of inclination of a slope, road, or other surface.

A. For buildings having walls within 25 feet of a street: The average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
B. For buildings more than 20 feet from the street: The average of the lowest and highest ground surface elevations in an area within six feet of the foundation line of a building or structure.

Height means the vertical distance measured from the grade.
Indirect Illumination means lighting a sign by means of a light source which is directed at its front surface, or a light source which is primarily designed to illuminate the entire building façade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other

than sign illumination, e.g. parking lot lights or lights inside a building which are primarily installed to serve as inside illumination and may be used to silhouette a window sign.
Internal Illumination means lighting by means of a light source which is within a sign having an opaque background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.
Industrial Use means a use for the manufacture of products.
Institutional Use means a use by the public or quasi-public such as a school, church, or hospital.
Joint Identification Sign means a sign which serves as a common or collective identification for two or more commercial or industrial uses in the same district. Such sign may contain a directory to such uses as an integral part thereof, or may serve as general identification only for such developments as mixed use developments and the like.
Landmark means an older sign designated by the Joint Planning Commission or the Historic Districts Commission that by virtue of its age, rarity, historical significance, special design qualities, and/or characteristics of an earlier era, merits special regulatory treatment under this Ordinance.
Light Source means any artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.
Marquee Sign means a sign depicted upon, attached to, or supported by a permanently roofed structure attached to, and supported by, a building and projecting from the building.
Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.
Portable Sign means a sign of A-frame or similar construction which can be easily removed on a daily basis.
Projecting Sign means a sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.
Recreational Use means a use primarily designed for activities such as picnicking, sports, swimming, biking, etc.
Residential Use means a use primarily designed for non-commercial dwellings.
Roof Sign means a sign erected, constructed or maintained upon the roof surface, or which projects above the roof surface of a building.
Sign means any writing, letter, word, symbol, pictorial representation, form light, or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back-lighted translucent roof, wall, canopy or other architectural element.
Sign Area means the total surface area of a sign that can be seen from one vantage point exclusive of supports and masonry encasing.
Sign Face means the surface of a sign where the message is displayed or illustrated.
Sign Structure means any supports, uprights, internal framework and bracing of a sign.
Temporary Sign means a sign intended to be displayed for a limited period and associated with a temporary event which is without permanent foundation or attached to the exterior of a building.
Structure means anything constructed or erected with a fixed location on the ground above grade, excluding poles, lines, cables or other transmission or distribution facilities of public utilities.
Suspended Sign means a sign attached to and hanging below the ceiling of an eave, arcade, marquee or canopy.
Traffic Directional Sign (Private) means a sign erected on private property for the sole purpose of guiding vehicular and pedestrian traffic.
Trailer-Mounted Sign means a sign designed to be easily relocated, by means of a trailer or other wheeled platform, to a different site to draw attention.
Wall, Building means a side of a building lying in an uninterrupted plane.
Wall Sign means a sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall. Wall signs include awning signs.

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Wind Sign means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilizing bags, or other objects or materials fastened or supported in such a manner as to allow for movement when subjected to wind.
Window Sign means a sign which is applied, affixed or attached to the interior of any building window.
Zoning Administrators means the Traverse City Zoning Administrator and Garfield Charter Township Zoning Administrator or that person's duly authorized deputy, or other person(s) charged with the administration of this Article.

Section 15.04 Prohibited Signs

No person shall display, erect, use or maintain a sign for which a permit is required and has not been issued. This includes the following:

A. **An Electronic Message sign** as defined in Section 15.03 of this Article.
B. **An Imitation Traffic Sign** which, by reason of its shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign or railroad sign or signal in a way that, in the judgment of the Zoning Administrator(s), may interfere with traffic movement or safety.
C. **A sign displayed in a motor vehicle** which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
D. **An Obsolete Sign** that does not meet the provisions of the Ordinance and which is still standing 180 days or more after the premises have been vacated. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.
E. **A Revolving Sign or sign with movable parts** which gives the illusion of movement by means of illumination or otherwise, with the exception of barber poles less than eight (8) feet in height.
F. **A Roof Sign** as defined in Section 15.03 of this Article.
G. **Searchlights, lasers or other high intensity light sources** to light the night sky are not permitted.
H. **A Sign on public property** is not permitted without the public property owner's approval.
I. **A Trailer-mounted or similar portable sign,** such as a wheeled device, as defined in Section 15.03 of this Article.
J. **An Unsafe sign** or any sign or structure which is deemed to be structurally unsafe and constitutes a hazard to the public health, welfare and safety or is not kept in a state of good repair, or any sign which obstructs free access to or egress from a required door or window or fire escape or other required exit way.
K. **A Wind sign** as defined in Section 15.03 of this Article.
L. **Internally illuminated signs** except as provided for in Section 15.09 of this Article.
M. **Portable signs** measuring greater than eight (8) square feet in face area per side.

Section 15.05 Signs Authorized Without a Sign Permit

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

A. **Banners within the public right-of-way** with the public property owner's permission.
B. **Copy changes** to bulletin boards, display cases or marquees, or maintenance where no structural changes are made, or copy changes on signs using interchangeable letters.
C. **Cornerstones and commemorative tablets** identifying a building or building complex that are an integral part of the building.
D. **Directional signs**, two entrance/exit directional signs per driveway, each four (4) square feet or less, and limited to 42 inches in height. These signs may be illuminated in accordance with Section 15.09 of this Article.

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E. **Flag signs** which do not exceed 15 square feet in an area with no dimension greater than 5 feet, are limited to one (1) per business front or district, and shall be installed in a manner that will not impede pedestrian traffic.
F. **Inconspicuous signs** which are not readable beyond the boundaries of the district upon which they are located or from any public or private street or alley.
G. **Landmarks and historical site signs** which are at least 50 years old and may no longer advertise an existing business activity, but are designated as "Landmark Signs" by the Joint Planning Commission or the Traverse City Historic District Commission because of their historical significance and/or ongoing value to the community.
H. **Neighborhood identification signs** which identify a commercial district or recognized residential neighborhood when located on public land or within a public right-of-way with the public property owner's approval.
I. **Official governmental notices** and notices posted by governmental officers in the performance of their duties; governmental-owned directional signs, signs to control traffic, signs to identify municipal boundaries, or signs for other regulatory purposes, to identify streets or to warn of danger; however, identification or bulletin board signs accessory to governmental buildings or other governmental facilities are not exempt from the requirements of the Article.
J. **Portable signs** measuring less than eight (8) square feet in face area.
K. **Temporary signs** such as those associated with construction projects, real estate sales or leases and other such temporary signs which meet the following requirements:
   1. These signs shall not be illuminated, are limited to two (2) per parcel and limited to a maximum area of 32 square feet and eight (8) feet high each. These signs shall be set back 10 feet from any property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.
   2. Small temporary signs are limited to six (6) square feet and 42 inches in height, shall not be illuminated and shall be located on the same property as the project, sale or event.
   3. Temporary signs shall not be arranged to create a sign with a single message exceeding the size and area requirement of this Section.
   4. Temporary signs shall be adequately secured and must be taut or made of a rigid material.
L. **Vehicle mounted signs** which display a permanent message and are on vehicles being operated or stored in the normal course of a business, such as a sign indicating the name of the owner or business, which is located on a moving van, delivery truck, rental truck, trailer or the like, provided that the primary purpose of such vehicle is not for the display of signs, and provided further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle.
M. **Warning signs** exclusively devoted to warning the public of dangerous conditions and unusual hazards.
N. **Window signs** for commercial, industrial, institutional and recreational uses, not exceeding 25% of each window area.

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Section 15.06 Signs Authorized With a Permit

A. **Permit required.** Except as otherwise provided in this Article, no person shall display, erect, relocate or alter, except for the purpose of maintenance, any sign, or allow the same to occur on his or her property, without first obtaining a sign permit. A sign permit is required before the following types of signs may be displayed, erected, relocated or altered:
   1. Freestanding signs
   2. Wall signs, including awning signs
   3. Canopy signs
   4. Projecting signs
   5. Suspended signs

If all requirements of the Article and all other laws are met, the Zoning Administrator(s) shall issue a sign permit.

B. **Applications**. The owner or tenant, or his or her authorized agent, of the property on which the sign is to be located, or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the City and Township. The application shall be accompanied by a Master Sign Plan according to Section 15.08. The Zoning Administrator(s) shall, within ten (10) working days of the date of the application, either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.

C. **Fees**. Each sign permit application shall be accompanied by a nonrefundable permit fee, in an amount determined by concurrent resolution of the City Commission and Township Board. This fee shall be in addition to any electrical permit fee or building permit fee. Where any sign is displayed without the required sign permit, the fee for the permit shall be doubled and an application must be submitted. When any permit has been revoked, permit fees shall not be refunded.

D. **Display**. Each sign requiring a sign permit shall contain a clearly legible identification plate, no larger than 15 square inches in area, stating the name of the person responsible for its construction and erection, and the installation date and permit number.

E. **Modifications**. When a sign permit has been issued by the Zoning Administrators(s), no person shall change, modify, alter or otherwise deviate from the terms or conditions of such permit without the prior written approval of the Zoning Administrator(s).

F. **Expiration**.
   1. If actual work has not commenced under a sign permit within one (1) year from the date of issuance of such permit, or if substantial building operations under any permit issued under this Article have been suspended for 180 consecutive days, the permit shall automatically become null and void.
   2. Upon written request stating the reasons therefore, the Zoning Administrator(s) may extend the permit for one (1) additional year upon good cause shown. All requests for extensions and approvals given thereof shall be in writing.

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Section 15.07 Specific Sign Regulations

A. **Applicability.** The regulations contained in this section apply specifically to signs authorized with a permit.

B. **Schedule of Regulations**. Freestanding, wall, canopy, awning, projecting, suspended, window signs, and portable signs must comply with the place, area, height, number and location requirements in the Schedule of Regulations contained in Table 15.07. In addition to any other regulations contained in this Ordinance, the following specific regulations apply.

Table 15.07 - Schedule of Sign Regulations

Sign	Place	Size	Height	Number	Location
Freestanding	M-1, M-2, M-3, M-6, M-7, M-8 Districts, I Districts, V-2,V-3 , V-4, V-7 and V-8 Districts	24 square feet	8 feet	Street frontage per parcel: 0' - 200': 1 sign 201' -399': 2 signs 400' or more: 3 signs per parcel	Set back minimum of 10 feet from any R.O.W. or 20 feet from any private road edge.
	All other districts	12 square feet	6 feet		
Wall and Awning	All zoning districts	Business front width feet x 1.5 feet or 40 square feet for non-internally illuminated signs or 10 square feet for internally illuminated signs, whichever is less but not more than 15% of wall area.	The higher of 18 feet, or one foot below the second floor window trim.	N/A	First floor of building wall, except as provided in 15.07, *Specific Sign Regulations*
Projecting/ Suspended	All zoning districts	12 square feet	Minimum 8 feet Maximum 15 feet	1 sign per business front	1. Projecting - not more than 4 feet from the face of the building 2. Suspended - not beyond the outside limits of the arcade, marquee or eave to which it is attached.
Window	All zoning districts	25% of each window area (no sign permit required)			
Portable	All zoning districts	6 square feet with no dimension greater than 3 feet	Maximum 4 feet	1. One sign per business front 2. If no business front, one per parcel.	1. On private property within 10 feet of building face. 2. If no building face, 10 feet from any property line.

1. Only entrance, directional and area signs approved by the Joint City of Traverse City / Garfield Township Planning Commission are permitted outside the Development Zone areas. These signs may exceed the size and area requirements of Table 15.07. Schedule of Regulations.

2. Internally illuminated signs are only permitted in the Medical Districts. These signs shall have opaque backgrounds with only individual letters and logs illuminated. Any external sign lighting source shall be directed downward and away from adjacent properties, rights-of-way and private roads.

1. **Freestanding and Wall Signs**
   a. Freestanding signs shall be set back in conformity with clear vision triangle standards if located near intersections and driveways.
   b. In no case shall the area of a wall sign or signs exceed 15% of the area of the wall upon which the sign or signs are displayed.
   c. Only entrance, directional and area signs approved by the Joint City of Traverse City / Garfield Township Planning Commission are permitted outside the Development Zone areas.

2. **Projecting and Suspended Signs**
   a. Projecting and Suspended Signs shall not project over a building's roofline.
   b. Projecting and Suspended Signs may project over public property only with the public property owner's permission.
   c. Projecting and Suspended Signs shall not be internally illuminated.
   d. The owner of a sign projecting over City or Township property shall provide comprehensive general liability insurance in an amount determined by the City and Township Clerk. Proof of such insurance shall be submitted upon application for a sign permit, shall name the City or Township as an additional insured, and shall provide no less than a 30 day advance notification of cancellation to the City or Township.

3. **Portable Signs.** Portable signs may be used only during the hours of operation.

Section 15.08 Master Sign Plan

A. **Plan Required.** No permit shall be issued for an individual sign unless a Master Sign Plan for the sub-district upon which the sign is to be erected has been submitted to and approved by the Zoning Administrator(s) as conforming with this Ordinance. No sign shall be erected on any site unless it is shown on an approved Master Sign Plan.

B. **Submittal Requirements**. A Master Sign Plan, when submitted, shall include the following:
   1. An accurate site plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways in the District.
   2. An accurate elevation of each building wall intended to accommodate a sign, including window signs, the locations, dimensions and height of each sign above grade level.
   3. A computation of the area of each sign on the parcel.
   4. An illustration depicting each proposed sign, its size and proportions, color scheme, construction material and type of illumination.

C. **Amendment**. A Master Sign Plan may be amended by filing a new plan which conforms with all of the requirements of this Article.

D. **Binding Effect**. Upon approval of a Master Sign Plan, no sign shall be erected, placed, painted, attached or maintained, except as shown on such plan. A violation of the approved plan may be enforced in the same manner as any provision of this Ordinance. In the case of a conflict between the provisions of the Master Sign Plan and any other provision of this Article, this Article shall control.

Section 15.09 Sign Illumination Regulations

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In order to reduce glare and the general overwash of light to public rights-of-way and residential uses and to promote the protection of the dark sky, Illuminated Signs shall be designed, constructed and installed to comply with the following standards:

A. Internally illuminated signs are only permitted in the M-1, M-2, M-3, M-6, M-7 and M-8 Districts.
B. Internally illuminated signs shall have a dark or opaque background.
C. Flashing, rotating and intermittent lighting is prohibited.
D. Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.
E. Internally illuminated channel letters and logos with translucent faces shall contain soft, diffused light sources inside each letter or logo.
F. With the exception of directional signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

Section 15.10 Sign Structures

The following requirements apply to all signs requiring a permit:

A. **General Design**. Signs and sign structures shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
B. **Maintenance.** Every sign, including those specifically exempt from this Article with respect to permits and permit fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, to include all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion.
C. **Safety.** All signs must remain safe and secure during the period of use. The Zoning Administrator(s) shall inspect and may order the painting, repair, alteration and/or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

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Section 15.11 Nonconforming Signs

A. **Description.** A legal nonconforming sign is any sign which has been lawfully erected and maintained prior to the enactment of this Article, and any amendments thereto, and which does not conform to all applicable regulations and restrictions of this Article and any amendment thereto.

B. **Continuation**.
   1. A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
      a. Converted to another nonconforming sign by changing the sign face.
      b. Expanded or altered so as to increase the degree of nonconformity of the sign.
      c. Re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds 50% of the replacement sign cost as determined by the Zoning Administrator(s).
      d. Continued in use following construction of a new building, reconstruction, substantial addition to or improvement of an existing building when the value of such construction exceeds $50,000 in a (12) twelve-month period.
   2. If there are multiple nonconforming signs on a parcel and only the face of any one of the signs is changed, only the changed sign or signs must be brought into compliance with this Ordinance.

3. Any legal nonconforming sign, designed to have the sign's message changed on a regular basis, such as a joint identification sign, where individual letters, numerals or name panels are readily interchangeable, may be done without having to be brought into compliance with this Ordinance.

C. **New Additional Signs**. On Districts where a sign or signs are legal nonconforming signs, no new additional signs shall be erected until any and all such nonconforming sign or signs on the parcel are brought into compliance with this Article.

Section 15.12 Violations

A. **Notice.** If the Zoning Administrator(s) finds that a sign violates this Article, he or she shall give written notice to the owner of the sign, or to the owner of the property where the sign is located, ordering that the violation be corrected.
B. **Order.** The order shall specify those sections of this Article violated and shall state the amount of time from the date of the order in which the owner notified has to correct the alleged violation or has to appeal the alleged violation to the Zoning Board of Appeals.
C. **Compliance**. If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator(s) may, in addition to the other remedies provided in this Article, cause such sign to be brought into compliance at the expense of the owner or the owner of the property where the sign is located and/or cause the permit to be revoked.
D. **Dangerous Signs**. If the Zoning Administrator(s) finds that a sign endangers public or private property or public safety, the Zoning Administrator(s), after notice has been given to the owner of the sign and of the property where the sign is located, may immediately remove or alter such sign at the expense of the sign's owner or property owner.
E. **Forfeiture of Fees**. When any permit has been revoked, permit fees shall not be refunded.

Section 15.13 Appeals

A. **Board**. The Zoning Board of Appeals shall serve as the appeals board for the purposes of this Article.
B. **Powers**. Nothing contained herein shall be construed to empower the Zoning Board of Appeals to substantially change the terms of this Article, or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have power to:
   1. Modify or reverse, wholly or partly, the notice of order of the Zoning Administrator(s).
   2. Grant an extension of time of not more than three (3) additional months, for the performance of any act required where the appeals Board finds that there is practical difficulty or undue hardship connected with the performance of this Article, or by applicable rules or regulations issues pursuant thereto, and that such extension is in harmony with the general purpose of this Article to secure the public health, safety and welfare.
   3. Grant exceptions only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:
      b. That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which generally do not exist throughout the Commons.
      c. That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.
      d. That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this Article.

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e. That not allowing the exception will result in the suffering of individual hardships, the violation of rights of others whose property would be affected, and will be contrary to the public purpose and general intent and purpose of this Article.
f. The above findings of fact shall be made by the Zoning Board of Appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.

4. Interpret this Article in such a way as to carry out its intent and purpose.

C. **Initiating Appeals**. Appeals shall be filed with the Zoning Administrator(s), on a form prepared and provided by that agent(s), and shall be accompanied by the fee established by concurrent resolution of the City Commission and Township Board. Appeals shall be filed within forty-five (45) days after written notice has been given (of the action being appealed). An appeal must be submitted at least twenty-one (21) days before the Zoning Board of Appeals meeting at which it will be considered.

D. **Application**. The application form shall be signed by the owner or someone acting upon written consent of the owner, and the written consent must be submitted with the application. Applications shall be accompanied by a Master Sign Plan and any other information the Zoning Administrator(s) deem pertinent. (All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.)

E. **Notices**. The Zoning Administrator(s) shall give notice of a hearing on an appeal to all owners of record or real property within 300 feet of the District on which the sign is located. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll at least fifteen (15) days prior to the hearing.

F. **Advertisements**. One advertisement indicating the nature of the appeal and the date of the hearing will be placed in a local newspaper of general circulation at least 15 days before the hearing. A minor deviation in the notice published in the newspaper, or in time of appearance of such notice in the newspaper, shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such a minor deviation.

G. **Representation at Hearing**. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. At the discretion of the Board, the appeal may be deferred until the next meeting or may be dismissed, if the applicant or agent is not present at the hearing.

H. **Reconsideration**. If the above mentioned are absent, the applicant may file what would be a second appeal twelve (12) months after the date of the first decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision, unless it can shown by the applicant that there have been substantial changes in circumstances affecting the appeal., which were not known to the Board at the previous hearing. The applicant shall describe the substantial change in circumstances, in writing, at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

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Section 15.14 Enforcement

The Zoning Administrator(s) or his or her designee shall enforce this Article. He or she shall appear for and on behalf of the City and Township in all matters regarding the interpretation and application of this Article and shall resist and oppose any deviations from this Article.

The Zoning Administrator(s) and his or her designees, or such other officials as are designated by the City Manager and Township Supervisor, are hereby authorized to issue and serve appearance tickets with respect

to any violation of this Article pursuant to MCL 764.9(c)(2). Appearance tickets shall be in such form as determined by the City and Township Attorney(s) and shall be in conformity with all statutory requirements.

The Zoning Administrator(s) or his or her authorized representative may enter, at reasonable times, any land, building, structure, or premises in the Grand Traverse Commons to perform any duty imposed upon the Zoning Administrator(s) by this Article.

Section 15.15 Transition

The intent of this Article is to make the Sign Ordinance fully effective as soon as possible, but to allow for the continuation of all sign permits. All sign permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is being diligently pursued and completion is projected within a reasonable time.

Section 15.16 Penalty

A. Designation. Unless a violation of this Code or any ordinance is specifically designated as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

B. General Penalty. Except for designated municipal civil infractions, whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned not more than ninety (90) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

C. Civil Infraction Sanction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under 1961 PA 236, as amended, and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than $50.00, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of a requirement or provision of this Code or any ordinance. As used in this Section "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6 month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits

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responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than $250.00, plus costs.

b. The fine for any repeat offense which is a second repeat offense or any subsequent repeat offense shall be no less than $500, plus costs.

3. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

D. Separate Offense. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

E. Action for Injunction or Other Process. In addition to any remedies available by law, the City or Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any City or Township ordinance.

F. Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.

G. Complicity. Every person concerned in the commission of a violation or an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried, or found responsible, and on conviction shall be fined and punished as if he or she had directly committed such offense.

1. Citations. A police officer who witnesses a person violating this Code of Ordinances, which violation is either a misdemeanor or a civil infraction, may stop the person, detain the person temporarily for purpose of making a record of the violation and identifying the person, and preparing and subscribing as soon as possible the written citation, which shall be a notice to appear in court for the offense. If a police officer witnesses a person violating this Code of Ordinances within the City, that police officer may pursue, stop and detain the person outside the City for the purpose of exercising the authority and performing the duties described above. (Ord. No. 400. Passed 11-21-94. d. 506. Passed 8-7-00.)

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Article 16
Circulation and Parking

The purpose of this Article is to establish the requirements for Circulation and Parking, thus establishing the standards as follows:

A. To make the Grand Traverse Commons safe for and accessible to pedestrians, cyclists, drivers and passengers.
B. To give equal consideration to the pedestrian and the driver in the design of all public and private parking areas.
C. To promote site designs that help reduce crashes and conflicts between pedestrians and vehicles.
D. To maintain the utility of the public right-of-way to move goods and people safely and adequately.
E. To promote interesting street edges that invite people to walk.
F. To provide parking areas that are appropriate for current and future development needs but do not oversupply the campus.
G. To provide parking areas that do not distract from and are visually compatible with the surrounding natural and built environment.
H. To provide parking areas that are able to support multiple functions, contribute to sense of place, reduce runoff, and incorporate pervious surfaces and other landscaped elements.

Section 16.01 Sidewalks and Non-Motorized Paths

A. Compliance Required. All developments shall provide clearly defined sidewalks from the public sidewalks to main entrances of the buildings or to uses of the land. As a condition of site plan approval the Planning Director(s) or Joint Planning Commission may also require the construction or repair of an adjacent, public non-motorized improvement identified by the adopted **Non-Motorized Plan.**

B. Requirements. All sidewalks shall be a minimum of five (5) feet wide, shall be free from obstructions and shall be ADA compliant. All sidewalks shall assist in creating a completely linked network of walkways connecting all uses with open spaces, natural areas and other areas. On lots where there are multiple principal buildings or main entries, sidewalks meeting the requirements above shall be provided.

C. Construction Standards. Unless physical limitations are present, sidewalks shall be physically separate from streets by a minimum 10 foot wide tree-lawn, planted with tree species compatible with the surrounding environment. In areas with mixed use, these tree-lawns may be replaced by paved areas utilizing trees in cast iron tree grates.

Section 16.02 Bicycle Parking

A. Compliance Required. A minimum of one (1) bicycle rack or locker is required per 2,000 square feet of gross floor area and shall be located within 50 feet of the main entrance of a building or inside a building in a location that is easily accessible by bicyclists.

B. Standards.
   1. Bicycle Lockers. Where required, bicycle parking is provided in securely anchored lockers.

   2. Bicycle Racks. Where required, bicycle parking is provided in racks, and must be designed to meet the following standards:

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a. The bicycle frame and one (1) wheel can be locked to the rack with a high security, u-shaped shackle lock if both wheels are left on the bicycle; and
b. A bicycle six (6) feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
c. The rack must be securely anchored.

3. Maneuvering Areas.
   a. Each required bicycle parking space must be accessible without moving another bicycle; and
   b. There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

4. Structures. Where a structure is proposed to shield bicycles from the elements, the structure shall be complementary to the architectural character of the sub-area.

Section 16.03 Surface Vehicular Parking

A. Compliance Required. The size of each surface parking area, if permitted, shall be regulated in each respective zoning district. If the zoning district does not permit for on-site parking, then parking shall not be allowed in that zoning district.
B. Requirements. Applicants for new developments, or significant redevelopment within zoning districts, shall examine the feasibility of using shared parking arrangements. Factors evaluated to establish shared parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces and cooperation of adjacent owners.
C. Construction Standards.
   1. A parking space shall be a minimum area of nine (9) feet by eighteen (18) feet, with center and cross aisles being a minimum of twenty (20) feet wide. A parallel parking space shall be twenty (20) feet in length and seven (7) feet wide. However, up to 10% of off-street parking spaces may be designed and designated for compact vehicles with a minimum area of eight (8) feet by eighteen (18) feet.
   2. Parking areas shall not be used for the storage or continuous parking of recreation vehicles, trailers, motor vehicles without a current license plate, and junk for more than a twenty-four (24) hour period.
   3. Except within the CR District, the surface of all parking areas shall be paved with concrete, bituminous asphalt, perforated concrete, brick, grass pavers or other permanent surface approved by the Planning Directors. If parking areas are composed of pervious materials, the amount of the pervious surface in square feet shall not count toward the impervious surface limits of each respective zoning district. All parking areas shall have a permanent granite or concrete raised curb, raised curb and gutter, or flush curb around the perimeter of the lot.
   4. A minimum of 20% of parking areas shall be composed of pervious surfaces when the following conditions are met:
      1. Soils are favorable for draining;
      2. Pervious parking areas shall allow stormwater to percolate into the ground at an acceptable rate sufficient to accommodate a five-year, 24-hour storm event and meet the requirements of the City of Traverse City Code Chapter 1068, *Groundwater protection and Stormwater Runoff Control.*
      3. Approval by the municipal engineer.

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D. Screening Requirements for Surface Parking Areas. Parking areas shall be screened from streets and neighboring properties whenever parking is developed. See Article 14.

Section 16.04 Streets

A. Street types shall be guided by the **Grand Traverse Commons Redevelopment District Street Types and Circulation Plan**, provided, however, that the Joint Planning Commission and City Engineer may accept a street of a different form upon request and provided further that the proposed street type maintains the goals and objectives of this Ordinance**.**
B. Street patterns shall form an interconnected network, with variations as needed for topographic, environmental and other design considerations.
C. At least four (4) streets shall provide connections to separate existing or proposed through streets, or collectors outside of the Grand Traverse Commons area.
D. Streets and alleys shall not be controlled by gates or other means which restrict access to the public.
E. Streets shall be designed:
   1. To promote safe pedestrian movement;
   2. To preserve existing trees and other natural resources as much as possible;
   3. To minimize alteration of natural, cultural and historic site features;
   4. To secure the view of prominent natural vistas; and
   5. To keep traffic speeds at 25 mph or less.
F. Chicanes, chokers, neckdowns, traffic circles and other traffic-calming measures are permissible throughout the Grand Traverse Commons if:
   1. They safely accommodate emergency vehicles;
   2. They safely accommodate school buses;
   3. They are approved by the Planning Director(s);
   4. They are approved by the Joint Planning Commission; and
   5. They are approved by the City Engineer.
G. Unless noted in each respective zoning district, all streets shall be paved.
H. Each street shall be defined by four (4) design-oriented components (see figure 16.1):
   1. Context. Context encompasses a broad spectrum of environmental, social, economic and historical aspects, including:
      a. The built environment, including such features as buildings, landscaping, land use mix, site access and public and semipublic open spaces; and
      b. The natural environment, including such features as water, landscape or topography.
   2. Streetside. Streetside encompasses the public right of way, which typically includes planting areas and sidewalks from the back of the curb to the front of the property line of adjoining parcels. The streetside is further divided into a series of zones that emphasize different functions, including (see figure 16.2):
      a. The Frontage Zone, which is the space between the pedestrian travel way and the building faces.
      b. The Throughway Zone, which is the zone in which pedestrians travel.
      c. The Furnishings Zone, which serves as the buffer between the pedestrian travel way and the vehicular area of the thoroughfare within the curbs.
      d. The Edge Zone, which is the transition area between the thoroughfare traveled way and the furnishing zones.
   3. Traveled Way. The Traveled Way is the public right of way between curbs that includes parking lanes and the travel lanes for private vehicles, transit vehicles and bicycles.
   4. Intersection. The Intersection is the junction where two or more public streets meet and where pedestrians share the traveled way.

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I. As a condition of project approval, the developer shall plant landscaping, including deciduous shade trees, on both sides of all existing or proposed streets. The Planning Director(s) may waive this requirement in areas where healthy trees a minimum of 2-inches in diameter currently exist. New trees shall be a minimum of 2-inches in diameter at a 4-foot height. All shade tree species selected for planting shall have the following characteristics:
   1. Be tolerant of pollution and direct or reflected heat;
   2. Be mechanically strong as well as being resistant to insects and disease;
   3. Be able to survive without irrigation two years after planting; and
   4. Be able to survive for more than 60 years and have a mature height of at least 50 feet.

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(Insert Circulation and Parking Plan)

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(Rear page circulation and parking plan)

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(Insert Non-Motorized Plan)

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(Rear Page Non-Motorized Plan)

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Article 17
Airport Overlay Zone

The Grand Traverse Commons is located within the Cherry Capital Airport inner horizontal surface zone (aircraft approach hazard area). Notwithstanding any provisions of this Ordinance, any project shall comply with all standards of 14 CFR Part 77, "Standards for Determining Obstructions to Air Navigation", prepared by the Department of Transportation, Federal Aviation Administration (FAA). In the event of conflict between this Ordinance and any airport zoning regulations, the limitations and requirements most conducive to airport and air travel safety shall govern.

A. **Applicability.**
   1. Every parcel of land which lies in whole or in part within the Grand Traverse Commons.
   2. The regulations of this Overlay Zone are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

B. **Height Limitations**.
   1. Notwithstanding any other provisions of this Ordinance, no area of land and/or water or appurtenances thereof shall be used as to constitute an airport hazard.
   2. No structure within the inner horizontal surface area shall exceed the elevation of 774 U.S.G.S.
   3. No structure shall exceed 35 feet in height without first receiving approval by the FAA and Joint Planning Commission.

C. **Height Exemption.**
   1. Any structure permitted in the district and having a height of 35 feet or less will be allowed to penetrate any surface area and will not be subject to § 341 (B)(2).

D. **Conflicting Federal or State Regulations.**
   1. The regulations of the Airport Overlay Zone are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part-77), the State of Michigan (P.C. 23 of 1950 as amended by P.C. 158 of 1976), or any agencies thereof.
   2. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

E. **Unlawful Land Uses.**
   1. It shall be unlawful to establish any use which would:
      a. Create electrical interference with radio communication between the airport and aircraft or create interference with navigational aids employed by the airport or by aircraft.
      b. Make it difficult for aircraft pilots to distinguish between airport lights and other lights or result in glare in the eyes of aircraft pilots using the airport.
      c. Create air pollution in such amounts as to impair the visibility of aircraft pilots in the use of the airport.
      d. Endanger the landing, taking off or maneuvering of aircraft.
      e. Abnormally attract birds.
      f. Otherwise create an airport hazard.

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Article 18

Reserved.

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Article 19
Transition

Section 19.01 Purpose

The purpose of this transition article is to apply the revised Zoning Code to applications and approvals which may be in progress as of the effective date of this new Code and to allow for the continuation of all vested rights and approved special land use permits.

Section 19.02 Zoning Permits and Building Permits

All zoning permits and building permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial constriction at the time of adoption of this Ordinance, are hereby revoked. Other such permits may be continued if construction is diligently pursued and completed in a timely manner.

Section 19.03 Site Plans

All site plans, preliminary and final, which have been authorized, but which have not been acted upon by the owner of the site through initiation of substantial construction at the time of adoption of this Ordinance, are hereby revoked. Other such permits may be continued if construction is diligently pursued and completed in a timely manner.

Section 19.04 Special Use Permits

All pending applications for special land use permits which have not received final approval by the City Commission or Township Board as of the effective date of this Zoning Ordinance shall be returned to the applicant and the applicant shall proceed under this Ordinance. The fee shall be returned to the applicant. All special land use permits which have received final approval by the City Commission, but which have not been acted upon by the permit-holder through the commencement of substantial construction may proceed to completion pursuant to the terms of the permit. All special land use permits which have received final approval by the City Commission as of the effective date of this Ordinance and for which substantial construction has commenced, may proceed to completion pursuant to the terms of the special land use permit. Full construction and use under the terms of the previously issued special land use permit, even if not fully constructed or used at the time of adoption of this Ordinance, shall be considered a legal nonconforming use of the appropriate class as outlined in this Ordinance.

Section 19.05 Prosecution and Litigation

All lawsuits currently filed for enforcement or violation of the prior Zoning Code may continue under the terms of that Code and all rights to the City and Township to enforce the prior zoning code are herby preserved and continued.

Section 19.06 Variances and Board of Zoning Appeals Matters

Except as may be specifically contrary to this Zoning Code, all previous actions of the Zoning Board of Appeals, including nonconforming use permits, variances and exceptions, are hereby preserved and continued.

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Article 20

Note from here on do we insert:

- Amendments
- Severability
- Violations
- Effective Date
- Etc?

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