

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, August 28, 2024 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

2. Review and Approval of the Agenda – Conflict of Interest

3. Minutes – August 14, 2024

4. Correspondence

- a. Letter from Staff dated July 29, 2024 to the City of Traverse City regarding the City of Traverse City Master Plan and Mobility Action Plan

5. Reports

- a. Township Board
- b. Planning Commissioners
 - i. Zoning Board of Appeals
 - ii. Parks and Recreation Commission
 - iii. Joint Planning Commission
- c. Staff Report

6. Unfinished Business

- a. PD 2024-68 – Zoning Ordinance – Short-Term Rentals – Continued Discussion
- b. PD 2024-69 – Zoning Ordinance – Signs – Continued Discussion

7. New Business

8. Public Comment

9. Other Business

10. Items for Next Agenda – September 11, 2024

- a. French Manor LaFranier Special Use Permit Major Amendment – Public Hearing
- b. Tower North Wireless Communication Facility Special Use Permit – Follow-Up
- c. K-1 Speed / High Tops – Site Plan Review Amendment
- d. Meadow Valley PUD – Directional Sign Review

11. Adjournment

**Joe Robertson, Secretary
Garfield Township Planning Commission
3848 Veterans Drive
Traverse City, MI 49684**

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
August 14, 2024**

Call Meeting to Order: Vice Chair DeGood called the August 14, 2024 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Molly Agostinelli, Joe Robertson, John Racine, Chris DeGood, and Robert Fudge

Absent and Excused: Joe McManus and Pat Cline

Staff Present: Planning Director John Sych and Deputy Planning Director Steve Hannon

1. Public Comment (7:02)

Sych updated the public on short term rentals and proposed house bill 5438 which may mandate that a municipality may not ban short term rentals in all zoning districts.

Ken Kaufman of 1726 NW Silver Lake Road commented on short term rentals.

2. Review and Approval of the Agenda – Conflict of Interest (7:08)

Racine moved and Robertson seconded to approve the agenda as presented.

Yeas: Racine, Robertson, Agostinelli, DeGood, Fudge

Nays: None

3. Minutes (7:09)

a. July 24, 2024 Regular Meeting with Township Board

Agostinelli moved and Fudge seconded to approve the July 24, 2024 Regular Meeting minutes as amended noting a correction in the sentence referring to side yard setbacks in item #6a and correcting a spelling error in item #10a.

Yeas: Agostinelli, Fudge, Robertson, DeGood, Racine,

Nays: None

4. Correspondence (7:10)

a. Notice – Elmwood Charter Township Planning Commission, Leelanau County – Notice of Intent to Prepare a Master Plan

5. Reports (7:12)

Township Board Report

Agostinelli stated that the Township Board held a special meeting regarding the BATA/TCHC project and the definition of start of construction. The Board decided that the definition in the Garfield Township Building Code will be used as the official definition for the start of construction. Sych added that a temporary certificate of occupancy was issued for the BATA transfer station and the BATA headquarters building and that the Township received a surety for the proposed open space trail improvements.

Planning Commissioners

i. Zoning Board of Appeals

Fudge had no report.

ii. Parks and Recreation Commission

DeGood reported that the commission met last week and discussed the 2025 budget for township parks

iii. Joint Planning Commission

Racine had no report.

Staff Report

PD 2024-59 – Planning Department Monthly Report August 2024

Sych noted that his report was submitted in writing and added that the new Kingsley Lumber is beginning to grade its site. The lumber company is a use by right on that site and ingress and egress are being discussed. The township has received an application from High Tops bar and restaurant to go into the former Sears Building which will require an amendment to the K-1 Indoor Kart Racing Center site plan.

6. Unfinished Business

a. PD 2024-60 – Zoning Ordinance Proposed Amendment R-3 District- Public Hearing (7:19)

The R-3 Multiple Family Residential zoning districts provide for apartments. However, to provide more lenient requirements for additional housing choices, the Planning Department is proposing to allow triplexes and quadplexes as uses permitted by right in the R-3 District. Five units or more would require planning commission approval.

DeGood opened the public hearing at 7:21pm and seeing no one wishing to speak, closed the public hearing.

Robertson moved and Agostinelli seconded THAT the proposed amendment to the Garfield Township Zoning Ordinance, as attached to Planning Department Report 2024-60, BE RECOMMENDED FOR ADOPTION by the Township Board.

Yeas: Robertson, Agostinelli, Fudge, Racine, DeGood
Nays: None

b. PD 2024-47 – Potter’s Home Retreat B&B Special Use Permit – Follow up (7:22)

This application is requesting a Special Use Permit (SUP) for use of an existing single-family residence at 492 West Potter Road as a Bed & Breakfast Establishment. According to the applicant, the proposed bed and breakfast “is intended to serve anywhere from 1 to 6 guests per stay.” Bed & Breakfast Establishments are permitted via SUP in the A-Agricultural zoning district. At the last meeting, commissioners asked for a legal opinion on the application. Hannon reviewed the attorney opinion with commissioners. Based on the Township Attorney’s legal review, the information provided in the application, information gathered through a site visit to the property, and research into the history of the property, Staff are of the opinion that the Planning Commission is justified to deny the application. The application as proposed does not meet the building code requirements and evidence shows that it operates more as a duplex rather than a single-family home. The applicant could reapply for a permit in one year. Specific language in the ordinance stated that the SPU could not be reapplied for within one year if it was substantially the same.

Fudge moved and Robertson seconded THAT the Findings of Fact for application SUP-2024-01, as presented in Planning Department Report 2024-61 and being made a part of this motion, BE ADOPTED.

Yeas: Fudge, Robertson, Racine, Agostinelli, DeGood
Nays: None

Fudge moved and Racine seconded THAT application SUP-2024-01, submitted by Brandy Christina Waslawski for a Special Use Permit for a bed and breakfast establishment on Parcel #05-036-025-40 at 492 West Potter Road, BE DENIED for the reasons listed below and those described in this report which indicate that the use of the property as described in the application does not meet the definition of a bed and breakfast:

- 1. The lower level of the house, which is proposed as the innkeeper’s residence in the application, does not meet the building code requirements including adequate ingress and egress, smoke detectors, and carbon monoxide detectors.*
- 2. There is no staircase or any other direct connection between the lower and upper levels, which is required so the entire house would function as a single-family home and not a duplex.*

3. *Per the legal review from the Township Attorney, dated August 7, 2024 and attached to Planning Department Report 2024-61, indicates that “the Planning Commission may either proceed with the proposed findings prepared for the July 10 meeting and deny the application without prejudice to re-apply.”*

*Yeas: Fudge, Racine, Robertson, Agostinelli, DeGood
Nays: None*

c. PD 2024-62 – Tower North Wireless Comm. Facility Special Use Permit – Follow up (7:35)

This application requests a Special Use Permit (SUP) for a wireless communication facility (cell tower) at 2767 Zimmerman Road. The applicants propose a 155-foot-tall monopole tower with associated antenna equipment within a 60’ x 60’ fenced compound. Wireless communication facilities are permitted via SUP in the A-Agricultural zoning district. Staff reported that the applicant is currently still working on the application.

7. New Business

a. PD 2024-63 – French Manor LaFranier Special Use Permit Major Amendment – Intro (7:37)

This application is requesting a Special Use Permit (SUP) for expansion of French Manor LaFranier, an existing adult foster care facility at 3090 LaFranier Road. The facility expansion consists of a 1,472-square-foot building addition and a 2,176-square-foot building addition for a total of 3,648 square feet. The expansion requires the applicant to go through the amendment process. Sych noted that the few minor outstanding items which include landscaping, ingress and egress, and lighting should be addressed by the applicant in time for a public hearing and also stated that there is no ability to add any more sidewalks to this proposed project. Applicant Dan Brown with Burdco commented that it was an existing facility and the addition will enhance the site. Commissioners commented on an access easement on the site.

Robertson moved and Fudge seconded THAT application SUP-1990-07-A for a Special Use Permit for expansion of an existing adult foster care facility at 3090 LaFranier Road BE SCHEDULED for a public hearing at the September 11, 2024 Planning Commission Regular Meeting.

*Yeas: Robertson, Fudge, Agostinelli, Racine, DeGood
Nays: None*

b. PD 2024-66 – Copper Ridge PUD Sign Review (7:43)

Thirlby Clinic is moving to the existing office building (Building 5) located at 4110 Copper Ridge Drive in the Copper Ridge Planned Unit

Development (PUD). The applicant is proposing an internal directional sign. Section 630.G(3)(a) of the Zoning Ordinance regulates internal directional signs permitted within a Planned Unit Development and are subject to Planning Commission approval. Internal directional signs with a maximum of 6 square feet per sign.

Staff commented that directional signs are allowed at 6 square feet as proposed. The applicant stated that the sign would be an overhang sign like an awning.

Racine moved and Agostinelli seconded THAT sign application SUP 2000-08-N for Thirlby Clinic in Building 5 at the Copper Ridge PUD BE APPROVED.

*Yeas: Racine, Agostinelli, Fudge, Robertson, DeGood
Nays: None*

8. Public Comment (7:47)

None

9. Other Business (7:47)

None

10. Items for Next Agenda – August 28, 2024 (7:48)

- a. Zoning Ordinance Continued Discussions – Sign Ordinance and Short-Term Rentals

11. Adjournment

Fudge moved to adjourn the meeting at 7:53pm.

Joe Robertson, Secretary
Garfield Township Planning
Commission
3848 Veterans Drive
Traverse City, MI 49684



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

July 29, 2024

Shawn Winter, Planning Director
City of Traverse City
400 Boardman Avenue
Traverse City, MI 49684

RE: City of Traverse City Master Plan and Mobility Action Plan

Dear Shawn:

In accordance with the Michigan Planning Enabling Act, the Garfield Township Planning Commission was offered the opportunity to review and comment on the proposed City of Traverse City Master Plan and Mobility Action Plan.

Township Planning Staff reviewed the draft Master Plan and Mobility Action Plan documents, and the Garfield Township Planning Commission also reviewed these draft documents at its meeting on July 24, 2024. The following comments are offered for your consideration:

1. Staff and the Planning Commission noted that the City's Future Land Use Framework is generally compatible with the Township's Future Land Use Map, as the city has a mostly built-out development pattern. Future development may take place at identified nodes or corridors, including some where the Township has designated mixed use areas along its side of the border such as M-72 / West Bay, Cedar Run Campus, and Barlow Park.
2. The Future Corridor Planning section also highlights certain corridors in the city, including some where the Township has designated mixed-use areas on its side of the border. Two corridors in the city: M-72 / M-22 and Woodmere Avenue, show potential for new zoning districts which may function as mixed-use districts. These corridors are adjacent to mixed-use future land use designations on the township side. These areas on both the city and township sides may potentially become concentrated nodes of development.
3. The Township has adopted a Non-Motorized Plan as part of its Master Plan. To help foster non-motorized connections between the city and the township, the following comments are offered for your consideration:
 - Some areas currently missing sidewalks on the City's Existing Sidewalk Network border the Township, including M-72 / M-22 near West Grand Traverse Bay, along Boon Street, and along Garfield Avenue in front of the airport. The Township Non-

Shawn Winter

July 29, 2024

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Motorized Plan includes several proposed connections with sidewalks and trails in the city such as Boon Street, Garfield Avenue, and Veterans Drive.


- Sidewalks on Garfield Avenue will require cooperation with Cherry Capital Airport since part of the sidewalk network passes in front of the airport runway approach area. The Township's Non-Motorized Plan envisions a sidewalk connection on the west side of Garfield Avenue, connecting from Boon Street to South Airport Road and points further south.
- The Township Non-Motorized Plan proposes a pathway connection between the Grand Traverse Commons Natural Area and the city's pathway along Griffin Street.
- The city should ensure a sidewalk is planned along West Front Street near Medical Campus Drive. The Township Non-Motorized Plan envisions a complete sidewalk network on its portion of West Front Street. Two properties within the Township recently installed sidewalks along this corridor.
- The Township hopes to collaborate with the city where feasible on non-motorized transportation opportunities whenever they arise and can benefit both communities.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "John C. Sych". The signature is written in a cursive style with a large initial "J" and "S".

John C. Sych, AICP
Director of Planning

 Charter Township of Garfield Planning Department Report No. 2024-68		
Prepared:	August 21, 2024	Pages: 2
Meeting:	August 28, 2024 Planning Commission Study Session	Attachments: <input checked="" type="checkbox"/>
Subject:	Short-Term Rentals – Continued Discussion	

BACKGROUND:

Recently, House Bill (HB) 5438 of 2024 was introduced in the Michigan legislature. HB 5438 provides for the registry and regulation of short-term rentals and hosting platforms, specifically:

- It creates a statewide short-term rental database.
- It allows local units of government to maintain authority to regulate short-term rentals.
- It creates a new short-term rental excise tax (the rate is 6% of the occupancy charge), with most of the funds collected going back to the local unit of government where the short-term rental is located. Currently, local units of government have no dedicated revenue source to assist with the public costs of tourism.
- It asserts that hosting platforms cannot facilitate a booking transaction for a short-term rental if the property is not registered with the state and in good standing with the applicable local unit of government.
- It prohibits outright banning of short-term rentals by a local unit of government.

Complimentary to HB 5438, HB 5437, 5439-5446 were also introduced and are convention tourism assessments and hotel-motel taxation legislation.

To comply with this expected requirement should the legislation pass, the Township could allow for short-term rentals in specific areas. Staff has outlined the following approach:

Definition

Provide a definition of short-term rentals that matches the legislation.

Location

Allow short-term rentals in Commercial District Housing Developments. Commercial District Housing Developments are dwelling units permitted in the C-G (General Commercial) and C-H (Highway Commercial) districts by Special Use Permit and by right in the C-P (Planned Shopping Center) district. In comparison, hotels and motels are permitted in the C-G (General Commercial) and C-H (Highway Commercial) districts with special conditions and by right in C-P (Planned Shopping Center) districts.

Licensing

Establish a licensing ordinance for short-term rentals. An initial draft of a licensing ordinance is attached to this report. Short-term rentals are proposed to only be permitted in Commercial District Housing Developments.

STAFF COMMENTS:

In response to earlier discussion, Staff has the following comments:

Locations

The attached map of the C-G, C-H, and C-P districts shows potentially where short-term rentals could be located as a Commercial District Housing Development. As currently proposed, short-term rentals would not be permitted in the commercial portion of a planned unit development (PUD). However, such a provision could be considered by the Planning Commission.

Licensing

Regarding the licensing ordinance, the licensee could be an individual owner, a company, or some other form of ownership. A license would be an annual license and require an annual inspection. There is no limit on the number of short-term per development or parcel.

Status of Legislation

Currently, the legislation remains in a committee at the Michigan House of Representatives with no movement.

ACTION REQUESTED:

These items are for discussion only. No action is requested.

Attachments:

1. Draft Short-Term Rental Licensing Ordinance
2. Map of the C-G, C-H, and C-P Zoning Districts

Charter Township of Garfield
Grand Traverse County, Michigan

SHORT TERM RENTAL LICENSING ORDINANCE
Ordinance No. XX

**AN ORDINANCE REGULATING THE LICENSING AND OPERATION
OF SHORT-TERM RENTALS**

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to ensure the habitability of dwelling units and structures being leased to others or otherwise being occupied by others than the owner and/or persons related to the owner and for the promotion of the health, safety and welfare of the residents of the Township and the occupants of short term rentals; to assist the Township with information to provide more adequate police, fire and emergency protection; more equal and equitable real and personal property taxation; better efficiency and economy in furnishing public utility services; and more comprehensive and informed planning and zoning for uses of land and structures within the Township.

Section 2. Definitions

As used in this ordinance, the following terms have the following meanings:

“Authorized Township Official” refers to the Charter Township of Garfield Zoning Administrator, Code Enforcement Officers, and any such other departments or agencies authorized by the Township Board.

“Person” means an individual, partnership, association, limited liability company or corporation.

“Licensee” means the person designated by the titleholder to be the licensee of the short-term rental property. A licensee must own at least 50% of the ownership interests in the short-term rental property, or have control of the entity, as established by proof satisfactory to the Township.

“Local Agent” means an individual designated by the owner(s) of a dwelling unit to oversee the short-term rental of a dwelling unit in accordance with this ordinance and to respond to calls from renters, concerned citizens, law enforcement, and representatives of the Township. The local agent must be available to accept telephone calls on a 24-hour basis at all times that the dwelling unit is rented and occupied. The local agent must have a key to the dwelling unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The local agent shall be authorized by all owners to accept service of process upon all owners, jointly and severally, for civil infractions under this Ordinance.

“Short-term rental” means the rental of a single-family residence, a dwelling unit in a 1-to-4-family house, or any unit or group of units in a condominium unit, for terms of not more than 30 consecutive days. Short-term rental does not include the rental of a hotel, motel, hotel condominium, home, or condominium unit that is located within a resort that offers amenities such as golf, a skiing restaurant facility, or group meeting accommodation.

“**Township Clerk**” and “**Township Board**” mean, respectively, the Charter Township of Garfield Township Clerk and the Board of Trustees.

Section 3. License Required

No person shall engage, or be engaged, in the operation, rental or leasing of a short-term rental for which a license is required by any provision of this Ordinance without first obtaining a license from the Township in the manner provided herein. The short term rental of an unlicensed dwelling unit is prohibited.

Section 4. Location

Licensed short-term rentals shall only be permitted in Commercial District Housing Developments as provided for and regulated in the Township Zoning Ordinance. A short-term rental not in an approved Commercial District Housing Development shall be prohibited.

Section 5. Multiple Short-Term Rentals

No person operating, renting, or leasing any short-term rental shall obtain an individual license for each short-term rental. The grant of a license for one short-term rental shall not relieve the person from the necessity of securing individual licenses or permits for each short-term rental.

Section 6. License Application

Unless otherwise provided in this Ordinance, every person required to obtain a license from the Township to engage in the operation, rental, or leasing of any short-term rental home shall apply for said license to the Township Clerk upon forms provided by the Township Clerk and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license.

- (a) Application Form. The following information shall be provided in a license application:
 - (1) The names, addresses and telephone numbers of each owner of the dwelling unit.
 - (2) The name, address, and telephone number of the local agent for the dwelling unit.
 - (3) The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
 - (4) The time periods during the calendar year when the dwelling unit will be available for short term rental.
 - (5) The number of bedrooms (sleeping units) in the dwelling unit.
 - (6) Such other information as the Township deems appropriate.
- (b) Sign an Affirmation and Acknowledgment. The following affirmation and acknowledgment shall be provided in a license application:
 - (1) All owners and the local agent will comply with all provisions of this Ordinance and the Township Zoning Ordinance as it pertains to the dwelling unit.

- (2) That all owners and the local agent acknowledge that any license issued under this Ordinance may be suspended or revoked if persons renting the dwelling unit violate the provisions of this Ordinance or the Township Zoning Ordinance, or the laws of the State of Michigan, the ordinances of Grand Traverse County, or the regulations of the Health Department.
 - (3) The applicant has authority to make these representations on behalf of the owners and local agent.
- (a) Ownership. The following ownership information shall be provided in a license application:
- (1) A copy of the current deed for the property, showing ownership and control of the short-term rental property, and for an entity, a certificate, made under oath, as to the ownership of the short-term rental property, and shall provide such additional information as the Township may request. An entity must designate the licensee who must own at least a fifty percent (50%) interest in the short-term rental property, or have effective control thereof, as determined by the Township.

Section 7. License Year

Except as otherwise herein provided as to certain licenses, the license year shall begin January 1st of each year and shall terminate at midnight on December 31st of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be applied for sixty (60) days prior to the annual expiration date and issued at least fifteen (15) days prior to the annual expiration date.

Section 8. Conditions of Issuance; Issuance

No license shall be granted to any applicant until such applicant has complied with all the provisions of this Ordinance and all other applicable Garfield Township ordinances, including but not limited to the Property Maintenance Ordinance, Dangerous Buildings Ordinance, and the Zoning Ordinance.

Section 9. Approval or Denial of Application

All short-term rental licenses shall be issued by the Township Clerk or his/her designee after certification, and any other Township Official who shall be responsible for the investigation of any short-term rental license application. The Township Clerk shall act to approve or deny an application for a license within a reasonable period and in no event will he/she act to approve or deny said license later than sixty (60) days from the date of a technically complete application to the Township Clerk's office. In determining whether the license should be granted, the Township Clerk or his/her designee will determine whether the applicant has met the standards of this Ordinance and all other Charter Township of Garfield Ordinances and other applicable codes regulations of the State of Michigan, County of Grand Traverse, other applicable regulatory agencies, and of the Township.

Section 10. License Denial

Any person whose initial request for a license is denied shall have a right to a hearing before the Township Board, provided a written request therefore is filed with the Township Supervisor within (10) days following such denial. The Township Board shall have the right to affirm a denial of a license, or the Township Board may grant any license, with or without conditions. In reviewing the applicant's request, the Township Board will consider whether the applicant has met the standards of this Ordinance and all Charter Township of Garfield Ordinances and other applicable codes regulations of the State of Michigan,

County of Grand Traverse, other applicable regulatory agencies, and of the Township as required prior to the granting of the license.

Section 11. Regulations

- (a) Local Agent. All dwelling units used for short term rentals shall have a designated local agent, who shall be authorized to accept service of process for civil infractions under this ordinance on behalf of all owners, jointly and severally.
- (b) Contact Information Posted in Window. A notice (in a form to be prepared by the Township Clerk) shall be posted in a prominent first floor door or window location of any dwelling unit used for short-term rentals stating (in at least 16- point type) the name of the local agent, a 24- hour telephone number with which the agent can be reached.
- (c) Compliance with Codes. The dwelling unit must meet all applicable residential building, health department, nuisance, and safety codes, and all persons in possession of the dwelling unit shall comply with all provision of State law, the Township Building Code, the Township Zoning Ordinance, including but not limited to the following fire and safety requirements: the dwelling unit must have smoke detectors, carbon monoxide detectors, fire extinguishers and building egress installed and maintained per the Township Building Code. The Owner shall post within the dwelling unit in a location visible to all renters a form prepared by the Township containing the Township's codes and regulations relating to occupancy, noise control, trash and recycling, fireworks, outdoor burning and parking, along with any other materials the Township deems necessary.
- (d) Noise and Nuisance. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. All provisions of the Township Code and Zoning Code pertaining to noise and other nuisances shall apply.
- (e) No Signage Advertising Short Term Rental on Property. No signage shall be placed on the property or on the dwelling unit advertising the property as a vacation home rental.
- (f) Insurance. The Owner shall carry insurance on the property and shall disclose to the company carrying such insurance that the property is being used for a vacation home rental. As part of the application for vacation home rental approval, the Owner shall acknowledge and represent to the Township that the Owner is carrying and will carry insurance on the property and that the Owner has notified the insurance company that it is engaged in a vacation home rental of the property. The Owner shall save, indemnify and hold the Township harmless from any failure to carry and maintain such insurance.
- (g) Maximum Occupancy. The maximum occupancy of a vacation home rental shall not exceed two (2) individuals per bedroom (sleeping unit).

Section 12. Where Certification Required

No license shall be granted where the certification of any office of the Township is required prior to the issuance thereof until such certification is made.

Section 13. Certificate of Other Governmental Agencies

In all cases where the certification of any other governmental agency is required prior to the issuance of any license by the Township Clerk, such certification shall be submitted at the time of application for a license to the Township. The application will not be considered technically complete until the certification

is submitted. No license shall be issued by the Township until other required governmental approvals are obtained, and proof of such approvals is presented to the Township Clerk.

Section 14. Inspection Required

The licensee may be required to submit to lawful inspections by Authorized Township Officials. The Township Clerk or his or her designee may refuse to issue a license or permit to any applicant until he or she has a report from any department he or she deems necessary to make an inspection that the applicant or the premises comply with all ordinances and regulations. Persons inspecting licensees, their businesses or premises as herein authorized shall report all violations of this chapter or of other laws or ordinances to the licensing officer and shall submit such other reports as the licensing officer shall order.

Section 15. License Fees

Any license fees required by this Ordinance shall be paid to the Treasurer's Office before the granting of said license. License Fees shall be those set by Resolution of the Township Board.

Section 16. Late Renewals

All fees for the renewal of any license which are not paid at the time they are due shall be paid as "late fees" with an additional twenty-five (25%) percent of the license fee required for such licenses for the first fifteen (15) days that such license fee remains unpaid, and after 15 days, the initial license fee with an additional fifty (50%) percent of such fee.

Section 17. Exhibition of License

The short-term rental license shall always be exhibited in a conspicuous place on the premises. Every licensee shall produce its/his/her license for examination when applying for a renewal thereof or when requested to do so by a Township police officer or by any person representing the Township.

Section 18. Displaying Invalid License

No person shall display any expired license or any license for which a duplicate has been issued.

Section 19. Transferability; Misuse.

No license issued under the provisions of this Ordinance shall be transferable unless specifically authorized by the provisions of this Ordinance. Unless specifically authorized by this Ordinance, no licensee shall transfer or attempt to transfer its/his/her license to another or make any improper use of the same.

Section 20. Misuse; Automatic Revocation

Unless specifically authorized by this Ordinance, in addition to the general penalty provision for violation of this Ordinance under Section 28, any attempt by a licensee to transfer its/his/her license to another or to use the same improperly shall result in the automatic revocation of such license or permit.

Section 21. Suspension or Revocation of License; Notice of Hearing

(a) When any of the provisions of this Ordinance are violated by the licensee, an employee, or independent contractor of the licensee, or individuals occupying the short-term rental are engaged in any conduct which violates any State law or Township ordinance, or for any good "cause," the Township may suspend or revoke the license after notice and a hearing. The term "cause" as used in this Ordinance

includes the doing or omitting of any act or permitting any condition to exist in connection with the short-term rental, which act, omission or condition is contrary to the health, safety and welfare of the public; is unlawful, irregular or fraudulent in nature, is unauthorized or beyond the scope of the license issued, or is forbidden by this Ordinance or any other law. "Cause" shall include, but not be limited to:

- (1) Acts, omissions or conditions that are contrary to the health, morals, safety or welfare of the public;
 - (2) Acts, omissions or conditions that are unlawful, irregular or fraudulent in nature.
 - (3) The arrest and conviction of the licensee for any crime involving moral turpitude.
 - (4) Acts, omissions, or conditions that are unauthorized or beyond the scope of the license granted.
 - (5) Acts, omissions or conditions that are forbidden by the provisions of this Ordinance or any other duly established rule or regulation of the Township applicable to the business;
 - (6) Maintenance of a nuisance upon or in connection with the licensed premises, including, but not limited to, any of the following:
 - A. An existing violation(s) of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory laws or ordinances,
 - B. A pattern of patron conduct in the neighborhood of licensed premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood,
 - C. Failure to maintain the grounds and exterior of the licensed premises free from litter, debris or refuse blowing or being deposited upon adjoining properties.
 - D. Failure to maintain the grounds and exterior of the licensed premises in accordance with an approved site plan.
 - E. Failure to maintain the business or premises in compliance with any approved site plan or other approval granted by the Township, including but not limited to, a special land use approval and any conditions attached thereto.
 - F. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, morals, safety, or welfare of the public.
 - (7) Failure by the licensee to permit the inspection of the licensed premises by the Township's independent contractors or employees in connection with the enforcement of this Ordinance.
 - (8) Fraud or material misrepresentation in the application for a license or in the operation of the licensed business.
 - (9) "Cause" shall also include the nonpayment of personal property taxes, real property taxes or any other obligation due and payable to the Township relating to the licensed premises.
- (b) For conditions posing an imminent threat to the public health, safety and welfare of the community, short term rental occupants or others, an Authorized Township Official, with the approval of the Township Supervisor or his/her designee, is hereby granted the authority to suspend immediately, without notice or a hearing, any license granted hereunder. However, notice of the suspension shall be

given to the licensee within seventy-two (72) hours from the time and date of suspension and the notice shall include the reason for the action. The notice of suspension to the licensee shall contain the effective date and time of such suspension. Notice shall be hand-delivered to the licensee and sent by first class mail to the licensee's last known address. A copy of the notice shall be posted on the front of the short term rental.

- (c) If an Authorized Township Official determines that any licensee or individual occupying the short-term rental is engaged in any conduct which violates any State law or Township ordinance, or is in violation of this Ordinance, the respective official shall prepare a report in writing specifying (1) the specific factual details of such violation(s), and (2) the particular Ordinance subsection(s) violated. The original report shall be filed with the Township Supervisor, who shall provide a copy to the Township Board, and serve a copy of such report upon the licensee or its authorized agent or employee personally or by registered mail.
- (d) Within twenty (20) days from the date the report has been filed with the Township Board, the Township Clerk shall set a date for a hearing before the Township Board on the alleged violation(s) for a determination by the Township Board as to whether the Township Board shall suspend or revoke the license. Notice of the hearing shall be served by the Township Clerk or his/her designee upon the licensee, manager, or person in charge personally or by registered mail not less than seven (7) days before a scheduled hearing date. The notice shall advise the licensee of its right to be represented by legal counsel at the hearing before the Township Board. Additionally, a copy of the notice shall be posted on the front of the short-term rental. The notice shall indicate that the Township has initiated suspension and/or revocation proceedings before the Township Board and state the reason(s) why the Township is requesting a suspension or revocation. The notice shall state the location of the hearing and the date and time that the licensee may appear before the Township Board to give testimony and show cause why the short-term rental license should not be suspended or revoked.
- (e) At all such hearings, the licensee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in its own behalf, by being allowed to present arguments, personally or through legal counsel in its own behalf.
- (f) The Township Board shall hear evidence and testimony by Township Departments and other concerned individuals regarding the request for suspension or revocation. The licensee shall be allowed to present evidence and testimony at the hearing as to why the license should not be suspended or revoked. After the hearing, the Township Board can revoke the short-term rental license, deny the suspension or revocation of the license, or suspend the license for a specific period to require the licensee to take corrective actions as set out in a Resolution of the Township Board before the license will be restored.
- (g) The Township Board shall prepare a written statement of its findings within thirty (30) days of the conclusion of all such hearings and shall serve such findings with the licensee either personally or by registered mail. If the Township Board decides that the license shall be suspended or revoked, the licensee shall forthwith surrender the same to the Township Clerk and shall not thereafter conduct, operate, rent, or lease the short-term rental for which the license was granted unless and until the license is restored and a new license issued to him/her/it.
- (h) If the licensee fails to take corrective action by the date specified by Resolution of the Township Board, the license shall be revoked. Upon suspension or revocation of any license, the Township Clerk shall not issue a new license to the licensee without prior approval of the Township Board.
- (i) The licensee may appeal the final decision of the Township Board to the Grand Traverse County Circuit Court.

Section 22. Sale, Transfer, or Change of Location

Upon sale of a short-term rental, the license issued therefore shall become null and void. A new application shall be filed as provided in this Ordinance prior to the leasing, renting, operating, or occupying of the short-term rental. It shall be the duty of all licensees having knowledge of the sale of a short-term rental to immediately report such sale to the Township Clerk or his/her designee. The failure to do so shall be a violation of this Ordinance punishable as set forth in Section 28 and shall result in an immediate suspension of the short-term rental license.

Section 23. Financial Assurances

Where the provisions of this Ordinance require that the applicant for any license furnish a financial assurance, such financial assurance shall be furnished in an amount deemed adequate by the Township Clerk or his/her designee, or where the amount thereof is specified in this Ordinance or by Resolution of Township Board, in the amount so required. The form of such financial assurance shall be acceptable to and approved by the Township attorney.

Section 24. Expiration of Short-Term Rental License

All licenses issued under this Ordinance shall expire either:

- (a) One (1) year from the date of issuance; or
- (b) Any time the ownership of the premises changes; or
- (c) Any time the license is suspended or revoked, whichever occurs first.

Section 25. Renewal of Short-Term Rental License

Unless otherwise provided in this Ordinance, an application for renewal of a license shall be considered in the same manner as an original application. Should an application for renewal of an existing license be denied by the Township, the denied applicant may appeal said decision by filing with the Township Clerk a written request for a hearing before the Township Board. Such request must be served upon the Township Clerk within two (10) days of the applicant's receipt of the denial notice. To obtain renewal of a business license:

- (a) The applicant(s) shall present the following information to the Township Clerk or his/her designee.
 - (1) A sworn affidavit by the applicant(s) stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes that have occurred.
 - (2) The names, addresses, birth dates and driver's license numbers of each owner and individual who will be a manager, acting manager or in charge of each facility.
- (b) Inspections shall be conducted by Authorized Township Officials to verify that the requirements of all applicable Township Ordinances are being met prior to renewal of the license.

Section 27. Exemptions

The provisions of this Ordinance shall not apply to any agency of the United States of America, the State of Michigan, or any political subdivision thereof.

Section 28. Violation and Penalty

Violation of a provision of this Ordinance is a municipal civil infraction. In addition, a violation of this Ordinance is hereby declared to be a *nuisance per se* and the Township specifically reserves the right to proceed in any court of competent jurisdiction to obtain an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Every day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties and sanctions as a separate offense.

Section 29. All Ordinances inconsistent herewith are hereby repealed.

Section 30. Effective Date.

This Ordinance will become effective seven (7) days following its publication in a newspaper in general circulation within the Township as provided by law.

DRAFT

At a regular meeting held on _____, 2024, a motion was offered by _____, with support from _____, to approve the foregoing Ordinance No. **XX**. The motion was carried as follows in a roll call vote.

Upon roll call vote, the following voted:

YES:

NO:

ABSENT:

ORDINANCE NO. **XX ADOPTED.**

Chuck Korn, Supervisor

Lanie McManus, Clerk

CERTIFICATE

I, Lanie McManus, the Clerk of Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Ordinance No. **XX** which was adopted by the Township Board of the Charter Township of Garfield on the ____ day of _____, 2024 Garfield Township Ordinance No. **XX** shall take effect upon the expiration of seven (7) days following publication.

Date

Lanie McManus, Clerk

Introduced: <insert date>

Adopted: <insert date>

Published: <insert date>

Effective: <insert date>

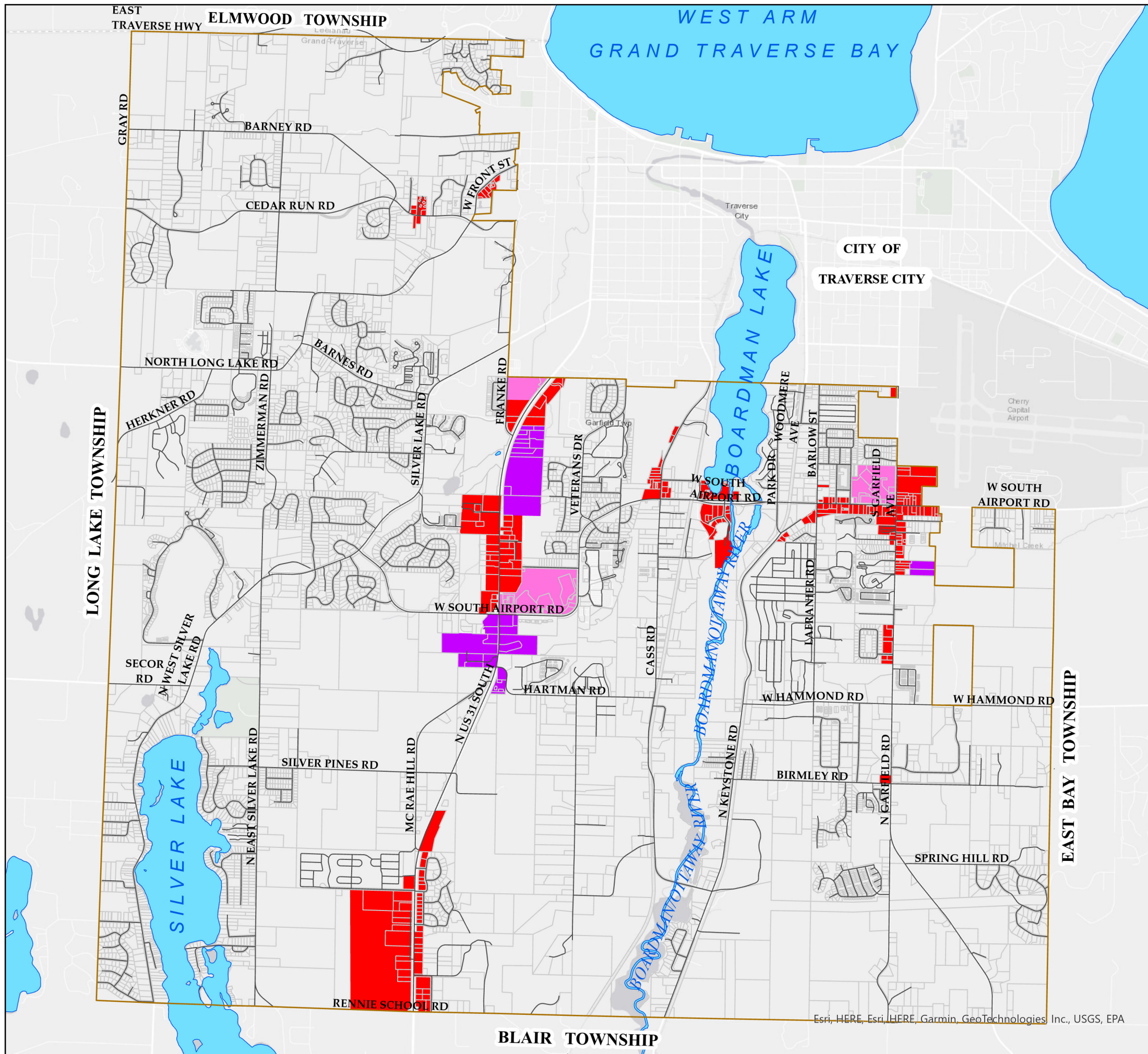
Zoning Map Excerpt C-G, C-H, and C-P

Legend

Zoning Districts selection

Zoning

- C-G - General Commercial
- C-H - Highway Commercial
- C-P - Planned Shopping




Charter Township of Garfield
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688



NOT A LEGAL SURVEY

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not provide any warranty, either express or implied, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate. Always contact a surveyor to be sure of where your property lines are located.

 Charter Township of Garfield Planning Department Report No. 2024-69		
Prepared:	August 22, 2024	Pages: 1
Meeting:	August 28, 2024 Planning Commission Study Session	Attachments: <input checked="" type="checkbox"/>
Subject:	Sign Ordinance – Continued Discussion	

BACKGROUND:

At the past few study sessions, the Planning Commission has discussed priority updates to the Zoning Ordinance for 2024, including the sign regulations in Section 630. There are several cases from the past 5-10 years reviewed by the United States Supreme Court which may impact how municipalities can regulate signs. Many of these court cases focus on ordinance regulations which cover the content of a sign rather than regulations covering the size, setback, or other aspects of a sign.

STAFF COMMENTS:

Staff have attached a draft of Section 630 including some proposed changes based on the information provided at previous study sessions and discussions with the Planning Commission. This is intended to be a “first pass” for any potential future Zoning Ordinance amendment. Some of the proposed changes in this first draft include the following:

- Adding content-neutral language throughout this entire Section
- Allowing the Planning Director to approve up to six (6) internal directional signs in the C-P district and in Planned Developments
- Removing the provision allowing for modifications to the wall sign standards in the C-P district and in Planned Developments
- Reconstructing subsection 630.N with content-neutral language, and renaming this subsection to “Signs Always Permitted and Exempt Signs”

ACTION REQUESTED:

These items are for discussion only. No action is requested.

Attachments:

1. Draft Section 630 Proposed Changes

SECTION 630 SIGNS

A. Regulations and Conditions

This section establishes standards to regulate the type, number, physical dimensions, and placement of signs in the Township. Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in Garfield Township without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this ordinance to establish regulations governing the display of signs which will:

- (1) Promote and protect the public health, safety, comfort, morals, and convenience;
- (2) Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- (3) Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
- (4) Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- (5) Reduce conflict among signs and light and between public and private environmental information systems; and
- (6) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

B. Applicability

- (1) It shall hereafter be unlawful for any person to erect, construct, install, place, replace, locate, rebuild, modify, maintain a sign or allow a sign to remain on property in the Township except in compliance with this Section.
- (2) The effect of this Section is:
 - (a) To regulate any sign, display, figure, painting, drawing, message, placard, poster, billboard, or other thing, visible from a public or private right-of-way and that is used, or has the effect of being used, to advertise, announce, or identify the purpose of any business, establishment, person, entity, product, service or activity;
 - (b) To establish a permit system to allow a variety of sign types in commercial and mixed-use business zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
 - (c) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this Section, but without requirement of a permit;
 - (d) To prohibit all signs that are not expressly permitted by this Section; and
 - (e) To provide for enforcement of the provisions of this Section.
- (3) In the event of conflict between the regulations of this Section and those of other local, state, or federal regulations, the more restrictive regulation shall govern.

C. Non-conforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

- (1) Expanded, altered or changed from a manual changeable letter sign to electronic changeable copy sign so as to increase the degree of nonconformity of the sign;
- (2) Re-established after its discontinuance for two hundred and seventy-five (275) days;
- (3) Continued in use after cessation or change of the business or activity to which the sign pertains;
- (4) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent of the appraised replacement cost, as determined by the Zoning Administrator;

D. Signs Permitted in RR, R-1, R-2, and R-M Residential Districts

In the RR, R-1, R-2, and R-M Districts the following signs shall be permitted:

- (1) One (1) non-illuminated sign ~~advertising for sites including~~ a home occupation or professional service not to exceed three (3) square feet in area and attached flat against a building wall. This standard shall not apply within the R-3 District.
- (2) One (1) monument sign, not exceeding sixteen (16) square feet in sign face area, which is part of the entrance treatment to a project development, such as platted subdivision, site condominium, multi-family development, or mobile home development. Signs may be illuminated as regulated by Section 630.M.(7) of this ordinance. The sign may be placed upon an architectural entrance feature provided the height of the entrance feature does not exceed six (6) feet and is setback fifteen (15) feet from the property line.

E. Signs Permitted in C-L, C-G, and C-H Commercial Districts

In the C-L, C-G, and C-H Districts the following signs shall be permitted:

- (1) All signs permitted under Section 630.D.(1).
- (2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area ~~indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises,~~ subject to the following conditions:
 - ~~(a)~~ (a) Such signs shall be located at least 100 feet away from any residence or residential district
 - ~~(b)~~ (b) Only one (1) free-standing sign shall be allowed along any major thoroughfare. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.
 - (i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.
 - ~~(c)~~ (c) Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure. Sign luminance shall not be greater than 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset. Sign luminance shall not be greater than 200 candelas per meter squared at all other times. Sign lighting shall meet the requirements of this Ordinance.
- (3) Wall signs for individual establishments. The maximum wall sign area shall be the lesser of 100 square feet or 20% of the wall area to which the sign is attached. More than one sign may be placed on a principal building wall provided that the maximum square footage limitation for the building

wall is not exceeded. ~~Wall mounted changeable copy signs are prohibited in all districts. (moved to Prohibited Section 630.P)~~

- (4) Individual tenants within a multi-tenant building. One 40-square foot wall sign per exterior tenant wall. In the instance of a tenant occupying more than one designated tenant unit, the tenant shall be permitted one sign per unit wall provided that no sign exceeds 40-square feet. Tenants occupying corner units shall be permitted an additional 40-square foot sign on the secondary wall. An individual tenant shall not be permitted an individual ground sign. Wall signs shall be located on a primary building wall, and are not permitted on secondary building walls.
- (5) Anchor tenants within a multi-tenant development. In accordance with Section 630.E.(3). A Shopping Center Anchor Tenant includes retail establishments of fifty (50) thousand square feet or more in floor area.
- (6) Shopping center identification. In accordance with Section 630.E.(2). The sign shall identify the commercial center and/or individual tenants within a multi-tenant commercial center. Individual ground signs for tenants are prohibited.

F. Signs Permitted in C-O Office Commercial Districts:

In the C-O District the following signs shall be permitted:

- (1) Freestanding signs. One freestanding sign, including project development signs, of not more than forty (40) square feet in sign face area ~~indicating the location of a business, or development, physically located on the property.~~
- (2) Wall signs. The maximum wall sign area shall be forty (40) square feet per building.

G. Signs Permitted in the C-P Planned Shopping Center District and in Planned Developments:

In the C-P Planned Shopping Center district and in Planned Developments, the following signs shall be permitted:

- (1) Applicability. This section shall apply to all new signs, which shall include the following:
 - (a) Removal and replacement of a sign structure.
 - (b) Removal and replacement of wall sign channel letters.

The following shall not be considered new signs:

- (c) Changing the sign face or the sign copy on a sign within an existing sign structure.
- (d) Repair of an existing sign.

(2) Signs permitted by right.

- (a) Residential Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign for a home occupation or professional service; no illumination of signs is permitted; maximum of 3 square feet per sign.
 - (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 16 square feet per sign; maximum of two (2) signs per roadway frontage. Signs may be illuminated as regulated by Section 630.M.(7) of this Ordinance. The sign may be placed upon an architectural entrance feature provided the height of the entrance feature does not exceed 6 feet and is setback 15 feet from the property line.
- (b) Office Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. One (1) sign per building; maximum of 40 square feet per sign.

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- (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 40 square feet per sign; maximum of two (2) signs per roadway frontage.
- (c) Commercial Uses in the C-P Planned Shopping Center district and in Planned Developments, and Industrial Uses in Planned Developments.
 - (i) Wall Signs. One (1) sign per exterior storefront. The maximum area per sign shall be the lesser of 100 square feet or 20% of the area of the wall to which the sign is attached. Businesses occupying corner spaces are permitted one (1) sign on the additional exterior wall.
 - (ii) Freestanding Signs. One (1) freestanding monument sign located at each roadway entrance to the development; maximum of 40 square feet per sign; maximum of two (2) signs per roadway frontage. For developments which include more than 10,000 square feet of retail space, one (1) freestanding sign along each roadway frontage is allowed in place of another permitted freestanding sign, according to the following:
 - 10,000 – 25,000 square feet of retail space; maximum of 60 square feet per sign
 - 25,000 – 50,000 square feet of retail space; maximum of 80 square feet per sign
 - More than 50,000 square feet of retail space; maximum of 100 square feet per sign
- (d) Mixed Uses in the C-P Planned Shopping Center district and in Planned Developments.
 - (i) Wall Signs. The number and size of wall signs shall be based on each type of use included in the development according to the standards of (a) through (c) above.
 - (ii) Freestanding Signs. One (1) sign located at each roadway entrance to the development; maximum of two (2) signs per roadway frontage. The size and type of this sign shall be determined by type of use included in the development with the maximum area permitted by (a) through (c) above.

(3) (e) Internal Directional Signs ~~Signs subject to Planning Commission approval.~~

- ~~(a) Internal directional signs are permitted with a maximum of six (6) square feet per sign. Such signs shall be placed at logical locations to facilitate traffic within the site. The location and design of six (6) or less signs shall be subject to Planning Director approval and clearly indicated on an overall site plan. The location and design of more than six (6) and quantity of internal directional signs shall be subject to Planning Commission approval and clearly indicated on an overall site plan.~~
- ~~(b) The Planning Commission shall have the ability to modify any of the wall sign standards in Section 630.C.(2) provided all the following criteria are met. Any modification of these standards shall be applicable for only the lifespan of the sign in question and shall not be transferable to any other sign or lot, shall not be considered a variance, and shall not run with the land. The decision of the Planning Commission shall be applicable to only the specific application and shall not be considered to set precedent.~~
 - ~~(i) The proposed sign(s) shall be designed as an integral part of the development and compatible with the overall design.~~
 - ~~(ii) Any proposed sign shall be found by the Planning Commission to be appropriate in scale, bulk, and location relative to the site and shall be found to be compatible with surrounding land uses.~~
 - ~~(iii) The sign does not block the view of other nearby signs to the extent that it would harm the ability of other businesses in the surrounding neighborhood to operate.~~

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~~(iv) For a wall sign, the building is set back greater than two hundred (200) feet from the centerline of the nearest roadway, or the wall to which the sign is attached is greater than five hundred (500) square feet, and the requested increase in wall sign area is not more than fifty (50) percent greater than that allowed in Section 630.C.(2).~~

~~(v) There are other unique circumstances or existing conditions on the site which warrant consideration by the Planning Commission.~~

~~(4)(3)~~ Signs prohibited under any circumstances.

(a) Prohibited in both the C-P district and in Planned Developments:

(i) All signs described in §630.P

(ii) Changeable copy signs and Billboard signs.

(iii) Signs with exposed neon or other exposed lighting source (excepting "gooseneck" style and shielded downward illumination of non-internally illuminated signs).

(b) Prohibited in the C-P district:

(i) Cabinet signs.

H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts:

In the I-G and I-L Districts the following signs shall be permitted:

(1) All signs as permitted by Section 630.E.

I. Signs Permitted in A Agricultural District:

In the A District the following signs shall be permitted:

(1) All signs as permitted by Section 630.D.

(2) Freestanding signs. One (1) sign, per parcel, of not more than fifty (50) square feet in face area ~~to advertise the sale of farm products grown or produced on the premises~~ on sites with a Farm Operation as defined by this Zoning Ordinance ~~or to indicate the location of a business or use allowed under the standards of the Agricultural Zoning District.~~

J. (Reserved)

K. (Reserved)

L. Billboards

(1) Purpose

(a) Protect the Township's distinctive community character and natural landscape.

(b) Protect the Township's scenic resources, scenic roadsides, and view sheds;

(c) Enhance the economic base associated with tourism and the community's overall economic well-being by protecting the natural, scenic beauty of the Township;

(d) To foster and enhance the Township's dark sky policy; and

(e) To satisfy the public need for commercial information disseminated by billboards.

(2) In light of the findings made by the Township (in connection with the 2002 amendment to these regulations) with respect to the extent and sufficiency in number of billboards and outdoor advertising signs within the Township, and, notwithstanding, anything contained in this Section to the contrary, no permit shall be issued for a billboard or outdoor advertising sign if construction of the billboard or outdoor advertising sign will result in there being more than twenty (20) billboard or outdoor advertising sign structures or forty (40) billboard or outdoor advertising sign faces in the Township. Lawfully constructed non-conforming billboards or outdoor advertising signs shall be counted for purposes of this Section.

- (3) Billboards shall only be located within the I-G and I-L zoning districts. Notwithstanding the provisions of this section, no billboards or outdoor advertising signs shall be permitted in the I-G and I-L zoning districts on any property abutting or within two thousand six hundred forty (2,640) feet of Birmley, Hammond and Hartman Roads.
- (4) Dimensional Requirements, spacing and lighting:
 - (a) No billboard, advertising sign boards, or advertising structures shall be more than two hundred thirty (230) square feet in area or more than thirty (30) feet in height; and PROVIDED FURTHER, the distance between such billboards or signs shall not be less than one thousand four hundred (1,400) feet).
 - (b) Billboard or highway advertising sign luminance shall not be greater than 4,200 candelas per meter squared beginning one hour after sunrise and continuing until one hour before sunset, and greater than 200 candelas per meter squared at all other times. Billboard lighting shall meet the requirements of this Ordinance.
 - (c) Signs with static messages or images that change are permissible, provided the rate of change between two static messages or images is not less than ten (10) seconds. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.
- (5) Nonconforming Billboards, due to their location within a zoning district other than the I-G and I-L zoning districts, may not be converted to any form of electronic display, whether static or changeable.
- (6) Billboards shall be subject to the requirements of Section 630.P.

M. General Sign Standards

(1) Placement, Height, Ground Clearance, and Projection

- (a) Freestanding Signs
 - (i) Placement. Freestanding signs may be located anywhere on a site, subject to the following limitations:
 - a. Setbacks. Sign setbacks shall be measured from all lot lines. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from the front, side, or rear property line.
 - b. Under no circumstances shall any portion of a freestanding sign be located within a public right-of-way.
 - c. The Zoning Administrator may require a sign to be further set back from the right-of-way where necessary to provide clear vision areas for motorists and pedestrians.
 - d. A minimum ten (10) foot horizontal separation between any sign and any overhead utility shall be maintained at all times. Any part of a sign, including cables, guys, etc. shall maintain a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other utility pole.
 - (ii) Height. The height of any freestanding pylon sign shall not exceed twenty (20) feet. The height of any freestanding monument sign shall not exceed ten (10) feet.
 - (iii) Where any portion of a freestanding sign projects over a vehicular driveway or parking area, a minimum ground clearance of fourteen (14) feet shall be maintained. Where any portion of a freestanding sign projects over a public or private sidewalk or pathway, a minimum ground clearance of eight (8) feet shall be maintained.
- (b) Wall Signs
 - (i) Placement. Wall signs may be placed on any primary building wall.

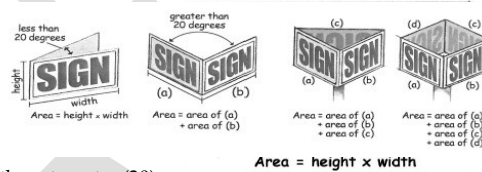
- (ii) Height. The height of any wall sign shall not exceed the height of the building. Wall signs may be placed on a primary building wall's parapet provided that the parapet does not exceed a height of six (6) feet above the building's roofline.
- (iii) Projection. A wall sign shall not project from the wall to which it is attached by greater than twelve (12) inches.
- (iv) Ground Clearance. Where any portion of a wall sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.

~~(v) Changeable copy wall signs are prohibited.~~

(2) Measurement

- (a) Area Measurement. The area of a sign shall be measured as the area within a single, straight line square or rectangle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles, or other structure necessary to support the sign.

- (b) Multiple Faces. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back, are of equal size, and are no more than twenty (20) degrees apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the sign area.



(2) Supporting Structure

The necessary supports, uprights, or monuments on which a sign is placed may not exceed fifty percent (50%) of the permitted square footage of the sign, excluding those portions of the support below street grade.

(3) Materials

Sign materials shall be made of wood, metal, plastics, masonry, or other durable surfaces approved by the Zoning Administrator.

(4) Free Speech

Unless otherwise prohibited in this Section, non-commercial copy (that is unrelated to commercial or business endeavors) may be substituted for commercial copy on any lawful structure.

(5) Illumination

Illuminated signs shall not create glare or unduly illuminate the surrounding area. The following provisions shall apply to illuminated signs that are permitted elsewhere in this article.

- (a) Light Sources. Signs shall be illuminated only by steady, stationary, shielded light sources using approved electrical devices. Exposed bulbs are prohibited except where neon or LED bulbs are used as signs.

- (b) Direction and Shielding. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be directly visible from or aimed at streets, roads, or properties. To the extent possible, fixtures shall be mounted and directed downward (below the horizontal).
- (c) Back-Lit and Internally-Illuminated Signs. Back-lit and internally-illuminated signs shall not cause excessive glare, and light emitted from such signs shall not encroach onto surrounding properties.
- (d) Motorist Distraction. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (e) Adjacent Residential Use. Where a lot is adjacent to a residential use, back-lit and internally illuminated signs are prohibited on any side or rear building face exposed to view from a residential use.
- (f) Underground Wiring. Underground wiring shall be required for all signs that are not attached to a building.

N. Signs Always Permitted and Exempt Signs

The following signs are permitted throughout the Township. Unless otherwise noted, a sign permit is not required; however, the sign shall comply with the standards listed below.

~~(1) Address Numbers and Street Names:~~

~~(2)(1) Canopy Signs. Up to fifteen (15) square feet in signage per canopy side, located upon drive-through canopy structures for gas stations and financial institutions. A sign permit is required.~~

~~(3) Construction signage identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty two (32) square feet in sign face. Construction signs shall be removed before a Certificate of Occupancy is issued for the premise. Such signage shall not be placed closer than ten (10) feet from the edge of the right of way and shall not exceed eight (8) feet in height.~~

~~(4) Community Special Event signs placed on the site where the event will be held not more than 5 (5) days in advance of the date on which the event will held.~~

~~(5)(2) Directional Signs. One (1) six (6) square foot internal directional sign which is placed at least 20 twenty (20) feet from a road right-of-way AND two (2) one (1) square foot directional signs which may be placed anywhere on the project site. A sign permit is required.~~

(3) Governmental Signs. Any sign installed by a governmental entity including Garfield Township, Grand Traverse County, State of Michigan, the United States government, or any of their respective agencies for the protection of the public health, safety, and welfare, including but not limited to:

(a) Emergency and warning signs necessary for public safety

(b) Traffic control signs installed in compliance with the adopted state and federal editions of the Manual on Uniform Traffic Control Devices (MUTCD)

(c) Signs required to be displayed by law

(d) Signs installed in accordance with state laws such as the Highway Advertising Act 106 of 1972 (MCL 252.301 et seq.), Tourist-Oriented Directional Signs Act 299 of 1996 (MCL 247.401 et seq.), or Official Historical Society of State Act 319 of 2002 (MCL 2.411 et seq.)

(e) Signs identifying the location of public facilities or essential services

~~(6)(4) Hanging Signs, suspended below a marquee, awning, or canopy, provided that the sign measures less than four (4) square feet and maintains a ground clearance of eight (8) feet between the lowest point of the sign and the grade. One hanging sign shall be permitted per business. A sign permit is required.~~

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- (7) Historical or memorial signs such as "Centennial Farm" plaques and/or other signs representing awards won by a farm unit and/or its proprietors.
- (5) Incidental signs intended for users within or on a property, and which are generally not legible from the right-of-way. Such signs shall not exceed one (1) square foot in area per sign each, identifying hours of operation, pickup and delivery areas, etc., and limited to a maximum of five (5) signs per site.
- (1) "No Hunting" or "No Trespassing" signs which do not exceed one (1) square foot in area.
- (6) Signs which are necessary for the public health, safety, and welfare, including but not limited to:
- (a) Address numbers, as required by the Grand Traverse County Street and Road Naming and Address Ordinance (County Ordinance No. 11)
 - (b) Public information signs, such as warning signs identifying hazards on private property
 - (c) Signs identifying the location of utilities
- (7) Yard Signs
- (a) Size – All yard signs shall not exceed eight (8) square feet in area in the R-1, R-2, R-3, R-R, M, and A districts; and shall not exceed sixteen (16) square feet in area in all other districts
 - (b) Spacing – All yard signs shall be spaced at least twenty (20) feet apart on an individual parcel
 - (c) Setbacks – All yard signs shall be set back at least ten (10) feet from any property line or right of way line.
 - (d) Such signage shall not exceed eight (8) feet in height and shall not be illuminated.
- Official Signs. Official signs, including signs for essential services, governmental purposes, public recreation area identification, and utility identification are permitted in all zone districts provided the sign does not exceed forty (40) square feet in area. Such signs shall not be subject to the setback requirements.
- (0) Political Signs. A political sign shall not exceed eight (8) square feet in area, shall be spaced at least twenty (20) feet apart on an individual parcel, may not be erected more than four (4) months prior to an election, and shall be removed within five (5) calendar days following the election.
- (0) Real Estate Signs.
- (-) For Residential Uses less than one (1) acre, one (1) six (6) square foot real estate sign per parcel.
 - (-) For Residential Uses greater than one (1) acre, and for Non Residential Uses, one (1) sixteen (16) square foot real estate sign per parcel.
 - (-) All real estate signs shall be placed on premises of property that is for sale or lease, shall not be illuminated, and shall be placed no closer to the street or highway line than fifteen (15) feet.

S.O. Temporary Event Signs for approved Outdoor Sales Events, as follows:

- (1) Temporary event signs advertising special events, grand openings, going out of business, or other temporal events may be permitted provided that they if such signs are affixed to and overlay existing permitted signage and do not exceed the square footage of such existing signage, and are in place. Temporary signs are permitted for a maximum of fifteen (15) days in any one hundred eighty (180) day period.
- (2) Banners are permitted to be used as temporary event signs for the purpose of a temporary outdoor sale specifically permitted by this Ordinance, provided that:
- (a) Only one (1) banner per temporary outdoor use event shall be permitted unless the event is located on a corner lot, in which case a maximum of two (2) banners shall be permitted.
 - (b) The maximum size of any one (1) banner shall be twenty (20) square feet. Where two (2) banners are permitted, the maximum combined size shall be thirty-two (32) square feet.
 - (c) The banner shall be located not more than five (5) feet from the temporary outdoor use event.

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- (d) When affixed to a tent, no banner shall be erected higher than the eave of the tent. A freestanding banner attached to a pole or similar supporting structure shall not exceed a height of ten (10) feet, measured to the top of the banner.
- (e) No illumination shall be permitted
- (f) Sign review shall be required and shall be approved only for the specific duration of the temporary ~~outdoor use~~ event.

T.P. Prohibited Signs

- (1) ~~Any sign which is abandoned, damaged, or not maintained in clean and good repair. signs~~
 - ~~(-) Removal Required. Any sign that advertises, identifies, or pertains to an activity that no longer exists or that no longer refers to a business conducted or product sold on the lot shall be removed within sixty (60) days of written notice. The sign cabinet shall either be removed in its entirety, or the sign face shall be removed, painted a neutral color, or a blank sign face substituted.~~
 - ~~(-) Extension. Upon petition of the property owner, the Zoning Administrator may grant an extension of the requirement to remove the sign face or sign structure, subject to the owner submitting a statement of intent and a reasonable time line for the re-use of the sign face or sign structure.~~
- ~~(4) Signs which do not relate to existing businesses or products.~~
- ~~(5)(2) Off-premises signs as defined herein, except as provided in Section 630.L. Billboards where permitted.~~
- ~~(6)(3) Signs which are illegal under State laws or regulations and/or applicable local ordinance or regulations.~~
- ~~(7) Non Maintained Signs. Signs that are not clean and in good repair.~~
- ~~(8)(4) Signs not securely affixed to a substantial structure, including signs which are not customary vehicular signage placed on parked vehicles.~~
- ~~(9)(5) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with or resemble any official traffic sign, signal or device.~~
- ~~(10)(6) Signs which fail to satisfy applicable standards set forth in this Ordinance.~~
- ~~(11)(7) Signs which did not first receive a permit.~~
- ~~(12)(8) Signs, except those established and maintained by Municipal, County, State or Federal governments, located in, projecting into, or overhanging within a public right-of-way or dedicated public easement.~~
- ~~(13)(9) Signs which revolve, move, or flash, including electronic changeable message boards running animated displays or sequential messaging, (including scrolling and moveable text and video messages), or any combination of the foregoing, except for signs as provided for in Section 630.E. Instant re-pixelization pixelization shall not be considered scrolling, moveable text, or video.~~
- ~~(14)(10) Changeable copy sign, except as provided for in Section 630.E.~~
- ~~(15)(11) Airborne or inflatable devices or characters, including but not limited to bounce houses, slides or balloons, situated, displayed or tethered in such a manner as to draw attention to a product, business or location.~~
- ~~(16)(12) Flags, banners, flag banners or pennants used for the purpose of attracting attention or advertising, however, excluding:

 - (a) Official government, trademarked, or otherwise commercially recognizable, corporate, or institutional flags placed on a permanent flagpole;
 - (b) Family flags used as part of the landscape of a legal use;
 - (c) Festival banner flags; and~~

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(d) Banners used as ~~temporary signs for the purpose of a temporary outdoor sale event signs~~ permitted by Section 630.O.(2) of this Ordinance.

~~(17)~~(13) Human Signs. Persons dressed in costume and/or carrying/holding signs for the purpose of advertising or otherwise calling attention to a business or product when standing within ten (10) feet of a public road right-of-way.

~~(18)~~(14) -Signs which do not meet the dark sky requirements of this Ordinance.

~~(19)~~(15) -Parked Vehicle. Any sign affixed to a parked vehicle or trailer which, due to the regular location of the vehicle shows it is being used principally ~~for advertising purposes~~ as a sign, rather than for transportation purposes.

~~(20)~~(16) Temporary signs, except as specifically provided in Section 630.O.(1).

~~(17)~~ Portable Signs.

~~(21)~~(18) Wall mounted changeable copy signs are prohibited in all districts.

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U.O. Sign Safety and Maintenance

- (1) 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.
- (2) Maintenance. Every sign, including those specifically exempt from this article, with respect to permits and fees, shall always be maintained in good repair and sound structural condition ~~at all times~~. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.
- (3) Safety. All signs must remain safe and secure during the period of use. All parts of the sign, including bolts and cables, shall remain painted and free from corrosion. The Zoning Administrator shall inspect and may order the painting, repair, alteration 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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R. Permits, Application Requirements, and Approval

The purpose of this Section is to set forth procedures and standards for processing sign permit applications. Except as provided elsewhere in this Article, it shall be unlawful for any person to erect, place, install, convert to electronic, display, alter, or relocate a sign without first obtaining a sign permit or permits. A sign permit shall not be issued if the existing site has signage violations per the regulations of this Article.

- (1) Sign Permit Required. A sign shall not be placed, erected, re-erected, constructed, installed, modified, ~~displayed~~, relocated, converted to electronic or altered prior to the issuance ~~of~~ a sign permit by the Zoning Administrator, except as provided below:
 - (a) Maintenance and Repairs of Signs. A sign permit shall not be required for the routine maintenance or repair of an existing conforming sign, including repair or replacement of electrical wiring, electrical components, or internal bulbs (excluding electronic changeable copy), but excluding replacement faces or modifications which change the outward appearance, ~~display~~, size, structure, or cabinet of the sign.
- (2) Application Requirements. An illustrated plan shall be provided with a sign permit application. Such plan shall be rendered at a scale determined by the Administrator to be reasonable and shall include the following elements of the proposed or modified signage:
 - (a) Sign type;

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- (b) Dimensional characteristics, such as height, width, vertical clearances, and face area as measured per Section 630.M.2;
 - (c) Materials, appearance, and lighting of the signage;
 - (d) Relationship to buildings or structure and location on buildings;
 - (e) Setbacks from rights-of-way; and
 - (f) Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.
- (3) Upon receipt of an application, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Zoning Administrator shall advise the applicant of additional elements required for consideration by the Township.
 - (4) Within ten (10) business days of receiving a complete application, the Zoning Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Zoning Administrator shall issue a Sign Permit to the applicant. If the application is not in compliance, the Zoning Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
 - (5) The Zoning Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
 - (6) Inspection and Compliance. The Zoning Administrator shall inspect each new or modified sign for which a permit is issued to determine whether the sign is in full compliance with the Sign Permit and this Ordinance. If the construction is not in full compliance with this Ordinance, the Zoning Administrator shall give the applicant notice of the deficiencies and order corrective action.
 - (7) Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where such assignment would result in a sign that is materially or substantially different in any way to the sign which was permitted, as determined by the Zoning Administrator.
 - (8) Sign permit requests require individual applications and review fees at the time of submittal.
 - (9) Permit Expiration. All permits are valid for one (1) year from the date of issue.