

TOWNSHIP OF ARCADIA
Manistee County, Michigan

ZONING ORDINANCE

**Ordinance No. 183, adopted by Township
Board February 10, 2022**

As amended through Ordinance No. 192, September 2025

SUMMARY AND USER GUIDE

This Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance, to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes 13 such zoning districts as noted in Section 3.1, and as shown on the Zoning Map.

This Zoning Ordinance is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to a public hearing and approval standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Chapters 5-17 of this Zoning Ordinance indicate the permitted uses and special land uses for each of the zoning districts.

Each of Chapters 5-17 also specify other requirements applicable in each particular zoning district, such as the minimum requirements for buildable property (“lot”) in each zoning district, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to generally apply throughout the Township, such as many of the “General Requirements and Supplementary Regulations” in Chapter 4. Sections within this chapter and other chapters of this Ordinance regulate specific matters that may apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance include the following chapters/sections and subject matters:

- Section 4.5---Supplementary Regulations for Waterfront Lots
- Section 4.12---Exterior Lighting Requirements
- Chapter 18---General Regulations for Accessory Uses and Accessory Buildings/Structures, Accessory Apartments, Home Occupations, Accessory Wind Energy Structures, and Accessory Solar Energy Systems
- Chapter 22---Signs
- Chapter 23---Off Street Parking and Loading/Unloading Areas

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- ❖ Step 1: find the property on the official Zoning Map and determine the “zoning district” in which the property is located.
- ❖ Step 2: make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to those requirements; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 25.9 (Chapter 25 also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of this Ordinance).
- ❖ Step 3: refer to the proper Chapter covering that zoning district from Chapters 5–17; and determine whether the intended land use is listed there as either a “permitted use” or a “special land use”.
- ❖ Step 4a: if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 19.2 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Chapter 19 will apply.
- ❖ Step 4b: if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Chapter 20 for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 20.3 specifies what are sometimes called the general standards that apply to all special land uses; but Section 20.7 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Chapter 19 apply to all special land uses.
- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either the Chapter 4 “General Requirements and Supplementary Regulations” or other chapters dealing with specific subjects, such as the chapters listed in the bullet points at the bottom of the preceding page.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 2.2. It is therefore important to refer to Section 2.2 (and Section 22.2 with respect to various terms related to signage) to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its most applicable customary or common meaning (see Section 2.1).

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following chapters/sections on the indicated subjects:

- Chapter 24---Zoning Board of Appeals
- Chapter 26---Administration and Enforcement of Zoning Ordinance
- Section 26.6---Violations and Sanctions
- Chapter 27---Amendments and District Changes

These chapters are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Chapter 24 addressing the limited authority of the Zoning Board of Appeals to grant variance relief, and otherwise covering the authority and functions of that board.

Disclaimer: this Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. In short, although this Summary and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required, it will generally make this Zoning Ordinance easier to understand and use.

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CHAPTER 1
TITLE, PURPOSE AND SCOPE

SECTION 1.1 SHORT TITLE

This ordinance shall be known as the "Township of Arcadia Zoning Ordinance."

SECTION 1.2 PURPOSE

This Ordinance is intended to regulate the use of land and structures for the purposes authorized by the Michigan Zoning Enabling Act, as applied to the Township of Arcadia, based upon the Township Master Plan adopted in September of 2014 (as amended). The land use regulations in this Ordinance are intended to generally implement the "zoning plan" in the Master Plan, and work towards achieving the goals or "cornerstones" laid-out in the Master Plan. Broadly speaking, the purpose of this Ordinance is to promote and safeguard the public health, safety, prosperity, and general welfare of the people; and is also intended, among other things, to:

1. encourage the use of lands, waters, and other natural resources in the Township in accordance with their character and most suitable uses;
2. limit the improper use of land and resources;
3. reduce hazards to life and property;
4. provide for orderly development within the Township;
5. avoid overcrowding of the population;
6. provide for adequate light and air;
7. lessen congestion on the public roads and streets;
8. protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
9. facilitate the establishment of an adequate system of transportation, sewage disposal, safe water supply, education, recreation, and other public requirements;
10. conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

SECTION 1.3 SCOPE

1. This ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other ordinances or laws, except as specifically stated herein, or repeal or affect private restrictions or restrictive covenants, all of which shall continue to have whatever effect may be imparted to them by law.
2. Where this ordinance imposes greater restrictions, limitations or requirements upon the use of lands, buildings and structures than are imposed or required by other laws, ordinances, regulations, private restrictions or restrictive covenants, the provisions of this ordinance shall control.

SECTION 1.4 SEVERABILITY

If any provision of this ordinance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance, where such other provisions may be given effect without the provision thus declared invalid.

CHAPTER 2
RULES OF TEXT
INTERPRETATION/DEFINITIONS
OF TERMS

SECTION 2.1 RULES OF TEXT INTERPRETATION

The following rules of interpretation apply to the text of this Ordinance:

1. The particular shall control the general.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense, (2) words used in the singular number shall include the plural number, and (3) words used in the plural number shall include the singular number.
4. A "building" or "structure" includes any part thereof.
5. The phrases "used for", "arranged for", "designed for", "intended for", "maintained for", and "occupied for" are all intended to be synonymous phrases.
6. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity of any kind, or a combination thereof.
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - A. "and" indicates that all the connected items, conditions, provisions or events shall apply;
 - B. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
8. The word "he" shall mean he or she.
9. The provisions of this Ordinance are intended to impose the minimum requirements adopted to promote the public health, safety, and general welfare, and shall be interpreted and applied accordingly.
10. Any reference in this Ordinance to a specific law is intended to also include any amendment of that law, and any subsequently enacted superseding law on the same subject matter.

11. Any word or term not specifically defined in Section 2.2 or elsewhere in this Ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning.
12. Any issue of interpretation arising under this Ordinance shall be resolved by the determination of the Zoning Administrator, which shall be final and binding on the Township and all persons, subject to timely appeal of any such determination to the Zoning Board of Appeals as provided by law and this Ordinance.

SECTION 2.2 DEFINITIONS OF TERMS

ACCESSORY APARTMENT: A dwelling unit located in a single family dwelling, or in an accessory building that is subordinate in size to the principal single family dwelling on the same lot.

ACCESSORY BUILDING: A building or portion of a building supplementary and/or subordinate to but not attached to a main building on the same lot, or on a contiguous lot under the same ownership, occupied by or devoted exclusively to an accessory use, and not intended for human occupancy except as otherwise allowed by this Ordinance.

ACCESSORY SOLAR ENERGY SYSTEM: An accessory structure using solar energy to generate electrical power or heat intended to primarily serve the needs of the premises on which the structure is located, rather than to generate power for a public utility grid serving other premises.

ACCESSORY STRUCTURE: A structure (which is not a building) subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building, and which is not attached to the principal building.

ACCESSORY USE: A use of a building/structure, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building/structure or lot. This term shall include the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence.

ACCESSORY WIND ENERGY STRUCTURE: An accessory structure using wind to generate electrical power intended to primarily serve the premises on which the structure is located, rather than to generate power for a public utility grid serving other premises.

ADULT FOSTER CARE FACILITY: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care, licensed under Public Act 218 of 1979, as amended. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped, and require supervision on an ongoing basis but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity for not more than six (6) adults who are provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks, where the adult foster care family home licensee is a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity for at least thirteen (13) but not more than twenty (20) adults who are provided foster care.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity for 7-12 adults who are provided foster care.

AGRICULTURE: The use of land for tilling of the soil, raising of forestry or field crops, animal husbandry, or horticulture. Note: this term is generally synonymous with the defined term "Commercial Agriculture", but may also include non-commercial uses of land that otherwise fall within this definition of "agriculture".

AGRICULTURE (Commercial): See definition of "Commercial Agriculture".

ARCHITECTURAL ELEMENT (or architectural detail): That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening. Also, ornamentation or decorative features attached to or protruding from an exterior wall that add detail and/or finely-scaled features to a façade. Examples are plinths, cornices, knee braces, columns, belt courses, chimneys, bay windows and other decorative ornaments.

AGRICULTURAL SERVICE ESTABLISHMENT: Service establishments engaged in performing agricultural or animal husbandry or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service, and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

AIRCRAFT LANDING STRIP: An improved or unimproved private landing facility for a fixed-wing propeller aircraft.

ALLEY: A public thoroughfare or way not more than thirty (30) feet wide and which affords emergency vehicle access and only a secondary means of access to abutting property.

ALTERATIONS: Any change, addition, or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as

walls, partitions, columns, beams, girders; or any other change which may be referred to herein as "altered" or "reconstructed".

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals, or other communication signals.

AVERAGE GRADE: The elevation of the surface of the earth or finished material located immediately adjacent to a structure. Where the grade is not approximately level, the average grade shall be determined by averaging the elevations measured at one point on each side of the building located one-half the distance between the corners of each side of the building.

BASEMENT: A story of a building in which, at any point, 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 shall not be counted in determining the number of stories.

BED AND BREAKFAST: A detached dwelling occupied as the principal residence of the owner or manager, in which sleeping rooms are rented to overnight guests and where incidental food and drink may be offered only to those guests, and the owner or manager is on the premises when the bed and breakfast is active.

BIOFUEL: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term "ethanol" means a substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

BOARD OF APPEALS: The Township of Arcadia Zoning Board of Appeals.

BUILDING: Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals, or property, or carrying out of business activities, or similar uses.

BUILDING CODE or CONSTRUCTION CODE: The building, mechanical, plumbing and electrical codes administered and enforced in the Township of Arcadia (whether by State, County or Township officials).

BUILDING HEIGHT (for the VR, LS, MA, MA-2, PA and M22-2 districts): The vertical distance measured from the average existing unaltered grade at the footprint of the building, or the center of the frontage street at the closest point to the building,

whichever is higher, to the highest point of flat roofs and mansard roofs, or the ridge of gable, hip, and gambrel roofs.

BUILDING HEIGHT (for the RA, RR, M22, CA, LI and SP districts): The vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs.

BUILDING, MAIN (OR PRINCIPAL): A building in which is conducted the principal use of the lot on which it is situated.

BUILDING OFFICIAL/INSPECTOR: The person or persons appointed by the State (or, as applicable, by the Township Board or County) to administer and enforce the Construction Code in this Township, and to inspect buildings for conformance to the Construction Code.

CAMPGROUND/SUMMER CAMP: "Campground" and "Summer Camp" shall mean and include the temporary or permanent buildings, tents, or other structures, together with the appurtenances pertaining thereto, established or maintained as living quarters for children or adults, or both, operated for recreation, education, or vacation purposes on a commercial basis, or for charity or religious purposes. The term "camp" shall not be construed to include buildings, tents, or other structures maintained by the owner or occupant of premises used exclusively to house farm labor.

CHILD CARE CENTER: Any facility in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child Care Center does not include a Family or Group Day Care Home, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a Child Care Center.

CHURCH: A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.

CO-LOCATION: The use of a single support structure, building and/or site by more than one wireless communication provider; may also apply to a provider placing or installing additional wireless communications equipment of that provider on an existing wireless communications support structure or in an existing equipment compound. "Co-located" has a corresponding meaning.

COMMERCIAL AGRICULTURE: The use of land and/or structures for the growing and/or production of farm products for income, including operations where fruits, vegetables, or similar farm products are picked by and sold to the consumer; i.e., "u-pick" operations. As used in this definition "farm products" means those plants and animals useful to humans produced by agriculture, and include but is not limited to

forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, fur or flora.

COMMUNITY EVENT: A temporary outdoor use of land for the purpose of a community gathering and/or celebration operated or approved by the Township Board, such as a carnival, fair, festival, fundraiser, or similar event.

CONDOMINIUM UNIT: A portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use, as a time-share unit, or any other type of use.

DISTRICT OR ZONE: A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIP LINE: An imaginary vertical line extending downward from the outermost edges of the roof eaves of a building to the ground.

DWELLING: A building or portion thereof used exclusively as a residence or sleeping place with cooking and bathroom facilities for one or more persons, permanently or temporarily.

DWELLING, ECONOMY EFFICIENT: See "Economy Efficient Dwelling".

DWELLING, MULTIPLE FAMILY (Multiple Family Dwelling): A building or portion thereof used as a residence for three or more families living independently of each other. This term includes apartment buildings and townhouses.

DWELLING, SINGLE FAMILY (Single Family Dwelling): A detached building used exclusively by one family as a residence.

DWELLING, TWO FAMILY (Two Family Dwelling): A detached building used by two families living independently of each other as their residence.

DWELLING, ACCESSORY APARTMENT: See "Accessory Apartment".

ECONOMY EFFICIENT DWELLING: A dwelling that does not meet the generally applicable minimum size requirements for a dwelling as specified in Section 4.7.1 of this Ordinance, but which complies with the standards for an Economy Efficient Dwelling specified in Section 4.7.2 of this Ordinance and is designated as a permitted use in certain districts.

EQUIPMENT COMPOUND: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

ERECTED: This term includes built, constructed, reconstructed, moved upon, and any physical operations on the premises required for a building or structure. Excavations, fill, drainage, and the like, shall be considered part of this term.

ESSENTIAL PUBLIC SERVICE STRUCTURES AND/OR BUILDINGS: Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Public Service Equipment, or Accessory Wind Energy Structure. Telecommunication towers and antennas and similar wireless communications facilities developed for private enterprise shall not be considered to be Essential Public Service Structures or Buildings. This term is also not intended to include any electricity generating facility.

ESSENTIAL PUBLIC SERVICE EQUIPMENT: Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, traffic signals, fire hydrants, post office boxes, street lights, and similar equipment located either entirely underground or on poles, but not including Essential Public Service Structures or Buildings, or Accessory Wind Energy Structure. Telecommunication towers and antennas and similar wireless communications equipment developed for private enterprise shall not be considered to be Essential Public Service Equipment. This term is also not intended to include any electricity generating facility.

ESTATE SALE: A large, organized sale of someone's possessions, usually held after they have passed away, are moving, or where the owner wants to downsize or otherwise get rid of unwanted items. This type of sale may generally take place primarily within a residence, as compared to a yard sale which takes place exclusively outdoors in a yard, driveway, garage or carport; although an estate sale held by an auction house may also take place outdoors, including under a tent erected on a temporary basis solely for the sale. This land use is only allowed as an accessory use to an otherwise existing lawful principal use, shall not include any rented spaces, and shall not exceed ten consecutive or non-consecutive days in duration.

FAMILY:

- A. One or more persons related by blood, marriage, or adoption, including foster children and servants, occupying a single dwelling unit and living as a single, non-profit housekeeping unit; or
- B. A collective number of individuals occupying a single dwelling unit whose relationship is of a permanent non-transient and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This

definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order; a group of individuals whose association is temporary and/or resort or seasonal in nature; or state licensed residential facilities, as defined by the Michigan Zoning Enabling Act having more than six individuals.

FAMILY DAY CARE HOME: A private home properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et. seq.) in which 1-6 minor children (or such other increased capacity number of minor children permissible under State Law) are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

FARM: Unplatted, contiguous, neighboring or associated land operated as a single unit on which Commercial Agriculture or non-commercial agricultural production activities are carried on. This term does not include establishments such as dog kennels, stockyards, livestock auctions, slaughterhouses, animal rendering plants, stone quarries, gravel pits or sand pits, fertilizer works, or any facility for the disposal of public garbage, sewage, rubbish, or offal.

FARM ANIMALS: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals. The terms "farm animals" and "livestock" may be used interchangeably in this Ordinance.

FARM BUILDINGS: Any building, other than a dwelling, erected or maintained on a farm, which is essential and customarily used on farms in the pursuit of agricultural activities.

FARM LABOR HOUSING: A tract of land, mobile homes, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing.

FARM MARKET: An area and/or permanent or temporary building/structure where transactions between a farm market operator and customers take place as a seasonal or year round operation, and where at least 50% of the products marketed for sale (as measured by retail space used to display products) are produced on and by a farm under the same ownership or control as the farm market. A farm product or commodity sold at a farm market may be unprocessed, or processed to convert it into a value-added product that is more marketable for direct sales (such as by washing, sorting, packaging, canning, drying, freezing, or otherwise preparing the product for sale). A farm market may include other activities and services directly related to the farm products sold at the farm market (such as a cider mill accessory to an apple producer's farm market), but shall not otherwise include indirectly related or unrelated activities and services to attract and entertain customers and/or facilitate retail trade transactions

unless such activity or service is otherwise permissible in the district at issue and has been granted all required zoning approvals.

FARMERS MARKET: A commercial marketing facility where farm products are sold by multiple vendors whose operations/activities are not necessarily otherwise affiliated with each other. A farmers market may include vendor-produced unprocessed farm products (fruits, vegetables, and other farm commodities) and vendor-produced processed farm products (for example, apple cider, jams, pies, breads). Non-edible goods may be sold at a farmers market if they are directly related to or derived from farm products; but a farmers market is not intended to include such land uses/activities as flea markets, yard sales, or any other similar sales event where farm products are not predominant. A farmers market may be open to the public during the growing season not more than one day per week, and not more than thirty consecutive or non-consecutive weeks per calendar year. Note: a farmers market may also include a facility that would otherwise qualify as a "farm market" as herein defined except for the percentage of products offered for sale that are not produced on and by a farm under the same ownership and control as the farm market (e.g., less than 50%).

FARM PRODUCTS: (the definition for this term is included within the definition of "Commercial Agriculture".)

FENCE: Any permanent partition or structure erected as a dividing structure, barrier, or enclosure, and not part of a building.

FLEA MARKET: An open or enclosed venue where people offer various items for sale or trade, typically operating on weekends and attracting people seeking unusual or unique bargains. This type of sale venue may include selling spaces rented to multiple vendors to display their goods, which may range from vintage clothing to handmade crafts, and a wide variety of items. This land use is not presently allowed in any zoning district, as the Township has determined there is no demonstrated need for this land use within the Township and/or there is no location within the Township where this land use may be appropriately located. This term is therefore defined for purposes of the Zoning Ordinance solely to provide guidance as to when a land use/event may constitute an unlawful "flea market" instead of a lawful "yard sale" or "estate sale" pursuant to the definitions of those terms in this Ordinance.

FLOODPLAIN: Those areas which would be inundated by flood waters in a flood of one percent yearly probability, as either shown on maps prepared by the United States Federal Emergency Management Agency (FEMA) or as determined by the Zoning Administrator using the same criteria as FEMA to make floodplain area designation determinations.

FLOOR AREA (or Gross Floor Area): The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls.

FLOOR AREA - USABLE: (for purposes of computing parking requirements) Usable floor area shall be considered as that area to be used for the sale of merchandise or

services or used to serve patrons, clients or customers. Usable floor area shall not include elevator shafts, stairwells, floor space used for mechanical and utility equipment, attic space having headroom of less than seven feet, or interior balconies or mezzanines.

FOOD TRUCK: A licensed kitchen within a licensed and operable motor vehicle or trailer whose method of operation is temporary in nature and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the motor vehicle and/or trailer.

FOOD SERVICE MODULE: A licensed kitchen within a portable module whose method of operation is temporary in nature and may be transient or in a static location and involves the preparation and sale of food and/or beverages in a ready-to-consume state for consumption either on or off the premises, but not within the module.

FRONTAGE: See "Lot Frontage".

GOLF RESORT: A full-service facility that caters primarily to the sport of golf and provides for most of a vacationer's needs on the premises, including lodging, food, drink, sports, entertainment, shopping, etc.

GREENBELT: A natural or planted landscaped area consisting of trees, shrubs, bushes, and grasses designed to provide a visual and spatial buffer between land uses.

GROUP DAY CARE HOME: A private home properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 et. seq.) in which 7-12 minor children (or such other increased capacity number of minor children permissible under State Law) are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the resident of the home by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

HEALTH DEPARTMENT: District Health Department #10, or such other governmental health agency as may have authority with respect to the subject matter where this term is used in this Ordinance.

HELI-PAD: An improved or unimproved private landing facility for a rotary-wing aircraft.

HOME OCCUPATION: An activity carried out for remuneration by a resident conducted as an accessory use in the resident's dwelling unit or accessory building as regulated by Section 18.4 of this Ordinance.

HOTEL: Any building with more than twenty sleeping rooms where lodging is furnished to transient or resident guests for compensation, and having minimal cooking facilities in any individual lodging, but wherein a restaurant may or may not be located. Also see "Motel".

HOUSING FOR THE ELDERLY & SENIOR CITIZENS: A facility or multiple family building for persons 55 years or older, or for those requiring extended care and required to be licensed by the State, which either provides or offers a level of care to its residents or contains individual living resident rooms or dwelling units with or without separate cooking facilities, including but not limited to assisted living facilities, nursing homes, or retirement housing.

KENNEL: A structure, building, or land used for the keeping, care, and raising of cats, dogs or other domestic pets.

KENNEL, COMMERCIAL: Any premises on which more than three dogs, cats, or other household pets six months of age or older are kept for the purpose of breeding, boarding, or sale.

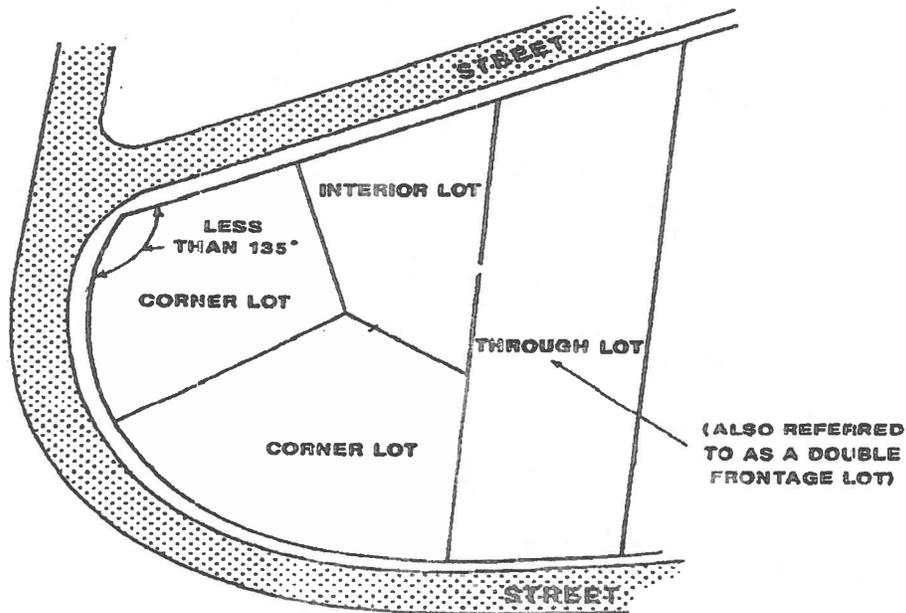
LOT: A metes and bounds parcel of land or a lot in a plat (including a "unit" within a site condominium development) adjoining a public street, or a private road as specifically allowed by this Ordinance, and separated from other lots/parcels by legal description, deed or subdivision plot; provided that the owner of contiguous lots may have as many of the contiguous lots considered as a single lot for the purpose of this Ordinance as the owner so elects, or as may otherwise be lawfully required to render the property buildable in conformance with this Ordinance, and in such cases the group of lots shall constitute a "Zoning Lot" (see definition below).

LOT AREA: The total horizontal area within the lot lines or property boundary of a lot, including the area within public street and private road rights of way if such area is included within the legal description of the lot.

LOT, CORNER: A lot located at the intersection of two or more streets or private roads where the corner interior angle formed by the intersection of the centerlines is one hundred thirty-five degrees (135°) or less, or a lot abutting a curved street or streets if tangents to the curve at the two points where the lot lines meet the centerline form an interior angle of hundred thirty five (135°) or less.

LOT, DOUBLE FRONTAGE: Any lot, excluding a corner lot, which fronts on two streets which do not intersect.

LOT TYPES



LOT COVERAGE: The part or percent of a lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: The distance between the front lot line and the rear lot line measured along the median between the side lot lines.

LOT FRONTAGE: The horizontal distance between side lot lines, measured at the front lot line.

LOT WIDTH: The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required building setback line.

LOT, WATERFRONT: A lot with frontage upon or otherwise touching Lake Michigan, Arcadia Lake, or any other lake, river, stream, or other natural waterway.

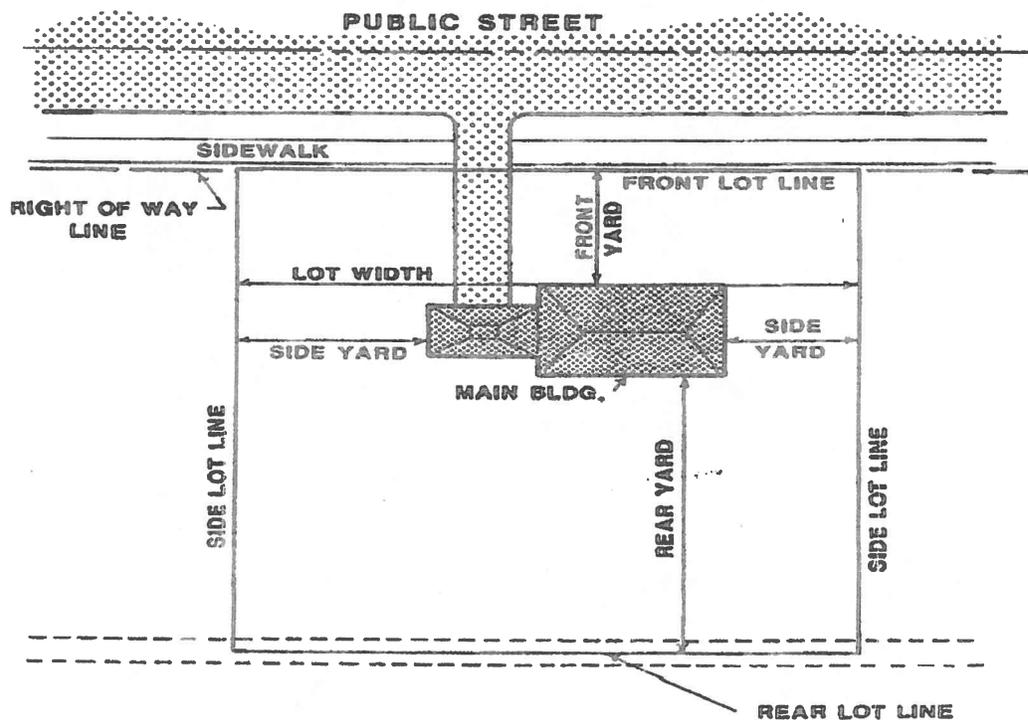
LOT, ZONING (ZONING LOT): One or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is required or allowed by this Ordinance; and in such circumstances the outside perimeter of the grouping constitutes the applicable front, rear, and side lot lines for purposes of this Ordinance.

LOT LINE, FRONT: The portion of a lot abutting the right-of-way of a public street/road or a permissible private road.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the event that none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

LOT LINE, SIDE: Any lot line other than a front lot line or rear lot line.

LOT LINES AND YARDS



MEZZANINE: An intermediate floor occupying no more than 30% of the floor area of the floor immediately below.

MINING: The extraction or movement of natural aggregate material, such as sand, gravel, or soil, from or within an area involving more than two acres and more than 10,000 cubic yards of material. This land use may also involve on-site processing, if approved as part of a special land use permit. See Section 4.15 for provisions involving the removal of earth materials.

MOBILE HOME: A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities

and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Also see "Seasonal Mobile Home Park".

MOTEL: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for transient occupancy by travelers. This term includes any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis. Also see "Hotel".

NONCONFORMING BUILDING OR STRUCTURE: A building/structure or portion thereof lawfully existing prior to the enactment of this Ordinance or amendments thereto, and which does not conform to the provisions of this Ordinance (e.g. setbacks, height, lot coverage) for the district in which it is located.

NONCONFORMING LOT OF RECORD: A lot or parcel lawfully existing of record prior to the enactment of this Ordinance and which does not conform to the provisions of this Ordinance (i.e. area, frontage, etc.) for the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building/structure or land prior to the enactment of this Ordinance or amendments thereto, and that does not conform to the use regulations of this Ordinance for the district in which it is located.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE I): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- E. At least 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.

- F. At least 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE II): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- E. Less than 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
- F. Less than 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE III): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.

OPEN AIR BUSINESS: A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses.

ORDINARY OR NORMAL HIGH-WATER MARK: The ordinary or normal high water mark of a lake or other waterway as determined by the State of Michigan, or if the State of Michigan has not made such a finding, the ordinary or normal high water mark location shall be as determined by the Zoning Administrator based on generally recognized criteria for such a determination. The measurement shall be made only

along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

PARK: A non-commercial recreational area.

PERMITTED USE: A use designated as a "permitted use" in a district is recognized as a use of land and buildings which is harmonious with other permitted uses within the same district. A permitted use is subject to any applicable provisions of this Ordinance, but is otherwise considered a lawful use not requiring prior review and zoning use approval, except as may be otherwise required by this Ordinance.

PRINCIPAL BUILDING: See "Building, Main".

PRINCIPAL (OR MAIN) USE: The primary or predominant use of the premises.

PRIVATE ROAD: (See Section 4.14).

QUALIFIED RESIDENTIAL TREATMENT PROGRAM: A program within a child caring institution as that term is defined in MCL 722.111(1)(c) that provides services for 10 or fewer individuals which:

- has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program's culture, practices, and policies;
- has registered or licensed nursing or other licensed clinical staff on-site or available 24 hours a day, 7 days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518;
- integrates families into treatment, including maintaining sibling connections;
- provides aftercare services for at least 6 months post discharge;
- is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).

This term does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent; and also does not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

RESIDENTIAL DISTRICT: The RR, CA, VR, PA, and SP Districts.

RESORT: A commercial establishment designed and operated to provide on the premises much of a vacationer's wants or needs, such as food, drink, lodging, sports, entertainment, concierge services and shopping.

RESORT, GOLF: See "Golf Resort".

RESTAURANT (OR CAFÉ): A business located in a building wherein food, beverages, or meals are prepared, served and sold for consumption on or off the premises, and deriving the major portion of its revenue from the sale of such products.

ROAD, LOCAL: A road designated by the Manistee County Road Commission as a "Local" road.

ROAD, PRIMARY: A road designated by the Manistee County Road Commission as a "Primary" road.

ROAD, PRIVATE: See Section 4.14

ROAD, SEASONAL: A road designated by the Manistee County Road Commission as a "Seasonal" road.

ROADSIDE STAND: An area or temporary structure designed and used for the display and sale of fresh garden produce, fruit, or other farm products and/or crafts actually grown or produced on and by a farm under the same ownership or control as the property on which the roadside stand is located.

SALVAGE YARD (OR JUNKYARD): This term includes automobile wrecking yards and salvage areas and includes any area of more than two hundred square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses entirely within enclosed buildings.

SEASONAL MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home therein. This term is not intended to include a "Campground" or "Summer Camp" as defined and provided for in this Ordinance.

SETBACK (OR BUILDING SETBACK): The minimum horizontal distance between a lot line (or other point of measurement required by this Ordinance) and the nearest drip line of a principal building or accessory building, required by this Ordinance to be unoccupied/unobstructed by any building or structure.

SEXUALLY ORIENTED BUSINESS: A sexually oriented business includes any of the following, or any combination of the following:

- A. Adult Book and/or Video Store: An establishment having, as a substantial or significant portion of its stock in trade or business, books, video tapes, compact discs, computer software, computer services, magazines and other periodicals or writings which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a section or segment devoted to the sale or display of such material.
- B. Adult Live Entertainment Establishment: Establishments which may include a night club, tavern, bar, restaurant or similar commercial establishment, regardless of whether alcoholic beverages may or may not be served, which feature person(s) who appear nude or in a state of semi-nudity and/or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or an establishment with a section or segment devoted to same.
- C. Adult Mini-Motion Picture Theater: An enclosure with a capacity of ten or fewer persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein, or an establishment with a section or segment devoted to same.
- D. Adult Motion Picture Theater: An enclosure with a capacity of greater than ten persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein, or an establishment with a section or segment devoted to same.
- E. Adult Novelty Business: A business establishment that has as a substantial or significant portion of its activity the sale of devices or paraphernalia designed or used for sexual stimulation or arousal, or an establishment with a section or segment devoted to same.
- F. Adult Panorams: An establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, computer software or computer services showing "specified sexual activities" or "specified anatomical areas", or an establishment with a section or segment devoted to same.
- G. Sexual Massage Establishment: An establishment with a fixed place of business where massages are administered for any form of compensation by any person(s) who is nude or semi-nude, and/or where the massage involves "specified sexual actions" or "specified anatomical areas" (each as defined herein), for purposes of sexual stimulation or gratification. This definition may include such facilities as massage parlors, bathhouses, and steamrooms where such massage services are offered; but is not intended to include any of the following types of businesses operating in accordance with all applicable

licensing requirements and in an otherwise lawful manner: hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, or barber shops, beauty salons, or spas where massages are administered only to the hand, feet, scalp, face, neck or shoulders, or the practices of massage therapists currently licensed by the State of Michigan under the Michigan Public Health Code.

- H. Nude Modeling and/or Photography Studio: Any building, structure, premises, or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and/or photographers for a fee or charge.

For purposes of defining and applying the above-defined sexually oriented business terms, only, the following additional terms shall be defined as specified herein:

- I. Massage: A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.
- J. Novelty: Any instrument, device, or paraphernalia which depicts or describes any "specified sexual activities" or "specified anatomical areas" or which is designed for use, or commonly used, in connection with "specified sexual activities", excluding condoms and other birth control and disease prevention products.
- K. Specified Anatomical Areas: Human genitals less than completely or opaquely covered including the pubic region, buttocks and female breasts below a point immediately above the top of the areolae or human male genitals in a discernible state of tumescence, even if opaquely covered.
- L. Specified Sexual Activities:
1. Sex acts, actual or simulated, including human masturbation, sexual intercourse, oral copulation or sodomy; or
 2. Fondling or other erotic touching of genitals, pubic regions, buttocks or female breasts; or
 3. Human genital sexual stimulation or arousal; or
 4. The display of human genitals in a state of sexual stimulation, arousal or tumescence.
- M. Substantial Or Significant Portion (of a sexually oriented business): A business or establishment which meets one or more of the following criteria:
1. 20% or more of its stock, materials or services relate to or describe "specified sexual activities" and/or "specified anatomical areas".

2. 20% or more of the useable floor area of the building is used for the sale, display or provision of services describing or relating to "specified sexual activities" and/or "specified anatomical areas".
3. Advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment describe or relate to "specified sexual activities" and/or "specified anatomical areas".

SHORT TERM RENTAL: Any building or structure or portion thereof with sleeping, bathroom and/or cooking facilities forming a single habitation unit for occupancy by one or more persons for a period of 1-29 days and/or nights for any monetary compensation or other form of non-monetary consideration; except this term does not include either of the following:

- A. any residential premises occupied for such compensation for a cumulative total of 14 or fewer days and/or nights within a calendar year.
- B. any motel/hotel or bed & breakfast lawfully operating in accordance with all applicable requirements of the Zoning Ordinance of the Township of Arcadia.

SIGN: See Section 22.2 for various defined terms pertaining to signs.

SPECIAL LAND USE: A use designated as a "special land use" in a district is recognized as possessing characteristics of such unique or special nature (relative to location, design, size, public utilities needs, and other characteristics) as necessitating prior review and approval for the particular proposed location pursuant to approval standards specified in this Ordinance, to safeguard the general health, safety and welfare of the community.

STABLE: A structure, building, or land used for the keeping, care, and raising of horses, as either a "commercial" or "private" operation as further defined herein:

- A. **COMMERCIAL** - Any lot or parcel where more than 3 horses are kept for training, riding, stabling, or breeding, for compensation.
- B. **PRIVATE** - Any lot or parcel where horses are kept and used by the owner or owners of the lot or parcel for recreation or pleasure, and not more than 3 horses are boarded for compensation and no other commercial activities are involved.

STORY: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it; provided a "mezzanine" floor shall be deemed a full story when it covers more than thirty percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four feet or more.

STREET: A dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.

STRUCTURE: Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground or attachment to something having a permanent location on or in the ground; including but not limited to buildings, accessory buildings, sheds, gazebos, tennis courts, swimming pools, radio and television towers, patios, decks and platforms; provided, however, none of the following shall be deemed to be a structure for purposes of this Ordinance: lawful fences and walls, utility poles, portable basketball goals, play structures, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls, sea walls, and patios, decks and platforms constructed no more than one step (8 ¼") above final grade and not within any street or right-of-way.

TOWER: (in the context of a communications tower) Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. Tower includes those used for transmission for radio and television, microwave, common carrier, cellular telephone, alternative tower structures and the like, including "Alternative Tower Structure" as defined in this Ordinance. Tower includes the structure thereof and any support thereto. Also see "wireless communications support structure".

TOWER HEIGHT: The distance measured from the finished grade of the land to the highest point on the tower or other attached structure, including the base pad and any antenna.

VARIANCE: A modification of the literal provisions of a dimensional requirement or other non-use requirement, as opposed to the use of the property, which the Zoning Board of Appeals has limited authority to grant when there are "practical difficulties" preventing compliance with the strict letter of the Ordinance arising from an exceptional or extraordinary condition of the individual property for which the variance relief is requested and the variance standards specified in this Ordinance are otherwise met.

VEHICLE FUEL STATION: An establishment where motor vehicle fuels and related products are sold to the public and where fuels are dispensed, and batteries are charged, but does not include vehicle service or repair.

VEHICLE SERVICE OR REPAIR: An establishment that services or repairs vehicles, including commercial vehicles, engines, trailers, motor homes, or recreational vehicles, primarily in an enclosed building or structure.

WATERWAY: A natural lake, river, stream, or other natural body of water or water course.

WIRELESS COMMUNICATIONS EQUIPMENT: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas (including small cell and micro antenna apparatus), transmitters,

receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this Ordinance this term shall not include any tower or other support structure for wireless communications equipment not exceeding 100' in height. The term "tower" as defined in this Ordinance is a type of wireless communications support structure. Also see "alternative tower structure" as defined in this Ordinance.

A tower or other structure within the scope of this definition shall not be considered to be either "Essential Public Service Structures or Buildings" or "Essential Public Service Equipment" as those terms are defined in Section 2.2 of this Ordinance, for purposes of this Ordinance.

YARD (Front-Side-Rear): A general term applied to the space on a lot which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot line facing each building.

YARD (Required Front-Side-Rear): A required yard, also known as the required setback area, is an open space of the minimum width or depth required by a provision of this Ordinance between a building or a group of buildings on a lot and the nearest lot line, which is unoccupied and unobstructed from the ground upward except for plants, trees, shrubs, fences, and as otherwise provided in this Ordinance.

- A. **Front Yard (required)** - the minimum required area extending across the full width of a lot between the front lot line (or other point of measurement required by this Ordinance) and the nearest drip line of a building.
- B. **Rear Yard (required)** - the minimum required area extending across the full width of a lot between the rear lot line and the nearest drip line of a building.
- C. **Side Yard (required)** - the minimum required area extending from the front yard to the rear yard between a side lot line and the nearest drip line of a building.
- D. **Waterfront Yard (required)** - the minimum required area between the ordinary high mark of any waterway and the nearest drip line of a building.

YARD SALE: A casual event where individuals or families sell used household items or personal belongings from their occupied residence to the public. This type of event is held not more than two times a year per premises, for not more than four consecutive days, where items are displayed outdoors such as in a yard, driveway, garage or

carport. This land use is only allowed as an accessory use to an otherwise existing lawful principal use, and shall not include any rented spaces.

ZONING ADMINISTRATOR: The person or persons appointed by the Township Board to administer and enforce this Ordinance; may also be known as the Zoning Inspector or Zoning Enforcement Officer.

ZONING COMPLIANCE PERMIT (or Land Use Permit): An authorization issued by the Zoning Administrator indicating the proposed use and/or location of a building or structure conforms with the pertinent provisions of this Ordinance.

CHAPTER 3
ZONING DISTRICTS & MAP

SECTION 3.1 ZONING DISTRICTS

For the purpose of this Ordinance the Township is divided into the following zoning districts:

R-AG	Rural Agriculture District
RR	Rural Residential District
CA	Camp Arcadia District
VR	Village Residential District
PA	Point Arcadia Residential District
SP	Star-Key Point Residential District
LS	Lake Street Historic Business District
M-22	M-22/Glovers Lake Road Business District
M22-2	M22-2 Business District
LI	Light Industrial District
P	Preserve District
MA	Marina District
MA-2	Marina 2 District

SECTION 3.2 THE ZONING MAP

The locations and boundaries of these districts are hereby established on a map entitled the "Official Township of Arcadia Zoning Map" which is hereby made a part of this Ordinance. The official zoning map shall be located in the Township office and shall be accessible to the general public.

Where uncertainty exists as to the boundaries of any district as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.

5. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

SECTION 3.3 LANDS NOT INCLUDED WITHIN A DISTRICT

In any case where, for whatever reason, lands have not been clearly included within a zoning district on the Zoning Map after applying the rules of construction and interpretation in Section 3.2, such lands shall be deemed to be included in the R-AG Rural Agriculture District.

CHAPTER 4
GENERAL REQUIREMENTS AND
SUPPLEMENTARY
REGULATIONS

SECTION 4.1 GENERAL INTENT AND APPLICATION

It is the purpose of this Chapter to establish general requirements and supplementary regulations which have not been specifically provided for in other chapters of this Ordinance. These requirements and regulations apply to all uses in all zoning districts, except where stated to only apply to specified uses and/or specific districts.

SECTION 4.2 PERMISSIVE ZONING CONCEPT; EFFECTS OF ZONING

1. Land uses are allowed in a district, as a permitted use or special land use, by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, except where a provision of this Ordinance authorizes the Zoning Administrator or Planning Commission to determine a use which is not specified is similar in nature and compatibility to a specified permitted use.
2. Except as hereinafter specified, no land shall be used, maintained, or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located, all other applicable provisions of this Ordinance, and all other applicable ordinances, codes, laws and regulations.

SECTION 4.3 ZONING COMPLIANCE PERMITS; BUILDING PERMITS; ESSENTIAL PUBLIC SERVICE EQUIPMENT

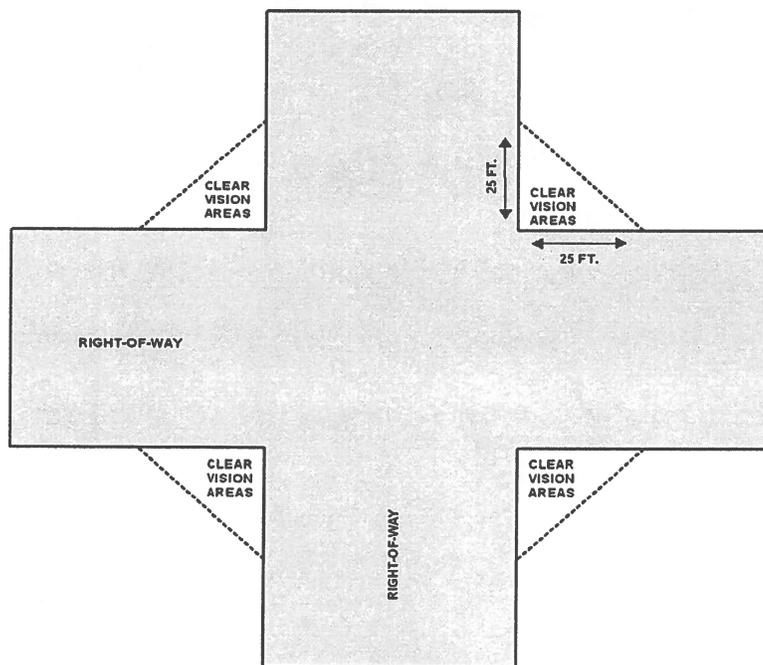
1. Zoning compliance permits are required as specified by Section 26.4, to avoid violations of this Ordinance arising from the impermissible location of any building or structure, or the intended use thereof or of any premises.
2. Building permits, occupancy permits, and other regulations applicable to the construction and occupancy of buildings and other structures and to the demolition of buildings/structures are governed by the construction codes applicable in this Township.
3. The erection, construction, alteration, or maintenance of Essential Public Service Equipment is exempt from the yard/setback and zoning approval provisions of this Ordinance, provided the Township Board has granted any applicable municipal consent/franchise for same as required by the Michigan Constitution and related statutes.

SECTION 4.4 LOT, YARD, AREA AND SPACE REQUIREMENTS

1. General Requirements. All lots, yards, and other open spaces shall comply with the lot, yard, and area requirements of the district in which they are located, or as otherwise specified in this Ordinance, and are also subject to the following:
 - A. No lot, yard or other open space shall be divided or reduced so as to make it less than the minimum required under this Ordinance, and if already less than the minimum required it shall not be further divided or reduced.
 - B. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
 - C. Where two or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot).
 - D. Where two or more contiguous lots or portions of lots are in single ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger "zoning lot".
2. Minimum Lot Frontage/Width. Except as otherwise provided in this section, or in Section 25.9 of this Ordinance with respect to existing nonconforming lots, a lot shall not be buildable unless the lot complies with the minimum frontage/width requirement for the district in which the lot is located on either a public street or a lawful private road pursuant to Section 4.14 of this Ordinance:
 - A. Cul-De-Sac Lots. A lot abutting a cul-de-sac shall have a minimum lot frontage of 40 feet, and shall comply with the minimum required lot width requirement for the district at the minimum required front yard setback line for a principal building on the lot. A lot in the Rural Agriculture District which has its entire frontage on a cul-de-sac shall have a minimum lot frontage of 40 feet, and shall comply with the minimum lot width requirement at a point 125 feet from the front lot line.
 - B. Building/Structures Exempt from Minimum Lot Frontage/Width Requirement. The following types of buildings/structures may be located on a lot which does not have any frontage on a public street or private road, or which otherwise has less frontage/width than generally required for the district in which the lot is located: farm buildings, essential public

service buildings and structures, and radio towers and wireless communication support structures.

3. Maximum Lot Depth to Width Ratio. In all districts a lot shall not be buildable if the depth of the lot exceeds four times the width of the lot.
4. Setback Requirements for Corner Lots and Double Frontage Lots. Buildings and structures on a corner lot or double frontage lot shall comply with the applicable minimum front yard setback requirement on each abutting street.
5. Corner Lot Clear Vision Area. On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede a clear vision area in the space between a height of 30 inches and eight feet above the established abutting street grade within a triangular area formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines. See illustration below:



SECTION 4.5 SUPPLEMENTARY REGULATIONS FOR WATERFRONT LOTS

1. Waterfront Lot Frontage/Width, Yards and Setbacks. The following general regulations apply to all waterfront lots, except where a regulation is stated to apply to only a specific type of waterfront lot (i.e. a lake lot), or where another more specific regulation in this Ordinance is applicable:
 - A. The frontage/width of the lot on the street side shall be at least the minimum frontage/width required for the district in which the lot is located.
 - B. The frontage/width of the lot on the waterfront side shall be at least the minimum frontage/width required for the district in which the lot is located.
 - C. The waterfront yard shall be that area between the ordinary high water mark and the drip line of the nearest principal building or accessory structure. A waterfront yard minimum setback of 50 feet shall apply, except where the regulations for a district or another applicable provision of this Ordinance specifies a different waterfront yard requirement, including as follows:
 - (1) Lots abutting Lake Michigan, where regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---the minimum setback required for all construction activities on such lots or portions thereof shall be as determined pursuant to that statute/administrative rules; provided, if the minimum setback determined pursuant to the statute/administrative rules results in a minimum setback of less than 50 feet from the ordinary high water mark of Lake Michigan, the minimum setback administered and enforced by the Township shall be 50 feet from the ordinary high water mark of Lake Michigan.
 - D. The front yard shall be that area between the street right-of-way line and the roof drip line of the nearest principal building or accessory building.
 - E. The minimum required rear yard setback distance shall be the same as that required for the front yard for the district in which the lot is located.
 - F. The minimum required side yard setback shall be as required for the district in which the lot is located.
2. Waterfront Lot Vegetative Buffer Regulations. The following regulations apply to all waterfront lots:
 - A. Natural ground cover and existing vegetation shall be preserved and maintained in the portion of a waterfront lot within 15 feet of the ordinary

high water mark of the waterway (herein referred to as the required natural vegetation strip) to minimize erosion, stabilize the banks of water bodies, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade structures, and also to preserve aesthetic values of the creeks, ponds, and lakes in the Township. Where existing ground cover/vegetation is not sufficient to fulfill these purposes new ground cover/vegetation shall be planted and maintained.

- B. Within the required natural vegetation strip trees and shrubs may be selectively pruned to enhance views or removed for harvest of merchantable timber, and dead, diseased, unsafe, or fallen trees may be removed.
- C. Removal of the root structure of existing plants within the required natural vegetation strip is prohibited; except invasive species and noxious plants and shrubs, including poison ivy, poison sumac, poison oak, and other similar plants regarded as a common nuisance may be removed and replaced with functionally comparable non-noxious plants/shrubs.

3. Waterway lot access regulations. The following regulations apply to development/use of all waterfront lots to access any type of waterway:

- A. There shall be at least 100 feet of frontage on the waterway, as measured along the ordinary high water mark of the waterway for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the frontage for boat access to the waterway, or for swimming, sunbathing, or for other activities or uses associated with the waterway.

This restriction shall apply regardless of whether use of the waterway frontage for access to the waterway is by easement, private park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease, or any other form of access permission; except that lots which are owned or controlled by the State of Michigan for public access to the waterway are exempt from this requirement.

- B. Definitions. For purposes of this subsection 3 the following definitions shall apply:

- (1) *Boat* means a watercraft having a motor, engine or other machinery of more than five horsepower or the equivalent, including a "personal watercraft" as defined in the Marine Safety Act, Act. 303 of the Public Acts of 1967, as amended.
- (2) *Boat access* means and includes boat launching, mooring, and docking, and overnight anchoring within 50 feet of the shore from or

incidental to a single private riparian property or public or private road end abutting a waterway.

- (3) *Docked or docking* means the anchoring or mooring of a boat directly to a pier, structure, platform, pole, anchor, or dock in a waterway, which is a platform or structure extending from the shore or bottomlands, and is directly accessible to a lot fronting on a waterway; and shall also mean the placement of a boat in a boat cradle or shore station offshore or the regular or overnight anchoring, mooring, or storage of a boat adjacent to a lot.
- (4) *Mooring or slip* means a space for a single boat at or adjacent to a dock or in an offshore boat cradle or shore station.
- (5) *Boat cradle or shore station* means a device or devices placed on, at or near the shore of a waterfront lot for the purpose of mooring, anchoring or holding a boat or other watercraft, in, on or above the water.

SECTION 4.6 BUILDING HEIGHTS

1. Building height limitations applicable in all districts. No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this Ordinance for the district in which such building/structure is located, or as may otherwise be specified in this Ordinance for the specific type of building/structure.
2. Height requirements and exceptions in RA, RR, M-22, CA, LI, and SP districts. In these districts building height shall be measured as the vertical distance from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. In these districts the otherwise applicable height limitations may be exceeded by the following type of structures as otherwise permissible in the district: flagpoles, chimneys, farm structures, non-commercial television and radio antennas, spires of places of worship, domes, belfries, cupolas, wireless communications support structures (except as otherwise specifically regulated in this Ordinance), water tanks, fire towers, and accessory wind energy structures (except as specifically regulated in this Ordinance). A lawful industrial use may also exceed the otherwise applicable height limitation with respect to smokestacks, cooling towers, roof storage tanks, bulkheads, and other structures necessary for mechanical appurtenances for such uses, provided they are located at least the same distance as the height from any adjoining property lines and do not interfere with aerial navigation or constitute a fire hazard.
3. Height requirements and exceptions in VR, LS, MA, MA-2, M-2, PA & M22-2 districts. In these districts building height shall be measured as the vertical

distance from the average existing unaltered grade to the highest point of flat roofs, to the deck line of mansard roofs, and the highest ridge of gable, hip, and gambrel roofs. In these districts the otherwise applicable height limitations may be exceeded by the following type of structures as otherwise permissible in the district: flagpoles, chimneys, non-commercial television and radio antennas, spires of places of worship, cupolas not used for human occupancy, and wireless communications support structures (except as otherwise specifically regulated in this Ordinance).

SECTION 4.7 MINIMUM REQUIREMENTS FOR DWELLINGS; TEMPORARY DWELLINGS

1. Standards for dwelling not located in mobile home park. Except as provided herein for an Economy Efficient Dwelling (Section 4.7.2) and Accessory Apartment (Section 18.3) where such use is otherwise permissible pursuant to this Ordinance, all dwellings, including site-built dwellings, modular/manufactured dwellings, and mobile homes not located in a State-licensed mobile home park, shall comply with the following standards:
 - A. The minimum width of any single-family dwelling unit shall be at least 24 feet for at least 67% of its length, measured at the exterior of the walls having the greatest length.
 - B. The dwelling shall have a minimum gross floor area in accordance with the requirements for the applicable zoning district, and shall have a minimum floor to ceiling height as required for human occupancy by the Building Code.
 - C. The dwelling shall be permanently attached to a solid foundation constructed on the site in accordance with the Building Code, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the State pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended.
 - D. The dwelling shall not have any exposed wheels, towing mechanisms, undercarriage, or chassis. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
 - E. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the Health Department.
 - F. The dwelling shall comply with all pertinent building and fire codes, which for mobile homes shall include the applicable standards for mobile home construction as contained in the United States Department of Housing and

Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply.

2. Standards for Economy Efficient Dwelling. Where an Economy Efficient Dwelling is otherwise designated as a permissible use pursuant to this Ordinance, such dwelling shall comply with the following standards:
 - A. The width (side elevation) shall be at least 12 feet but not more than 20 feet; and the length shall be at least 20 feet but not more than 30 feet.
 - B. The gross floor area shall be at least 240 sq ft but not more than 500 sq ft.
 - C. All of the applicable standards for a dwelling as specified in sub-parts C.-F. of Section 4.7.1 for a dwelling not located in a mobile home park, which are incorporated herein by reference.
3. Standards for dwelling located in mobile home park. A mobile home dwelling in a State-licensed mobile home park shall also comply with the preceding standards, to the extent allowed or required by law, but shall otherwise comply with all applicable federal and state standards applicable to a mobile home in a mobile home park.
4. Used Dwellings. All the dwelling standards in preceding subsections 1-3, as applicable, also apply to a used dwelling which is to be installed in the Township. A zoning compliance permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a zoning compliance permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.
5. Basement Dwellings. The use of a basement of a partially built building as a dwelling is prohibited in all districts, unless it is approved for occupancy by the Building Official pursuant to applicable provisions of the Building Code. The use of a basement in a completed building for sleeping quarters or a dwelling unit is prohibited in all districts, unless it is approved for occupancy by the Building

Official pursuant to applicable provisions of the Building Code. Note: It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing complying with all applicable requirements.

6. Temporary Dwellings. A tent, cabin, recreational vehicle or mobile home that does not comply with the minimum dwelling standards required by Section 4.7.1 of this Ordinance may be used as temporary living accommodations for not more than one year while a permanent dwelling is under construction on the same lot, upon approval of a zoning compliance permit by the Zoning Administrator after determining all the following standards are met:
- A. The temporary living accommodations shall be used solely by the owner of the lot on which the permanent dwelling is being constructed and the immediate family of same.
 - B. A building permit has been issued for the permanent dwelling.
 - C. The temporary dwelling shall be provided with a potable water supply and a safe and sanitary means of sewage disposal.
 - D. The applicant has provided a performance guaranty to the Township to insure the removal and lawful disposal of the temporary dwelling and proper reclamation of the site within 30 days of issuance of a certificate of occupancy by the Building Official for the new permanent dwelling, or within one year from the issuance of the temporary dwelling permit, whichever comes first. The performance guaranty shall be in the form of an irrevocable bank letter of credit, cash escrow, or performance bond, in the amount of at least the estimated costs to remove and lawfully dispose of the temporary dwelling and reclaim the site as required herein. The Zoning Administrator shall determine the required amount of the performance guaranty based on a written bid for such removal/disposal/reclamation work by a reputable company reasonably acceptable to the Zoning Administrator. The performance guaranty shall by its terms be valid for a period of time sufficient to enable the Township to implement the performance guaranty and use the proceeds to remedy any non-performance of the applicant with respect to removal and disposal of the temporary dwelling and reclamation of the site.
 - E. The applicant has executed a binding agreement on a form prepared or approved by the Township, which shall also be binding on the applicant's successors, by which the applicant accepts the permit requirements and conditions, including the following specific conditions:
 - (1) In the event of the applicant's failure to perform as required herein the Township may implement the performance guaranty, and the Township and/or its agents/employees/contractors may enter the subject property to remedy all non-performance upon 30 days

written notice to the applicant at the address of the subject property, or the applicant's address on file with the Township. In such circumstances the applicant also hereby acknowledges the applicant shall be personally liable for all expenses which the Township incurs in remedying applicant's non-performance, which are not covered by the performance guaranty, including actual legal fees, and consents to entry of a money judgment against applicant in a court of law for such expenses. The Township shall return to the applicant any surplus from the proceeds of an executed performance guaranty.

7. Temporary Occupancy of Recreational Vehicle. A recreational vehicle or tent may be situated upon premises in any district and temporarily occupied on a non-commercial basis for recreational purposes, subject to the following conditions and limitations:
- A. Not more than one recreational vehicle or tent is allowed per lot in the PA, MA, M-22, M22-2, SP, VR, CA and LS districts.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. In any district where such land use is otherwise allowed, such a recreational vehicle or tent shall not be situated ready for occupancy upon any premises for more than 180 days per calendar year and shall not be occupied for more than 90 days per calendar year.
 - D. Such a recreational vehicle or tent placed in the R-AG, RR, LI or M-22 districts shall have a minimum set back of 100 feet from the center of county primary and secondary roads, and 200' from the centerline of M-22 or Glovers Lake Road.
 - E. The owner/occupant of the premises shall not lease or rent such a recreational vehicle or tent for occupancy by other persons on a commercial basis.
 - F. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.
 - G. On property with an otherwise permissible Residential or Commercial principal use, such a recreational vehicle when not in use shall be stored in the rear yard or side yard, or in an enclosed building. On property without an otherwise permissible Residential or Commercial principal use, such a recreational vehicle when not in use shall be stored in a completely enclosed otherwise permissible building or lawfully stored off the property.

For purposes of this requirement "stored" means all slides are retracted, all utilities disconnected, all steps retracted, all lights off, all window shades down, and the recreational vehicle is properly licensed and ready for lawful operation on public streets.

SECTION 4.8 PRINCIPAL USE/PRINCIPAL BUILDING

1. A lot shall not contain more than one principal building or principal use, except as follows:
 - A. Groups of farm buildings under single ownership integrally engaged in otherwise lawful agriculture uses on the subject property may be treated as a principal use collectively.
 - B. Groups of otherwise lawful multiple-family dwelling buildings under single ownership on the same lot may be collectively considered a single principal use.
 - C. In the site plan review process the Planning Commission may designate as a principal use collectively, and/or as principal buildings, groups of otherwise lawful retail business buildings under single ownership, and groups of other buildings under single ownership integrally engaged in the otherwise lawful primary use on the subject property.

SECTION 4.9 ACCESSORY USES AND ACCESSORY BUILDINGS/STRUCTURES, ACCESSORY APARTMENTS, HOME OCCUPATIONS, ACCESSORY WIND ENERGY STRUCTURES, AND ACCESSORY SOLAR ENERGY SYSTEMS (see Chapter 18)

SECTION 4.10 FENCES AND WALLS

1. Retaining walls (walls constructed for the purpose of retaining earthen material) are allowed in front, side, and rear yards in all districts, subject to the following:
 - A. The wall shall not be located within any street right-of-way without a permit from the Manistee County Road Commission or Michigan Department of Transportation, as applicable, or within the roadway/shoulder of a private road.
 - B. The wall shall not create a hazard for vehicular traffic visibility by reason of its material, or otherwise; and on a corner lot the wall shall comply with the clear vision area requirements specified in Section 4.4.5 of this Ordinance.
2. Non-retaining walls and privacy-type fences and other substantially solid fences (more than 50% solid) are allowed in front, side, and rear yards in all districts, subject to the following:

- A. The wall/fence shall not be located within any street right-of-way without a permit from the Manistee County Road Commission or Michigan Department of Transportation, as applicable, or within the roadway/shoulder of a private road.
 - B. Any part of the wall/fence located in a required front yard shall not exceed a height of three feet in any Residential District, and six feet in all other districts, except as further limited by sub-part C below.
 - C. On a corner lot the wall/fence shall comply with the clear vision area requirements specified in Section 4.4.5 of this Ordinance.
3. Split-rail fences and other similar open-style fences (not more than 50% solid) are allowed in front, side, and rear yards in all districts, subject to the following:
- A. The fence shall not be located within any street right-of-way without a permit from the Manistee County Road Commission or Michigan Department of Transportation, as applicable, or within the roadway/shoulder of a private road.
 - B. Any part of the fence in a required front yard shall not exceed a height of four feet in any Residential District, and six feet in all other districts, except as further limited by sub-part C or as exempted by sub-part D below.
 - C. On a corner lot the wall/fence shall comply with the clear vision area requirements specified in Section 4.4.5 of this Ordinance.
 - D. Open-style fences on the premises of a permissible agricultural use in the RA Rural Agriculture and RR Rural Residential District are exempted from the six feet height limit specified in subsection B above.
4. Fences with a single strand wire material, such as barbed wire, are not allowed in any Residential District, but are allowed in front, side, and rear yards in all other districts, provided no part of the fence is located within any street right-of-way without a permit from the Manistee County Road Commission or Michigan Department of Transportation, as applicable, or within the roadway/shoulder of a private road.
5. All of the preceding regulations for fences and walls apply to a waterfront lot, subject to the following special limitations:
- A. On the water-side of a waterfront lot no wall or privacy/other substantially solid type of fence shall be located within 50 feet of the ordinary or normal high-water mark of the waterway; except erosion control berms and retaining walls and seasonal erosion control fencing on Lake Michigan are exempt from this limitation.

- B. On the water-side of a waterfront lot no open-style fence shall exceed four feet in height or be located within 50 feet of the ordinary or normal high-water mark of the waterway.
6. For purposes of this section the "height" of a wall or fence shall be measured from the existing average grade within a 25 foot radius of the wall or fence.

SECTION 4.11 LANDSCAPE REQUIREMENTS

1. Applicability. This section applies where a landscape buffer strip/greenbelt or other landscaping is required by a provision of this Ordinance between a business use and a residential use located in an adjacent Residential District, or is otherwise required by the Planning Commission pursuant to any provision of this Ordinance, and in each such instance is intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.
2. Minimum Landscape Standards. Where a landscape buffer strip or greenbelt is required the following minimum landscape standards shall apply, except where specific provisions of this Ordinance impose other standards:
 - A. For each 25 feet abutting the adjacent property three evergreen and/or deciduous trees shall be planted within the greenbelt.
 - B. All deciduous trees shall be a minimum of one and one half inch caliper at five feet in height at planting, and evergreen trees shall be a minimum of four feet in height at planting.
 - C. All plantings shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
3. Landscape Modifications. The Planning Commission may modify the landscape requirements of this section upon considering existing trees on the site, proposed building setbacks, existing and proposed uses on adjacent lands, and topographical elevations on the site and on adjacent lands, and determining the intent of the regulations and applicable standards for final site plan approval specified in Section 19.7.2 of this Ordinance will still be met if the modifications are allowed.

SECTION 4.12 EXTERIOR LIGHTING REQUIREMENTS

1. All lights attached to any building or structure on private or public premises shall meet all of the following design and performance standards:
 - A. The light fixture shall be designed/shielded, installed, and maintained such that the light source (bulb) is not directly visible either through the fixture

- or below the bottom of the fixture from any adjoining property or any public roadway or other public space.
- B. The light fixture shall be designed/shielded, installed, and maintained so as to not direct any light above an imaginary horizontal plane passing through the bottom of the fixture.
 - C. The light fixture shall not create light that spills outside the boundaries of the property on which it is located in such a manner as to cause glare, shadow, or unreasonable annoyance or discomfort to any person on any adjoining property or any public roadway or other public space.
2. All lights attached to any pole or other structure (other than a building) on private or public premises shall meet the design and performance standards specified above in subsection 1.B and 1.C.
 3. Holiday and temporary exterior lighting (not exceeding 60 days use in any one year) are exempt from preceding subsections 1 and 2.
 4. Building exit signs and other building illumination required by state law and/or construction codes shall comply with subsections 1 and 2 except to the extent such compliance directly conflicts with the requirements of an applicable state law and/or construction code.
 5. Lighting for exterior stairs and ramps required by state law and/or construction codes shall comply with subsections 1 and 2 except to the extent such compliance directly conflicts with the requirements of an applicable state law and/or construction code.
 6. Where a use is otherwise subject to site plan review pursuant to any provision of this Ordinance, the site plan submission shall include a site lighting plan with the following information:
 - A. The proposed location and height of all exterior light fixtures.
 - B. The type and design of all proposed exterior light fixtures.
 - C. Illumination data for all proposed exterior lighting, including the resulting intended illumination as compared to the footcandle levels for lighting in such installations as recommended by the Illuminating Engineering Society of North America.
 7. Any lighting fixture lawfully installed before February 10, 2022 may be repaired and maintained as a lawful nonconforming lighting device, but shall only be replaced with a fixture complying with all the requirements of this section; and all such preexisting lighting devices shall otherwise comply with the requirements of this section to the maximum extent allowed by law.

8. Illuminated signs shall comply with all applicable exterior lighting requirements in this section, and as may otherwise be required by Chapter 22 of this Ordinance (Signs).

SECTION 4.13 SWIMMING POOLS

1. A swimming pool shall not be constructed, installed, enlarged, or altered until a zoning compliance permit has been obtained from the Zoning Administrator pursuant to Section 26.4, and all applicable Construction Code permits have been issued.
2. The pool shall not be located in a required minimum front yard area, and shall comply with all other yard and setback requirements for an accessory structure in the applicable district.
3. No pool shall be located under any electrical wiring.
4. The pool shall comply with all additional regulations applicable to the location, construction, accessibility, and maintenance of swimming pools specified in the Construction Codes (Building, Electrical, Mechanical and Plumbing).

SECTION 4.14 PRIVATE ROADS

1. Definitions. The following terms as used in this Section are intended to have the following meanings:
 - A. "driveway" means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
 - B. "private road" means any undedicated path, trail or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to one or more lots, principal buildings, or dwelling units.
 - C. "existing private road" means a private road which is used to provide access to lots, buildings or dwellings existing as of the effective date of this Ordinance.
 - D. "private road easement" means an easement which is granted exclusively for private access to one or more parcels of land and which contains a private road.
2. Applicability. Private roads are permitted in all districts, except the Lake Street Historic Business District and the Marina Districts, pursuant to the provisions of this section pertaining to permitting (subsection 4), standards (subsection 5), and a maintenance agreement (subsection 6).

3. Existing Private Road. After the effective date of this Ordinance, no existing private road shall be extended to provide access to a lot, dwelling or building which was not provided access by the private road as of the effective date of this Ordinance, unless the existing private road is re-constructed according to the minimum construction standards and other requirements of this Section.

Existing private roads may be improved, upgraded and maintained without being subject to these regulations.

4. Procedure for Permitting of Private Roads.

A. Application and Fee

An application to establish, construct or extend a private road shall be filed with the Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

- (1) The names(s) of the owners and any other parties having any legal interest in the private road.
- (2) Permanent parcel number or legal description of the property over which the private road is to be constructed.
- (3) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
- (4) A scaled drawing which illustrates all of the lots which will be served by the private road.
- (5) A scaled drawing sealed by a registered engineer or surveyor showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts, and the location and distance to any public street which the private road is to intersect. This drawing shall include a profile of the proposed road.
- (6) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof.
- (7) A road maintenance agreement, access easement agreement and deed restrictions as required in this Section.

B. Review by Zoning Administrator

- (1) The Zoning Administrator shall review this information in conjunction with the Township Fire Chief to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township Attorney, Engineer or Planner.
- (2) If the Zoning Administrator finds that the application meets the requirements of this Section, the application shall be approved and a Construction Permit issued for the construction of the private road. This Construction Permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval: one copy shall be kept by the applicant, and one by the Township.

This Construction Permit is not a Private Road Permit and does not authorize the construction of any buildings on the private road. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new Construction Permit shall be required before construction can begin.

- (3) If the Zoning Administrator denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.
- (4) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:
 - (a) A letter from a registered professional engineer or surveyor certifying that the road has been constructed in compliance with the approved private road plans.
 - (b) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Manistee County Register of Deeds office.
 - (c) A driveway permit from the Manistee County Road Commission or Michigan Department of Transportation as applicable.

The Zoning Administrator shall conduct an inspection of the private road to ensure that all other requirements of this Section have been met.

- (5) Private Road Permit Issuance - Upon approval of items required for final compliance, the Zoning Administrator shall issue a Private Road Permit.
- (6) Permits for Buildings on Private Roads - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless the private road has been completed in accordance with an approved Private Road Permit, or the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved private road construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed prior to the expiration of the letter of credit.

5. Minimum Standards for Private Roads.

- A. A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of 60 feet.
- B. A lot shall have frontage on the private road easement which is at least equal to the minimum lot frontage or width required for the district in which the lot is located. For lots on a cul-de-sac the frontage requirement shall be regulated by Section 4.4.2.A of this Ordinance.
- C. A private road shall intersect and connect to a public road.
- D. The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting Manistee County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
- E. The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet. The private road may be located anywhere within the private road easement, allowing for the required shoulder, provided that the balance of the right-of-way shall remain unencumbered to allow for future expansion.
- F. All private roads shall be constructed on a base of at least six inches of compacted gravel with a suitable sand sub-base.

- G. A private road shall have a minimum roadway width (driving surface) of 22 feet with a minimum shoulder width of three feet on each side.
 - H. All private roads shall widen at any dead end so there is at least a 40 feet radius driving surface turnaround. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved.
 - I. A private road shall not exceed a grade of 14 percent; provided that a minimum of 50 feet of flat gradient (maximum 0.5% sloped away the through street having the right of way) measured from the shoulder line, shall be provided at the approach of a private street to another private street or public street. Intersections shall not be allowed on grades steeper than six percent.
 - J. A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Manistee County Road Commission and State of Michigan requirements.
 - K. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
 - L. The edge of the private road easement shall be no closer than the minimum required front yard setback for the district in which it is located from any dwelling unit located on a parcel adjacent to the private road.
 - M. A private road that intersects a public street shall be at least 150 feet from a public or private road which intersects the same street as measured between the centerlines of the roadways.
6. Private Road Maintenance Agreement.
- A. The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a recordable or recorded road maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:

- (1) A method of financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
- (2) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
- (3) A notification that no public funds of the Township of Arcadia will be used to build, repair, or maintain the private road.
- (4) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
- (5) Each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- (6) If the private road entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the Township Fire Chief.
- (7) The agreement shall provide that it is enforceable by the Township at its option. The agreement shall also provide that, if the private road is not maintained to the requirements of this Ordinance, all of the owners of lots utilizing or benefited by the private road shall be deemed to have consented to the creation of a special assessment district by the Township in order to maintain or upgrade the private road.

SECTION 4.15 REMOVAL OF EARTH MATERIALS, AND FILLING

Administrative Note: the following subsections 1-3 are intended to be administered with the understanding that the removal of earth materials and/or fill operations in conjunction with a building permit, or involving less than the specified area/volume, does not constitute only a part, portion, or phase of some other larger, different, or recurring earth removal/filling operation, plan, or activity. Repeat, combined, and successive removal/fill operations for the purpose of removing/filling a larger total area/volume shall therefore be subject to the intended applicable requirements of this Ordinance.

1. Zoning Approval Not Required. Zoning approval is not required for excavations or filling for building construction purposes pursuant to a building permit issued under the Building Code, except where either subsection 2 or 3 below applies.

Zoning approval is also not required where the removal of earth materials and/or fill operations for any other lawful purpose does not involve an area exceeding two acres or 10,000 cubic yards of earth material.

2. Zoning Approval Required by Zoning Administrator. The removal of earth materials and/or fill operations involving an area exceeding two acres, but not exceeding 10,000 cubic yards of earth material, shall not be initiated without administrative approval of a site plan by the Zoning Administrator. An applicant for such administrative site plan approval shall submit to the Zoning Administrator all of the following information with a site plan for the property involved with the proposed earth removal and/or filling operations:
 - A. The names and addresses of the parties of interest in the subject premises, setting forth their legal interest in the premises, and the names and addresses of the persons or contractors responsible for the earth removal and/or filling operations.
 - B. The legal description of the property where operations are proposed.
 - C. A detailed statement as to exactly what type of machinery and equipment will be used, and the estimated period of time that the proposed operations will take.
 - D. A detailed statement as to exactly what type of material is proposed to be removed or deposited.
 - E. The existing grades and final proposed post-operations grades.
 - F. Such other information as may be reasonably required by the Zoning Administrator to make a determination as to whether a permit shall be issued or not.
 - G. Upon receipt of an administratively complete application, and payment of such application fee as may be established by the Township Board for such matters, the Zoning Administrator shall make an administrative determination on the site plan pursuant to the site plan approval criteria specified in Chapter 19 of this Ordinance. Administrative approval of a site plan under this provision shall be valid for six months.
3. Zoning Approval Required by Planning Commission. Earth removal and/or filling operations involving an area exceeding two acres and more than 10,000 cubic yards of earth material shall not be initiated unless the subject property is zoned for mining under this Ordinance, and all special land use permit and site plan approvals required by this Ordinance have been obtained from the Planning Commission.
4. Approved Fill Material; Site Reclamation. Only sand, soil, clay, dirt, stone, brick and concrete (standard block size or smaller) shall be used as fill, and all such

materials shall be leveled off with a minimum of six (6) inches debris-free top cover suitable for the growing of turf within six (6) months of the permit issuance date.

SECTION 4.16 KEEPING/RAISING OF FARM ANIMALS

1. R-AG Rural Agriculture District: In this district farm animals are allowed as follows:
 - A. The raising or keeping of farm animals for commercial or non-commercial purposes is a permitted use, including as a permissible accessory use such as accessory to a single family dwelling that is not otherwise associated with a farm; provided that commercial livestock facilities may be subject to Generally Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development pursuant to the Michigan Right To Farm Act, as administered by the Michigan Department of Agriculture and Rural Development, with respect to the siting of such facilities, manure management, animal husbandry, and such other GAAMPS as may be applicable.
 - B. The keeping of farm animals for such rural recreation/amusement activities as hayrides, horse rides, and farm animal petting zoos, in conjunction with an active farm operation, is a permitted use.
 - C. Stable (Commercial and Private) is a permitted use.
 - D. The keeping of farm animals for such rural recreation/amusement activities as hayrides, horse rides, and farm animal petting zoos, not in conjunction with an active farm operation, is a special land use.
2. RR Rural Residential District: In this district farm animals are allowed as follows:
 - A. The raising or keeping of farm animals for commercial or non-commercial purposes is a permitted use, including as a permissible accessory use such as accessory to a single family dwelling that is not otherwise associated with a farm; provided that commercial livestock facilities may be subject to Generally Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development pursuant to the Michigan Right To Farm Act, as administered by the Michigan Department of Agriculture and Rural Development, with respect to the siting of such facilities, manure management, animal husbandry, and such other GAAMPS as may be applicable.
 - B. The keeping of farm animals for such rural recreation/amusement activities as hayrides, horse rides, and farm animal petting zoos, in conjunction with an active farm operation, is a permitted use.

- C. Private Stable is a permitted use.
 - D. Commercial Stable is a special land use.
 - E. The keeping of farm animals for such rural recreation/amusement activities as hayrides, horse rides, and farm animal petting zoos, not in conjunction with an active farm operation, is a special land use.
3. CA Camp Arcadia District, VR Village Residential District, PA Point Arcadia Residential District, SP Star-Key Point Residential District, M-22/Glovers Lake Road Business District, M22-2 Business District, MA-2 Marina 2 District: In these residential districts farm animals are prohibited, except as follows:
- A. Certain premises in one or more of these districts may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture and Rural Development under authority of the Michigan Right To Farm Act.
 - B. Chickens (but not roosters) are allowed as an accessory residential use incidental to a dwelling on the premises to produce eggs and/or meat primarily for the occupants of the premises, subject to all applicable provisions of this Ordinance, including the following limitations and other requirements:
 - (1) No more than 12 chickens are allowed on the premises at any time.
 - (2) All chickens shall be confined, or restricted to the premises by otherwise permissible fencing, and shall not be allowed to wander into a public street or onto the premises of other persons.
 - (3) A chicken coop is allowed, in accordance with all applicable accessory structure requirements.
 - (4) The premises shall be maintained free of objectionable odors and noise.
4. LS Lake Street Historic Business District, MA Marina District: In these districts farm animals are prohibited, except as follows:
- A. Certain premises in one or more of these districts may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan

Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.

5. LI Light Industrial District: In this district farm animals are allowed as follows:
 - A. The raising or keeping of farm animals for commercial or non-commercial purposes is a permitted use, including as a permissible accessory use such as accessory to a single family dwelling that is not otherwise associated with a farm; provided that commercial livestock facilities may be subject to Generally Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development pursuant to the Michigan Right To Farm Act, as administered by the Michigan Department of Agriculture and Rural Development, with respect to the siting of such facilities, manure management, animal husbandry, and such other GAAMPS as may be applicable.
 - B. The keeping of farm animals for such rural recreation/amusement activities as hayrides, horse rides, and farm animal petting zoos, in conjunction with an active farm operation, is a permitted use.
 - C. Private Stable is a permitted use.
 - D. Commercial Stable is a special land use.
6. P Preserve District: In this district farm animals are incompatible with any of the limited land uses allowed, and are therefore prohibited; except a reasonable number of goats or other grazing animals may be used to control invasive and undesirable vegetation in nature preserves and natural areas.

SECTION 4.17 TEMPORARY COMMUNITY EVENTS

1. A Community Event as otherwise allowed by this Ordinance is subject to the following event site and operational requirements:
 - A. The applicant shall comply with all applicable federal, state, county and/or local laws, regulations, and ordinances.
 - B. Adequate facilities shall be provided for parking.
 - C. Light, dust, noise, traffic, and trespassing shall be managed so as to not adversely affect any adjacent properties.
 - D. Accessory commercial activities shall be limited to those reasonably necessary to serve the patrons of the event.

- E. Temporary bathroom facilities (including port-a-johns) are permissible, in accordance with all applicable Health Department regulations.
- F. Adequate trash receptacles shall be provided throughout the site.
- G. Operating hours for the event shall be based on the nature of the event, as approved by the Township Board so as to avoid unreasonable disturbances to adjoining properties.

CHAPTER 5
RURAL AGRICULTURE
DISTRICT (R-AG)

SECTION 5.1 INTENT AND PURPOSE

The Rural Agriculture District is derived from the Rural Agriculture planning classification of the Arcadia Township Master Plan. This district is intended for general farming and specialized farming activities, forestry, and other rural activities as well as farm support services. The land within this district is generally well suited for growing forest products, crops and fruit due to climate, soil types and terrain which are a unique natural resource of the Township. Residential development that supports rural character preservation is also permitted in this district, but non-farm residential development should be located to respect farming activities and practices and not interfere with the rights of farmers to pursue their livelihood in accordance with the primary purpose of this district and the State of Michigan Right to Farm Act. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 5.2 PERMITTED USES

The following uses are designated as permitted uses in the Rural Agriculture District, subject to compliance with all other applicable provisions of this Ordinance:

1. Agriculture/Commercial Agriculture. Note: various types of agriculture operations, including a new or expanding commercial livestock facility, may be subject to a nuisance claim if they do not comply with all applicable General Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development under authority of the Michigan Right to Farm Act.
2. Any of the following land uses accessory to an otherwise permissible commercial agriculture operation:
 - A. Storing, packaging, processing, canning and freezing of farm produce.
 - B. Rural recreation/amusement activities in conjunction with an active farm operation, including crop mazes, hay rides, horse rides, farm animal petting zoos, non-motorized bicycle and pedestrian trails, ecotourism or agritourism events and other similar activities (see Section 5.5.5) on the premises of an existing farm operation and intended to add value to that operation.
 - C. U-pick or u-cut operations.

D. Farm Labor Housing complying with all of the following:

- (1) Compliance with the Michigan Public Health Code, including any rules promulgated pursuant thereto.
- (2) The occupants are employed for farm labor by the owner of the property while they occupy the farm labor housing.
- (3) Mobile homes may be used to provide such housing pursuant to Section 4.7.1 of this Ordinance.
- (4) Farm labor housing must be at least 100 feet from all property lines.

Farm labor housing may be permitted as a principal use on a parcel which complies with all other requirements of this section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.

E. On-Farm Biofuel Production Facility (Type I).

3. Farm Market.
4. Stable (Commercial and Private).
5. Single family dwelling and two family dwelling.
6. Accessory Apartment.
7. Economy Efficient Dwelling.
8. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
9. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
10. Roadside Stand.
11. Cemetery.
12. Storage of materials, vehicles and equipment used by the occupant of the dwelling on the premises in the operation of a business which is lawfully conducted off the premises. This shall primarily include, but shall not be limited to, materials, equipment and vehicles used in the building and construction trades. Materials and equipment shall be located either indoors or otherwise

completely screened from the view of adjacent roadways and properties. The storage of such materials/equipment and the buildings used in the business shall be located within a contiguous area not exceeding three acres regardless of the size of the parcel containing the use, and shall otherwise be clearly incidental to the permitted principal use.

13. Towers and antennas which do not exceed 100 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building; provided each such ground-mounted and roof-mounted tower/antenna shall be setback from all adjoining property lines and structures a distance of at least the total height of the tower/antenna.
14. Essential Public Service Equipment.
15. Open space preservation/clustering development, as provided by Section 506 of the Michigan Zoning Enabling Act (*MCL 125.3506*) and Chapter 21 of this Ordinance.
16. Landscaping, nursery, and greenhouse business which is primarily retail in operation, subject to Chapter 19
17. Farmers Market, subject to Chapter 19.
18. Farm implement repair service, subject to Chapter 19.
19. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use, as determined by the Planning Commission.
20. Permissible accessory uses.
21. Short Term Rental.
22. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.
23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.

SECTION 5.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Rural Agriculture District, subject to applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Aircraft Landing Strip/Heli-pad and associated facilities.
2. Campground.
3. Golf course and/or Golf Resort.
4. Mining.
5. Municipal, county, state, and federal administration or educational or service building, including municipal fire station.
6. Kennel (Commercial).
7. Junkyard/salvage yard.
8. Landscaping, nursery, and greenhouse business which is primarily wholesale in operation.
9. Church, including associated uses such as pastor's house, rectory, and convent, on a lot or parcel of at least three acres.
10. Public and non-public school, not including colleges or universities.
11. On-Farm Biofuel Production Facility (Type II or Type III), as regulated by Section 20.7(Item 10).
12. Wireless Communications Support Structure which is higher than permitted by Section 5.2.12.
13. Rural recreation/amusement activities not in conjunction with an active farm operation, including crop mazes, hay rides, horse rides, farm animal petting zoos, non-motorized bicycle and pedestrian trails, ecotourism or agritourism events and other similar activities (see Section 5.5.5) not on the premises of an existing farm operation but intended to add value to an existing farm operation on other premises in the Township.
14. Commercial paint ball course.
15. Commercial off-road vehicle trail/course.
16. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 - Bed and Breakfast.

17. Essential Public Service Structures and Buildings.
18. Mobile Home Park and Seasonal Mobile Home Park.
19. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use, as determined by the Planning Commission.

SECTION 5.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage - Two acres Lot Area; 175 feet Lot Frontage.
2. Minimum Required Building Setbacks
 - A. *Front Yard* - The greater of 83 feet from the centerline of State Highway M22 or 20 feet from the front property line; 68 feet from the center of Manistee County Primary Roads; 58 feet from the center of private roads and Manistee County Seasonal and Local Roads.
 - B. *Side Yard* - 20 feet.
 - C. *Rear Yard*- 25 feet.
 - D. *Waterfront Yard* – 50 feet.
3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.
4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling and Accessory Apartment.

SECTION 5.5 ADDITIONAL REGULATIONS

1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all special land uses and specified permitted uses in this district and as may otherwise be required by this Ordinance, in accordance with Chapter 19.
4. Exterior lighting for all uses in this district shall comply with Section 4.12.

5. An Agritourism Event as otherwise allowed in this district as a permitted use (in conjunction with an active farm operation) and as a special land use (not in conjunction with an active farm operation) is subject to the following event site and operational requirements, which shall be administered as additional standards for site plan approval in accordance with Chapter 19 in the context of a permitted use, and as special land use approval standards in accordance with Chapter 20 in the context of a special land use:
 - A. The applicant shall comply with all applicable federal, state, county and/or local laws, regulations, and ordinances.
 - B. Adequate facilities shall be provided for parking.
 - C. Light, dust, noise, traffic, and trespassing shall be managed so as to not adversely affect any adjacent properties.
 - D. Accessory commercial activities shall be limited to those reasonably necessary to serve the patrons of the event.
 - E. Temporary bathroom facilities (including port-a-johns) are permissible, in accordance with all applicable Health Department regulations.
 - F. Adequate trash receptacles shall be provided throughout the site.
 - G. Operating hours for the event shall be based on the nature of the event, as approved by the Planning Commission so as to avoid unreasonable disturbances to adjoining properties.
6. In this district one accessory structure is allowed accessory to an otherwise permissible Economy Efficient Dwelling, attached or detached, not larger than 800 square feet in area, with side walls not higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure), and otherwise complying with all other requirements in this Ordinance applicable to accessory structures (including Section 18.1 and Section 18.2).

CHAPTER 6
RURAL RESIDENTIAL
DISTRICT (RR)

SECTION 6.1 INTENT AND PURPOSE

The RR Rural Residential District is derived from the Rural Residential planning classification in the Arcadia Township Master Plan. This district is intended to apply to specific areas of the Township, west of M-22, that contain single family and two-family homes, for year-round and seasonal use, mostly on relatively large lots. This district also encompasses an area of existing smaller residential lots located along the Lake Michigan shoreline. This district anticipates single family residential development will continue, attracting seasonal and permanent residents. Density-based zoning opportunities are available for single family residential development in this district. Clustering of residential development is encouraged with the remaining land preserved for open space by using a density schedule and/or open space preservation/clustering development. The regulations for this district are intended to continue these residential uses, while encouraging relatively larger lots in order to maintain private water well and septic system integrity, allow private roads with standards to ensure emergency service access, protect the Lake Michigan shoreline, including views, and preserve the rural and scenic character of the areas of the Township in this district. Commercial agriculture including forestry is allowed in this district, and the regulations of this district are intended to continue to support and promote agricultural opportunities; provided that livestock facilities are subject to guidelines issued by the State of Michigan pursuant to the Right to Farm Act. Other uses customarily found within a rural residential area are allowed, in keeping with the values and scenic rural preservation of the Township. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 6.2 PERMITTED USES

The following uses are designated as permitted uses in the Rural Residential District, subject to compliance with all other applicable provisions of this Ordinance:

1. Single family dwelling and two family dwelling.
2. Accessory Apartment.
3. Economy Efficient Dwelling.
4. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.

- Adult Foster Care Family Home.
5. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
 6. Agriculture/Commercial Agriculture. Note: various types of agriculture operations, including new or expanding commercial livestock facility, may be subject to a nuisance claim if they do not comply with all applicable General Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development under authority of the Michigan Right to Farm Act.
 7. Any of the following land uses accessory to an otherwise permissible commercial agriculture operation:
 - A. Storing, packaging, processing, canning and freezing of farm produce.
 - B. Rural recreation/amusement activities in conjunction with an active farm operation, including crop mazes, hay rides, horse rides, farm animal petting zoos, non-motorized bicycle and pedestrian trails, ecotourism or agritourism events and other similar activities (see Section 6.5.5) on the premises of an existing farm operation and intended to add value to that operation.
 - C. U-pick or u-cut operations.
 - D. Farm labor housing complying with Section 5.2.2.D of this Ordinance.
 - E. On-Farm Biofuel Production Facility (Type I).
 8. Farm Market.
 9. Roadside Stand.
 10. Stable (Private).
 11. Essential Public Service Equipment.
 12. Towers and antennas which do not exceed 100 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building; provided each such ground-mounted and roof-mounted tower/antenna shall be setback from all adjoining property lines and structures a distance of at least the total height of the tower/antenna.
 13. Open space preservation development, as provided by Section 506 of the Michigan Zoning Enabling Act (*MCL 125.3506*) and Chapter 21 of this Ordinance.

14. Landscaping, nursery, and greenhouse business which is primarily retail in operation, subject to Chapter 19.
15. Qualified Residential Treatment Program.
16. Short Term Rental.
17. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use, as determined by the Planning Commission.
18. Permissible accessory uses.
19. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.
20. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
21. Farmers Market.

SECTION 6.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Rural Residential District, subject to applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Aircraft Landing Strip/Helipad and associated facilities.
2. Resort.
3. Campground.
4. Golf course and/or Golf Resort.
5. Mining.
6. Kennel (Commercial).
7. Stable (Commercial).
8. Landscaping, nursery, and greenhouse business which is primarily wholesale in operation.
9. Church, including associated uses such as pastor's house, rectory, and convent, on a lot of at least two acres.

10. Public and non-public school, not including colleges or universities.
11. Housing for the Elderly & Senior Citizens.
12. Municipal, county, state, and federal administration or educational or service building, including municipal fire station.
13. Essential Public Service Structures and Buildings (above ground).
14. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use.)
15. On-Farm Biofuel Production Facility (Type II or Type III).
16. Farm implement repair service.
17. Agricultural Service Establishment.
18. Wireless Communications Support Structure which is higher than permitted by Section 6.2.11.
19. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 - Bed and Breakfast.
20. Rural recreation/amusement activities not in conjunction with an active farm operation, including crop mazes, hayrides, horse rides, farm animal petting zoos, non-motorized bicycle and pedestrian trails, ecotourism or agritourism events and other similar activities (see Section 6.5.5) not on the premises of an existing farm operation but intended to add value to an existing farm operation on other premises in the Township.
21. Commercial paint ball course.
22. Commercial off-road vehicle trail/course.
23. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use, as determined by the Planning Commission.

SECTION 6.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage – One acre Lot Area; 120 feet Lot Frontage.
2. Minimum Required Building Setbacks
 - A. *Front Yard (road side)* - The greater of 20 feet from the front property line or 83 feet from the centerline of State Highway M-22; 68 feet from the center of Manistee County Primary Roads; 58 feet from the center of private roads and Manistee County Seasonal and Local Roads.
 - B. *Side Yard* - 10 feet.
 - C. *Rear Yard* - 15 feet.
 - D. *Waterfront Yard* – 50 feet, except where a different setback is required for any of the following lots as specified below:
 - Lots abutting Lake Michigan, where not regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---50 feet from the ordinary high water mark of Lake Michigan.
 - Lots abutting Lake Michigan, where regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---the minimum setback required for all construction activities on such lots or portions thereof shall be as determined pursuant to that statute/administrative rules; provided, if the minimum setback determined pursuant to the statute/administrative rules results in a minimum setback of less than 50 feet from the ordinary high water mark of Lake Michigan, the minimum setback administered and enforced by the Township shall be 50 feet from the ordinary high water mark of Lake Michigan.
3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.

4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling and Accessory Apartment.

SECTION 6.5 ADDITIONAL REGULATIONS

1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all special land uses and specified permitted uses in this district and as may otherwise be required by this Ordinance, in accordance with Chapter 19.
4. Exterior lighting for all uses in this district shall comply with Section 4.12.
5. An Agritourism Event as otherwise allowed in this district as a permitted use (in conjunction with an active farm operation) and as a special land use (not in conjunction with an active farm operation) is subject to the following event site and operational requirements, which shall be administered as additional standards for site plan approval in accordance with Chapter 19 in the context of a permitted use, and as special land use approval standards in accordance with Chapter 20 in a special land use context:
 - A. The applicant shall comply with all applicable federal, state, county and/or local laws, regulations, and ordinances.
 - B. Adequate facilities shall be provided for parking.
 - C. Light, dust, noise, traffic, and trespassing shall be managed so as to not adversely affect any adjacent properties.
 - D. Accessory commercial activities shall be limited to those reasonably necessary to serve the patrons of the event.
 - E. Temporary bathroom facilities (including port-a-johns) are permissible, in accordance with all applicable Health Department regulations.
 - F. Adequate trash receptacles shall be provided throughout the site.
 - G. Operating hours for the event shall be based on the nature of the event, as approved by the Planning Commission so as to avoid unreasonable disturbances to adjoining properties.
6. In this district one accessory structure is allowed accessory to an otherwise permissible Economy Efficient Dwelling, attached or detached, not larger than

800 square feet in area, with side walls not higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure), and otherwise complying with all other requirements in this Ordinance applicable to accessory structures (including Section 18.1 and Section 18.2).

CHAPTER 7
CAMP ARCADIA DISTRICT (CA)

SECTION 7.1 INTENT AND PURPOSE

This district is derived from the “Camp Arcadia” planning classification in the Arcadia Township Master Plan, and is intended to apply to a specific area of the Township comprising the existing historic Camp Arcadia and its associated single-family residential neighborhood. The historic Camp has offered a religion-based camping experience for thousands of families since its inception in 1922, and is comprised of assembly halls, meeting spaces, a camp store and kitchens, an amphitheater, various accessory buildings, and single-family dwellings, all used for traditional camp purposes. The Camp is owned and operated by the Lutheran Camp Association (LCA), which also regulates land use within the Camp by private restrictions. The Arcadia Cottage Colony Association (ACCA) also regulates by private restrictions the single-family cottages developed on privately owned lots in this district. The zoning regulations of this district are intended to allow the continued use and future development of this historic and unique area of the Township by generally synchronizing with the private restrictions of the LCA and ACCA that also govern land use within this district.

SECTION 7.2 PERMITTED USES

The following uses are designated as permitted uses in the Camp Arcadia District, subject to all other applicable provisions of this Ordinance:

1. Single family dwelling and two family dwelling.
2. Economy Efficient Dwelling.
3. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
4. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
5. Roadside Stand, accessory to an otherwise permissible single family dwelling.
6. Towers and antennas which do not exceed 100 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building; provided each such ground-mounted and roof-

mounted tower/antenna shall be setback from all adjoining property lines a distance of at least the total height of the tower/antenna.

7. Essential Public Service Equipment.
8. Qualified Residential Treatment Program.
9. Short Term Rental.
10. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use, as determined by the Planning Commission.
11. Permissible accessory uses.
12. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
13. Farmers Market.

SECTION 7.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Camp Arcadia District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Historic Camp Arcadia facilities, uses, and activities, including assembly halls, worship facility, amphitheater, meeting spaces, camp store, commercial kitchen, camper housing, and other incidental uses and activities consistent with the traditional operations and purpose of Camp Arcadia.

Note: pursuant to this special land use designation the historic Camp Arcadia may continue as existing at the time of the enactment of this Zoning Ordinance provision designating Camp Arcadia as a special land use, subject to all applicable provisions of this Ordinance pertaining to lawful nonconforming uses and buildings/structures. However, this special land use designation is also intended to provide a zoning approval mechanism for future development/redevelopment of the area comprising Camp Arcadia, preferably pursuant to a comprehensive development/redevelopment plan. This special land use approval process, including site plan review as mandated by state law and this Ordinance, may also be used to confer conforming use status on the existing Camp Arcadia facilities, uses, and activities, either on a stand-alone special land use application basis, or as part of a future development/redevelopment comprehensive special land use application.

2. Church, including associated uses such as pastor's house, rectory, and convent, on a lot or parcel of at least two acres.

3. Public and non-public school, not including colleges or universities.
4. Housing for the Elderly & Senior Citizens.
5. Essential Public Service Structures and Buildings.
6. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use).
7. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 - Bed and Breakfast.
8. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use, as determined by the Planning Commission.

SECTION 7.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage
 - A. For a single family dwelling: 7,500 square feet Lot Area; 75 feet Lot Frontage.
 - B. For a two family dwelling: 12,000 square feet Lot Area; 100 feet Lot Frontage.
 - C. For non-residential uses: 20,000 square feet minimum Lot Area; 125 feet Lot Frontage---subject to Planning Commission approval of such lesser or greater minimums as may be determined to be appropriate for the specified land use on a site specific basis during consideration of special land use approval pursuant to the standards specified in Section 20.03 of this Ordinance and/or pursuant to consideration of a site plan pursuant to the standards specified in Section 19.7.2 of this Ordinance.
 - D. Nonconforming Lots of Record

- (1) A lot which is part of a subdivision recorded before the adoption of this Ordinance and which does not comply with the applicable minimum lot size and frontage requirements of preceding subsections A-C (a nonconforming lot of record) may be used for a single family dwelling or other permissible use provided the minimum building setbacks are met and approval is obtained from the Health Department for well and septic systems.
- (2) Two or more non-conforming lots of record or portions of such lots which are adjacent to each other and held in common ownership shall be combined to create a conforming lot or a less nonconforming lot in order to construct a single family dwelling or other permissible use. If the new "zoning lot" resulting from such combination complies with the applicable minimum lot size and lot frontage requirements of Section 7.4.1 such new lot shall no longer be considered a non-conforming lot. The Planning Commission may also apply this zoning lot concept to the contiguous land area of historic Camp Arcadia, in the course of considering a comprehensive special land use application and/or site plan for Camp Arcadia.

2. Minimum Required Building Setbacks

- A. *Front Yard* - 10 feet for each street abutting the lot as measured from the front lot line; except the minimum required front yard setback for lots abutting M-22 shall be the greater of 20 feet from the front property line or 83 feet from the centerline of State Highway M-22.
- B. *Side Yard* - 8 feet.
- C. *Rear Yard* - 10 feet.
- D. *Waterfront Yard* - 50 feet, except where a different setback is required for any of the following lots as specified below:
 - Lots abutting Lake Michigan, where regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---the minimum setback required for all construction activities on such lots or portions thereof shall be as determined pursuant to that statute/administrative rules; provided, if the minimum setback determined pursuant to the statute/administrative rules results in a minimum setback of less than 50 feet from the ordinary high water mark of Lake Michigan, the minimum setback administered and

enforced by the Township shall be 50 feet from the ordinary high water mark of Lake Michigan.

3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.
4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling.

SECTION 7.5 ADDITIONAL REGULATIONS

1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all special land uses in this district and as may otherwise be required by this Ordinance, in accordance with Chapter 19.
4. Exterior lighting for all uses in this district shall comply with Section 4.12.

CHAPTER 8
VILLAGE RESIDENTIAL
DISTRICT (VR)

SECTION 8.1 INTENT AND PURPOSE

The VR Village Residential District is derived from the Residential Settlement planning classification in the Arcadia Township Master Plan. This District comprises the densest residential area of the Township with lot sizes and a grid street pattern reflective of a traditional village. The lot sizes, street trees and sidewalks create a very walkable community. The intent of this District is to continue this village pattern of development, with appropriate zoning regulations and encourages development that is replicable to the current historic character of the village area.

SECTION 8.2 PERMITTED USES

The following uses are designated as permitted uses in the Village Residential District, subject to all other applicable provisions of this Ordinance:

1. Single family dwelling and two family dwelling.
2. Economy Efficient Dwelling.
3. Accessory Apartment, accessory to an otherwise permissible residential use.
4. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
5. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
6. Roadside Stand, accessory to an otherwise permissible single family dwelling.
7. Towers and antennas not exceeding 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building.
8. Essential Public Service Equipment.

9. Qualified Residential Treatment Program.
10. Short Term Rental.
11. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use, as determined by the Planning Commission.
12. Permissible accessory uses.
13. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
14. Farmers Market.

SECTION 8.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Village Residential District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Church, including associated uses such as pastor's house, rectory, and convent, on a lot or parcel of at least two acres.
2. Public and non-public school, not including colleges or universities.
3. Housing for the Elderly & Senior Citizens.
4. Essential Public Service Structures and Buildings.
5. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use).
6. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 - Bed and Breakfast.
7. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 8.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage

- A. For a single family dwelling: 7,500 square feet Lot Area; 75 feet Lot Frontage.
- B. For a two family dwelling: 12,000 square feet Lot Area; 100 feet Lot Frontage.
- C. For non-residential uses: 20,000 square feet minimum Lot Area; 125 feet Lot Frontage---subject to Planning Commission approval of such lesser or greater minimums as may be determined to be appropriate for the specified land use on a site specific basis during consideration of special land use approval pursuant to the standards specified in Section 20.03 of this Ordinance and/or pursuant to consideration of a site plan pursuant to the standards specified in Section 19.7.2 of this Ordinance.
- D. Nonconforming Lots of Record
 - (1) A lot which is part of a subdivision recorded before the adoption of this Ordinance and which does not comply with the applicable minimum lot size and frontage requirements of preceding subsections A-C (a nonconforming lot of record) may be used for a single family dwelling or other permissible use provided the minimum building setbacks are met and approval is obtained from the Health Department for well and septic systems.
 - (2) Two or more non-conforming lots of record or portions of such lots which are adjacent to each other and held in common ownership shall be combined to create a conforming lot or a less nonconforming lot in order to construct a single family dwelling or other permissible use. If the new "zoning lot" resulting from such combination complies with the applicable minimum lot size and lot frontage requirements of Section 8.4.1 such new lot shall no longer be considered a non-conforming lot.

2. Minimum Required Building Setbacks

- A. Front Yard - 10 feet for each street abutting the lot as measured from the front lot line.
- B. Side Yard - 8 feet.

- C. Rear Yard - 10 feet.
- D. Waterfront Yard – 50 feet.
- 3. Maximum Building Height 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district.
- 4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling and Accessory Apartment.

SECTION 8.5 ADDITIONAL REGULATIONS

- 1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
- 2. Parking in or obstruction of any portion of an alley is prohibited.
- 3. Signs are permissible in this district in accordance with Chapter 22.
- 4. Site plan review is required for all special land uses in this district and as may otherwise be required by this Ordinance, in accordance with Chapter 19.
- 5. Exterior lighting for all uses in this district shall comply with Section 4.12.
- 6. An accessory building in this district shall not be larger than 800 square feet in size, and the side walls of such accessory building shall not be higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure).
- 7. An Accessory Apartment may be combined with an Accessory Building creating a single structure provided all requirements for both the Accessory Apartment and the Accessory Building are met.

CHAPTER 9
POINT ARCADIA RESIDENTIAL
DISTRICT (PA)

SECTION 9.1 INTENT AND PURPOSE

The PA Point Arcadia Residential District is derived from the Point Arcadia planning classification in the Arcadia Township Master Plan, and is intended to apply only to an existing specific area of the Township initially developed in the 1980s with a platted subdivision, a manufactured housing community, a private marina consisting of boat docks and slips, and a recreation center associated with the residential community, pursuant to zoning regulations and a conditional special land use permit approved by the Township specifically for that project. This district is not intended to be expanded to any other area of the Township in the future. The land use regulations governing this district are intended to accommodate the primary purpose of the district for development comparable to other adjacent districts, while generally aligning the regulations of this district with existing private restrictions to allow the existing uses to continue as conforming uses and facilitate the compatible development of any undeveloped lots. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 9.2 PERMITTED USES

The following uses are designated as permitted uses in the Point Arcadia Residential District, subject to all other applicable provisions of this Ordinance:

1. Single family dwelling, including one manufactured or site-built single family dwelling per existing lot in the plat of Point Arcadia Subdivision created in 1970 and recorded in the Office of the Register of Deeds of Manistee County in Liber 6 of Plats, pages 1-3, as amended; except and subject to Section 9.3.1 of this Ordinance with respect to parts of the development of that subdivision pursuant to a conditional special land use permit as approved by the Township of Arcadia Planning Commission 4-25-85, and as amended by the Planning Commission 1-21-91.
2. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
3. Home Occupation, accessory to an otherwise permissible single family dwelling unit.

4. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building.
5. Essential Public Service Equipment.
6. Roadside Stand, accessory to an otherwise permissible single family dwelling.
7. Qualified Residential Treatment Program.
8. Short Term Rental.
9. A use which is not specified in this section but which is compliant with applicable Point Arcadia Association restrictions and is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
10. Permissible accessory uses.
11. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
12. Farmers Market.
13. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.

SECTION 9.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Point Arcadia Residential District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. The existing Point Arcadia single family community development, as granted conditional special land use permit approval by the Township of Arcadia Planning Commission April 25, 1985, and as such approval was amended by the Planning Commission January 21, 1991, consisting of the following uses as approved and developed pursuant to and in accordance with such special land use permit, including all approval terms and conditions which are incorporated herein by reference:
 - A. A Recreation Center on Lots 19, 20, 21, 22, and 23 of the recorded plat of Point Arcadia Subdivision.

- B. Boat Docks and Slips on the waterfront adjoining Lots 73-81, inclusive, of the recorded plat of Point Arcadia Subdivision, and on the north shore of the adjacent island (parcel no. 51-01-015-005-20).
 - C. A single family dwelling Mobile Home Park on Lots 73-95, inclusive, of the recorded plat of Point Arcadia Subdivision.
2. Essential Public Service Structures and Buildings.
 3. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 4. Housing for the Elderly & Senior Citizens.
 5. A use which is not specified in this section but which is compliant with applicable Point Arcadia Association restrictions and is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 9.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance; provided that for purposes of these requirements certain groups of lots are subject to different requirements that apply uniformly within each such group of lots, as designated in subsections 1-4 below:

1. Lots 25-72, except Lot 47. The following requirements shall apply to that part of the Point Arcadia Residential District lying westerly of 3rd Street, including as hypothetically extended southerly between lots 72 and 73 to Arcadia Lake (lots 25-72, except lot 47):
 - A. Minimum Lot Area & Lot Frontage
 - (1) For a single family dwelling (or other permissible use) a lot shall be greater than or equal to the size and frontage of the pertinent lot of record existing in the PA Point Arcadia Residential District as recorded in the Office of the Register of Deeds of Manistee County in Liber 6 of Plats, pages 1-3, as amended, which Plat is incorporated by reference. Any such lot of record shall not be reduced in size or frontage.

B. Minimum Required Building Setbacks

The following minimum building setback requirements are intended to apply to new development in the designated part of this district, including any additions to existing buildings/structures, unless a greater setback is required by any applicable private deed restriction, in which event the greater requirement imposed by the private deed restriction is intended to also be the requirement of this Ordinance:

- (1) *Front Yard (street side)* – For lots with frontage on Arcadia Lake or other waterway: 45 feet as measured from the front lot line (street right-of-way). For all other lots: 25 feet from each street abutting the lot as measured from the front lot line (street right-of-way).
- (2) *Side Yard* - 10 feet as measured to the foundation of the building, and 8 feet as measured to the drip line of the building.
- (3) *Rear Yard* - 10 feet.
- (4) *Waterfront Yard* – 100 feet for lots 48-57, and 66-72; 75 feet for lots 58-59 and 64-65; 65 feet for lots 60-63.

C. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district, or in Section 9.5.5 with regard to accessory buildings; and further subject to single-story only development on lots 48-54 and 66-72.

D. Minimum Floor Area per Dwelling Unit - 800 square feet.

2. Lots 1-6, 13-18, and 24. The following requirements shall apply to that part of the Point Arcadia District lying west of the hypothetically extended center line of Fifth Street, north of Hazel Street, east of Third Street, south of State Street, that were not included in the Special Use Permit approved in the 1980s (lots 1-6, 13-18, and 24):

A. Minimum Lot Area & Lot Frontage

- (1) For a single family dwelling (or other permissible use) a lot shall be greater than or equal to the size and frontage of the pertinent lot of record existing in the PA Point Arcadia Residential District as recorded in the Office of the Register of Deeds of Manistee County in Liber 6 of Plats, pages 1-3, as amended, which Plat is incorporated by reference. Any such lot of record shall not be reduced in size or frontage.

- B. Minimum Required Building Setbacks
 - (1) *Front Yard* - 10 feet for each street abutting the lot as measured from the front lot line (street right-of-way).
 - (2) *Side Yard* - 8 feet.
 - (3) *Rear Yard* - 10 feet.
 - C. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district, or in Section 9.5.5 with regard to accessory buildings.
 - D. Minimum Floor Area per Dwelling Unit - 800 square feet.
3. Lots 19-23 and 73-95. The following requirements shall apply to that part of the Point Arcadia District included in the Special Use Permit approved in the 1980s (lots 19-23 and 73-95):
- A. Minimum Lot Area & Lot Frontage
 - (1) For a single family dwelling (or other permissible use) without public sewer and water: 7500 square feet Lot Area; 75 feet Lot Frontage.
 - (2) For a single family dwelling (or other permissible use) with both public sewer and water or a community septic and well system: 6000 square feet Lot Area; 50 feet Lot Frontage.
 - B. Minimum Required Building Setbacks
 - (1) *Front Yard* - 10 feet for each street abutting the lot as measured from the front lot line (street right-of-way).
 - (2) *Side Yard* - 8 feet.
 - (3) *Rear Yard* - 10 feet.
 - (4) *Waterfront Yard* – 50 feet.
 - C. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district, or in Section 9.5.5 with regard to accessory buildings.
 - D. Minimum Floor Area per Dwelling Unit - 800 square feet.
 - E. Nonconforming Lots of Record
 - (1) A lot which is part of a subdivision recorded before the adoption of this Ordinance and which does not comply with the applicable

minimum lot size and frontage requirements of preceding subsections 1.A., or 2.A., or 3.A. (a nonconforming lot of record) may be used for a single family dwelling or other permissible use provided the minimum building setbacks are met and approval is obtained from the Health Department for well and septic systems.

- (2) Two or more non-conforming lots of record or portions of such lots which are adjacent to each other and held in common ownership shall be combined to create a conforming lot or a less nonconforming lot in order to construct a single family dwelling or other permissible use. If the new "zoning lot" resulting from such combination complies with the applicable minimum lot size and lot frontage requirements of preceding subsections 1.A., or 2.A., or 3.A., such new lot shall no longer be considered a non-conforming lot.

SECTION 9.5 ADDITIONAL REGULATIONS

1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all special land uses in this district and as otherwise may be required by this Ordinance, in accordance with Chapter 19.
4. Exterior lighting for all uses in this district shall comply with Section 4.12.
5. An accessory building in this district shall not be larger than 800 square feet in size, and the side walls of such accessory building shall not be higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure). The setback from the rear lot line shall not be less than 10 feet.

CHAPTER 10
STAR-KEY POINT
RESIDENTIAL DISTRICT (SP)

SECTION 10.1 INTENT AND PURPOSE

The SP Star-Key Point Residential District is derived from the Star-Key Point planning classification of the Arcadia Township Master Plan, and is intended as a unique single family residential district applying only to the Star-Key Point Subdivision created and recorded in 1967. This district is unique, because each lot in the subdivision has frontage on either Lake Michigan or Arcadia Lake, and each lot is accessed by an existing private road. This district recognizes the existing platted lots as conforming, provided neither the frontage/width nor the area of any such lot as created and recorded may be diminished. This district also applies minimum setback and other dimensional regulations intended to facilitate reasonable single family development in a manner consistent with the size and other characteristics of each lot.

SECTION 10.2 PERMITTED USES

The following uses are designated as permitted uses in the SP Star-Key Point Residential District, subject to all other applicable provisions of this Ordinance:

1. Single family dwelling and two family dwelling.
2. Accessory Apartment, accessory to an otherwise permissible residential use.
3. Economy Efficient Dwelling.
4. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
5. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
6. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building.
7. Essential Public Service Equipment.
8. Roadside Stand, accessory to an otherwise permissible single family dwelling.

9. Qualified Residential Treatment Program.
10. Short Term Rental.
11. A use which is not specified in this section but which is compliant with applicable Star-Key Point Association restrictions and is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
12. Permissible accessory uses.
13. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization, or subdivision association.
14. Farmers Market.

SECTION 10.3 SPECIAL LAND USES

The following land uses are designated as special land uses in the SP Star-Key Point Residential District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Essential Public Service Structures and Buildings.
2. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
 - Bed and Breakfast.
3. A use which is not specified in this section but which is compliant with applicable Star-Key Point Association restrictions and is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 10.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage
 - A. Lots 1-37 of the Star-Key Point Subdivision, as created and recorded in 1967, are each recognized as conforming lots for purposes of this Zoning Ordinance. No such existing lot shall be altered so as to reduce the

frontage/width, depth, or area of a lot to be less than its respective frontage/width, depth, or area when the subdivision was created/recorded; provided this restriction does not preclude two or more lots in the subdivision as created/recorded, or parts of such lots, from being combined into the same ownership so as to create one or more buildable "zoning lots", where no such resulting zoning lot has less frontage/width, depth, or area as any of the underlying original lots as created/recorded.

2. Minimum Required Building Setbacks

- A. *Front Yard (street side)* - 5 feet, as measured from the front lot line.
- B. *Side Yard* - 10 feet.
- C. *Rear Yard* – 25 feet.
- D. *Waterfront Yard* – 50 feet, except where a different setback is required for any of the following lots as specified below:
 - Lots 1-17 or otherwise abutting Lake Michigan, where regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---the minimum setback required for all construction activities on such lots or portions thereof shall be as determined pursuant to that statute/administrative rules; provided, if the minimum setback determined pursuant to that statute/administrative rules results in a minimum setback of less than 50 feet from the ordinary high water mark of Lake Michigan, the minimum setback administered and enforced by the Township shall be 50 feet from the ordinary high water mark of Lake Michigan.
 - Lots 1-17 or otherwise abutting Lake Michigan, where not regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act (Shorelands Protection and Management) and administrative rules promulgated thereunder by the Michigan Department of Environmental Quality (high-risk erosion areas)---50 feet from the ordinary high water mark of Lake Michigan.
 - Lots 18-37 or otherwise abutting Arcadia Lake and/or the channel between Lake Michigan and Arcadia Lake (and not regulated by Part 323 of the Michigan Natural Resources and Environmental Protection Act)---25 feet from the ordinary high water mark.

3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district, or in Section 10.5.7 with regard to accessory buildings.
4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling and Accessory Apartment.

SECTION 10.5 ADDITIONAL REGULATIONS

1. Parking for all uses in this district shall be provided in accordance with Chapter 23.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all special land uses in this district and as otherwise may be required by this Ordinance, in accordance with Chapter 19.
4. Septic/well systems shall not be located within any part of the 66 foot private road right-of-way width extending through the subdivision, and shall also not be located within any portion of a lot required to comply with the off-street parking area required by Chapter 23. Septic/well systems shall also be located at least 100 feet from the ordinary high water mark of any waterway and wetland, or such greater distance as may be required by county regulations or state law.
5. No structures shall be constructed or otherwise placed within the required off-street parking area, except for a garage otherwise complying with all applicable setback requirements.
6. Exterior lighting for all uses in this district shall comply with Section 4.12.
7. An Accessory Building in this district shall not be larger than 800 square feet in size, and the side walls of such accessory building shall not be higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure). The setback from the rear lot line shall not be less than 10 feet.
8. An Accessory Apartment may be incorporated into an Accessory Building creating a single structure provided all requirements for both the Accessory Apartment and the Accessory Building are met.

CHAPTER 11

**LAKE STREET HISTORIC
BUSINESS DISTRICT (LS)**

SECTION 11.1 INTENT AND PURPOSE

The Lake Street Historic Business District is derived from the Business planning classification in the Arcadia Township Master Plan, but includes only the portion of the planned Business area as shown on the Future Land Use Map that encompasses the Lake Street corridor of the Township, as this historic corridor has unique characteristics that support a regulatory approach differing from the approach applied to the M-22/Glovers Lake Road portion of that Business planned area. This district is intended to provide for local retail business and service uses that are consistent with the character of the traditional "main street" of the Township, while also facilitating residential units on the second floor or the rear portion of the ground floor of a building where the street level of the ground floor is used for permissible business purposes. The regulations for this district are intended to preserve and perpetuate the architectural style of the historical buildings and create a desired streetscape throughout this district by requiring certain architectural building standards while also allowing some flexibility in site development by, for example, recognizing it is not feasible to require on-site parking in this district. Placemaking and business development efforts in this district intend to meet the needs of the local population while also attracting travelers to the region thereby purposefully impacting the local economy in a scale appropriate to village capacity.

SECTION 11.2 PERMITTED USES

The following uses are designated as permitted uses in the Lake Street Historic Business District, subject to compliance with all other applicable provisions of this Ordinance:

1. Retail shops and stores, including but not limited to bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
2. Personal service establishment, such as barber shop, beauty salon, shoe repair, and other similar establishments.
3. Professional office of doctor, dentist, lawyer, architect, and other similar professions.
4. Existing municipal fire station; and municipal offices for, county, state, and federal agencies.
5. Essential Public Service Equipment.

6. Service club.
7. Restaurant/cafe.
8. Financial and business service establishment such as bank, insurance office, and other similar businesses without drive-through facilities.
9. Health and physical fitness salon.
10. Post office.
11. Roadside Stand.
12. Community Event operated or approved by the Township Board (such as Arcadia Daze).
13. Food Truck, including outdoor service area.
14. Existing single-family dwelling.
15. Single family dwelling unit(s) located on the second floor or in the rear portion of the ground floor of a building where the front portion of the ground floor of the building is occupied by or designed for a permissible business use.
16. Economy Efficient Dwelling, accessory to an otherwise permissible business use.
17. Accessory Apartment, accessory to an otherwise permissible business use.
18. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
19. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
20. Short Term Rental.
21. A business use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
22. Permissible accessory uses.
23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.

24. Farmers Market.

SECTION 11.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Lake Street Historic Business District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Bed and Breakfast.
2. Hotel and Motel.
3. Essential Public Service Structures and Buildings.
4. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 11.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage - No minimum required.
2. Minimum Required Building Setbacks - (as specified below, but in each instance subject to applicable requirements specified in Section 4.4 and Section 4.5 of this Ordinance).
 - A. *Front Yard* - Minimum of zero with a maximum of 12 feet; but the Planning Commission may approve a greater setback if such setback will allow the building to be more compatible with the setbacks of existing buildings on the same block.
 - B. *Side Yard* - Minimum of five feet; but the Planning Commission may approve a specific setback of 0-5 feet upon determining the building is constructed to prevent stormwater from draining onto any adjoining property. For a corner lot the minimum required setback from the right of way line shall be equal to the average setback of the buildings on the side of the street for the block containing the proposed building. In all instances the building shall be constructed in accordance with applicable fire code requirements pertaining to building wall separation/construction.
 - C. *Rear Yard* - 10 feet.

3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district, or in Section 11.5.7 with regard to accessory buildings.

SECTION 11.5 ADDITIONAL REGULATIONS

1. On-site parking is not required for any use in this district.
2. Parking in or obstruction of any portion of an alley is prohibited.
3. Refuse containers in this district shall not be visible at ground level from any street or adjoining property.
4. Signs are permissible in this district in accordance with Chapter 22.
5. Site plan review is required for all uses in this district, including single family dwelling uses as allowed in this district, in accordance with Chapter 19.
6. Exterior lighting for all uses in this district shall comply with Section 4.12.
7. An accessory building in this district shall not be larger than 800 square feet in size, and the side walls of such accessory building shall not be higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure).

SECTION 11.6 SPECIAL ARCHITECTURAL AND DESIGN REQUIREMENTS

1. To preserve and reinforce the context of historic buildings and land development patterns of this district all new buildings and additions to existing buildings in this district shall be designed, constructed, and used in accordance with the following standards:
 - A. No building shall have a gross floor area of more than 4,500 square feet on one level, and no more than 9,000 square feet gross floor area total.
 - B. The predominant building wall and entryway shall face the street.
 - C. The building wall facing the street shall be visually interrupted or offset at intervals no greater than 12 feet by vertical wall offsets in combination with pilasters, corbelling or other permanent architectural elements; however, offsets in any wall shall not be less than eight inches from the subject plane.
 - D. Windows shall not project beyond the exterior plane of building walls.
 - E. Street-facing building facades shall incorporate permanent architectural elements that create shadow patterns and surface textures enhancing visual interest.

- F. Windows or street level activities are required on 50 percent of the first story street wall facing any public street. Street level activities may include public display space, public atriums, pedestrian entrances and interior circulation, and windows with views into any designated street level use.
 - G. The spacing and shape of windows and other building openings shall closely reflect or otherwise be compatible with the fenestration of any adjacent historic buildings.
 - H. Building exteriors shall use brick, stone, wood, or a combination thereof. Corrugated metal siding and roofing (pole barn steel) are prohibited except as an architectural element. Standing seam and decorative metal roofing is allowed.
2. In reviewing a development project proposed in this district the Planning Commission shall have the authority to modify the standards of this section as they pertain to that project upon determining by written findings that: (1) such modifications will result in a proposed building or an addition to an existing building which substantially complies with the intent of each standard; and (2) the resulting project with such modifications meets all the standards for site plan approval specified in Section 19.7 of this Ordinance.

CHAPTER 12

**M-22/GLOVERS LAKE ROAD
BUSINESS DISTRICT (M-22)**

SECTION 12.1 INTENT AND PURPOSE

The M-22/Glovers Lake Road Business District is derived from the Business planning classification in the Arcadia Township Master Plan, but includes only the portion of the planned Business area as shown on the Future Land Use Map that encompasses the area near the intersection of M-22 (Northwood Highway) and Glovers Lake Road, as these major thoroughfares of the Township can logically support a different type and volume of business land uses than the historic Lake Street corridor. This district is intended to permit a broad variety of local retail business and service uses that are desirable to serve the Township and the region, while also serving to attract visitors to the area. While residential uses are not generally compatible with the intended permitted uses, they are allowed on a limited basis primarily intended to support commercial uses. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 12.2 PERMITTED USES

The following uses are designated as permitted uses in the M-22/Glovers Lake Road Business District, except as restricted by Section 12.5.7, and subject to all other applicable provisions of this Ordinance:

1. Retail shops and stores, including but not limited to bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
2. Personal service business such as barber shop, beauty salon, shoe repair, and other similar businesses.
3. Professional office of doctor, dentist, lawyer, architect, and other similar professions.
4. Retail building supply sales (but not lumberyards).
5. Essential Public Service Equipment.
6. Vehicle service and/or refueling station not performing vehicle body work.
7. Financial and business service establishment, such as bank, insurance office, and other similar businesses.
8. Health and physical fitness salon.

9. Convenience store.
10. Indoor and outdoor community recreation establishment, such as bowling center, indoor theater, skating rink, miniature golf, and video amusement business.
11. Business contractor for such trades/services as painting, plumbing, electrical, cement work (but not including cement mixing plants), heating, air conditioning, and fencing; provided that any materials or equipment kept outdoors shall be screened from the view of nearby properties and roadways.
12. Eating and drinking business.
13. Auto wash facility.
14. Dry cleaning pick-up business.
15. Printing shop.
16. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building; provided each such ground-mounted and roof-mounted tower/antenna shall be setback from all adjoining property lines and structures a distance of at least the total height of the tower/antenna.
17. Public and private business or trade school, and educational, music and art school.
18. Hotel and Motel.
19. Veterinary clinic.
20. Public and private club, lodge, banquet hall and similar places of assembly.
21. Food truck, including outdoor service area.
22. Food service module, including outdoor service area.
23. Businesses which service, repair, and/or store on-site motor vehicles, motor homes, mobile or modular homes, boats, recreational vehicles or similar items.
24. A business use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined the Planning Commission.
25. Existing single family dwelling.
26. Roadside Stand.

27. Farmers Market.
28. Single family dwelling with a setback of at least 200' from the centerline of M-22 or Glovers Lake Road, with no minimum floor area and a maximum floor area of 1500 square feet per dwelling unit.
29. Single family dwelling located on the second floor or in the rear portion of the ground floor of a building where the front portion of the ground floor of the building is occupied by or designed for a permissible business use.
30. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
31. Short Term Rental.
32. Permissible accessory uses.
33. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.
34. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.

SECTION 12.3 SPECIAL LAND USES

The following uses are designated as special land uses in the M-22/Glovers Lake Road Business District, except as restricted by Section 12.5.7, and subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Open Air Business.
2. Go-cart track.
3. Wireless Communications Support Structure which is higher than permitted by Section 12.2.16.
4. Public and non-public school, including colleges or universities.
5. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.

6. Municipal, county, state, and federal administration or educational or service building, including municipal fire station.
7. Essential Public Service Structures and Buildings.
8. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use.)
9. Lumberyard.
10. Campground/RV park, where at least 60% of the footprint of the use is located more than 250 feet from the center of the M-22 right-of-way.
11. Heli-pad.
12. A business use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 12.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance (including Section 12.2.27 and 12.2.28 with respect to permissible single family dwellings in this district):

1. Minimum Lot Area & Lot Frontage – For lots fronting on M-22 or Glovers Lake Road: 30,000 square feet Lot Area and 100 feet Lot Frontage. For all other lots: 30,000 square feet Lot Area and 150 feet Lot Frontage.
2. Minimum Required Building Setbacks
 - A. *Front Yard* - For lots fronting on M-22 or Glovers Lake Road: 63 feet from the centerline or 20 feet as measured from the front lot line (street/street right-of-way), whichever is greater. For all other roads: 10 feet.
 - B. *Side Yard* – 10 feet.
 - C. *Rear Yard* - 10 feet.
 - D. *Waterfront Yard* – 50 feet.
3. Maximum Building Height – 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.

SECTION 12.5 ADDITIONAL REGULATIONS

1. Refuse containers in this district shall not be visible from any street or adjoining property at ground level.
2. Parking for all uses in this district shall be provided in accordance with Chapter 23.
3. Signs are permissible in this district in accordance with Chapter 22.
4. Site plan review is required for all uses in this district, in accordance with Chapter 19.
5. Exterior lighting for all uses in this district shall comply with Section 4.12.
6. The rear and side setbacks for accessory buildings in this district shall not be less than the required setbacks for principal buildings.
7. All permissible business uses located on any lot in this district with frontage on Fifth Street shall have no ingress/egress from Fifth Street and a landscape buffer strip at least 20 feet wide shall be installed along the entire length of the common side lot lines abutting a residential use and the entire length of the Fifth Street frontage as required by Section 4.11.
8. Parking in or obstruction of any portion of an alley is prohibited.

CHAPTER 13
M22-2 Business District (M22-2)

SECTION 13.1 INTENT AND PURPOSE

The M22-2 Business District is derived from the Business planning classification in the Arcadia Township Master Plan, and is related to the M22/Glovers Lake Business District, with appropriate adjustments to account for the small lots along the traditionally business M22 corridor and immediately adjacent to the VR Village Residential District, and for the need to structure permitted uses and dimensional requirements that are compatible with transitioning to or coexisting with the adjoining residential uses. Landowners choosing to live in this district should recognize that, while residential use is permissible, it is ultimately a commercial district. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 13.2 PERMITTED USES

The following uses are designated as permitted uses in the M-22-2 Business District, except as restricted by Section 13.5.7, and subject to all other applicable provisions of this Ordinance:

1. Retail shops and stores.
2. Personal service business, such as barber shop, beauty salon, shoe repair, and other similar businesses.
3. Professional office of doctor, dentist, lawyer, architect, and other similar professions.
4. Essential Public Service Equipment.
5. Financial and business service business, such as bank, insurance office, and other similar businesses.
6. Health and physical fitness salon.
7. Coffee shop and Restaurant.
8. Dry cleaning pick-up business.
9. Printing shop.
10. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an

antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building.

11. Food truck, including outdoor service area.
12. Food service module, including outdoor service area.
13. Single family dwelling and two family dwelling.
14. Accessory Apartment, accessory to an otherwise permissible residential or business use.
15. Economy Efficient Dwelling, accessory to an otherwise permissible business use.
16. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
17. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
18. Short Term Rental.
19. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
20. Roadside Stand, accessory to an otherwise permissible use.
21. Permissible accessory uses.
22. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.
23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
24. Farmers Market.

SECTION 13.3 SPECIAL LAND USES

The following uses are designated as special land uses in the M-22-2 Business District, except as restricted by Section 13.5.7, and subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Open Air Business.
2. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
3. Essential Public Service Structures and Buildings.
4. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use.)
5. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 13.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage
 - A. 7,500 square feet Lot Area; 75 feet Lot Frontage.
 - B. Nonconforming Lots of Record
 - (1) Lots which are part of a subdivision recorded before the adoption of this Ordinance and which do not comply with the applicable minimum lot size and frontage requirements of the preceding subsection (a nonconforming lot of record) may be used for a single family dwelling or other permitted use provided the minimum building setbacks are met and approval is obtained from the Health Department for well and septic systems.

- (2) Two or more non-conforming lots of record or portions of such lots which are adjacent to each other and held in common ownership shall be combined to create a conforming lot or a less nonconforming lot in order to construct a single family dwelling or other permitted use. If the new "zoning lot" resulting from such combination complies with the applicable minimum lot size and lot frontage requirements of Section 8.4.1 such new lot shall no longer be considered a non-conforming lot.

2. Minimum Required Building Setbacks

- A. *Front Yard* - For lots fronting on M-22: 63 feet from the centerline or 20 feet as measured from the front lot line (street/street right-of-way), whichever is greater. For lots fronting on all other roads: 10 feet.
- B. *Side Yard* - 8 feet.
- C. *Rear Yard* - 25 feet.

3. Maximum Building Height- 35 feet except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district.

4. Minimum Floor Area per Dwelling Unit - 800 square feet; except 240 square feet for an otherwise permissible Economy Efficient Dwelling and Accessory Apartment.

SECTION 13.5 ADDITIONAL REGULATIONS

1. Refuse containers in this district shall not be visible at ground level from any street or adjoining property.
2. Parking for all uses in this district shall be provided in accordance with Chapter 23.
3. Signs are permissible in this district in accordance with Chapter 22.
4. Site plan review is required for all business uses in this district, in accordance with Chapter 19.
5. Exterior lighting for all uses in this district shall comply with Section 4.12.
6. Parking in or obstruction of any portion of an alley is prohibited.
7. All permissible business uses located on any lot in this district shall provide a landscape buffer strip at least 20 feet wide to be installed along the entire length of a rear lot line abutting a residential use according to the provisions of Section 4.11.

8. All otherwise permissible non-residential uses located on any lot fronting on Fifth Street shall have no ingress/egress from Fifth Street, and shall comply with the landscape buffer strip requirements of Section 4.11 along the entire length of the Fifth Street frontage and the side lot lines of adjacent residential uses fronted on Fifth Street.
9. All otherwise permissible residential uses located on any lot fronting on Fifth Street shall comply with Section 8.4 and 8.5, instead of Sections 13.4 and 13.5 (subsection 1-8) that would otherwise apply.

CHAPTER 14
LIGHT INDUSTRIAL DISTRICT
(LI)

SECTION 14.1 INTENT AND PURPOSE

The Light Industrial District is derived from the Light Industrial planning classification in the Arcadia Township Master Plan, and is intended to be limited to the specific portion of the M-22 corridor and vicinity planned Light Industrial as shown on the Future Land Use Map. This district is intended to provide a place in the Township for uses traditionally considered light industrial, as well as medium density residential development. The regulations for this district are designed to provide for a diverse blend of development that will be compatible with one another, and nearby land uses, through screening and landscaping requirements, and other regulations intended to ensure reasonable compatibility with other land uses and especially adjacent areas zoned for residential use. This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.

SECTION 14.2 PERMITTED USES

The following uses are designated as permitted uses in the Light Industrial District, subject to all other applicable provisions of this Ordinance:

1. All uses specified in Section 6.2 as permitted uses in the Rural Residential District, which are incorporated by reference as permitted uses in this district.
2. The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
3. The manufacturing, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
4. Transportation, communication, and utility facilities.
5. Commercial fuel depot.
6. Vehicle body shop, provided all vehicles and materials are kept within a building or in an area screened from the view of nearby properties and roadways.
7. Bottle plant and dairy.

8. Contractor yard.
9. Crating and packing service.
10. Lumberyard and other building supply businesses.
11. Machine shop.
12. Printing shop.
13. Sign painting and servicing shop.
14. Tool and die manufacturing business.
15. Commercial and Private Warehouse and storage including self storage facilities.
16. Farmers Market.
17. Essential Public Service Equipment.
18. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted land use in this district, as determined by the Planning Commission.
19. Permissible accessory uses.
20. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.

SECTION 14.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Light Industrial District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. All uses specified in Section 6.3 as special land uses in the Rural Residential District, which are incorporated by reference as special land uses in this district.
2. Asphalt manufacturing or refining, tar distillation or tar products manufacture.
3. Iron, steel, aluminum, and other ferrous and nonferrous forging, casting, or rolling.
4. Manufacture, processing, and bulk storage of petroleum products and by-products.

5. Recycling station.
6. Sexually Oriented Business.
7. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.
8. Junkyard/salvage yard.

SECTION 14.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage – One acre Lot Area; 140 feet Lot Frontage.
2. Minimum Required Building Setbacks
 - A. Front Yard - 25 feet on a street or private road; except the minimum required front yard setback for lots abutting M-22 shall be 425 feet as measured from the centerline of M-22. Note: this minimum setback for lots abutting M-22 accounts for split-zoned lots with the LI District part of such lots beginning 400 feet from the centerline of M-22.
 - B. Side Yard - 20 feet.
 - C. Rear Yard - 20 feet.
 - D. Waterfront Yard - 50 feet.
3. Maximum Building Height - 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.

SECTION 14.5 ADDITIONAL REGULATIONS

1. All otherwise permissible outdoor storage of materials shall be screened from the view of adjoining properties and roadways as approved by the Planning Commission. Such screening if required shall consist of a solid fence or wall, an earthen berm or landscaping.
2. Uses permitted in this district shall not produce noxious odors, noise, smoke, dust, vibration, or other nuisance condition which significantly adversely affects any adjoining property.
3. Loading areas shall be located so that trucks and other vehicles are not required to maneuver on a public road to access the loading area.

4. All refuse containers shall be placed within a three sided solid enclosure which is at least two feet higher than the container and shall not be located in a front yard.
5. Parking for all uses in this district shall be provided in accordance with Chapter 23.
6. Signs are permissible in this district in accordance with Chapter 22.
7. Site plan review is required for all non-residential uses in this district, in accordance with Chapter 19.
8. Exterior lighting for all uses in this district shall comply with Section 4.12.
9. The front, rear and side setbacks for accessory buildings in this district shall not be less than the required setbacks for principal buildings.

<p style="text-align:center">CHAPTER 15</p> <p style="text-align:center">PRESERVE DISTRICT (P)</p>
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SECTION 15.1 INTENT AND PURPOSE

The Preserve District is derived from the Preserve planning classification of the Arcadia Township Master Plan. The land areas included in this district, as guided by the Master Plan, are primarily intended for open space/environmental protection and some limited recreational access purposes, due to the location, unique characteristics, and natural resource significance of those designated areas of the Township. This district includes land owned by the Township and by the Grand Traverse Regional Land Conservancy that is subject to conservation easements, and/or land considered to have potential for future open space and/or conservation purposes. The land in this district is an integral part of the Township's placemaking strategy, as a natural draw of visitors that shop and recreate in the Township. The zoning regulations for this district contemplate the land being used in accordance with existing uses such as: non-developmental recreation purposes, regional and local non-motorized trail connections including informational and wayfinding signage, protection of wildlife and associated habitats, watershed preservation, and viewshed protection, consistent with the existing and future desired character of the Township. These zoning regulations are therefore intended to encourage the natural attributes of this area, such as the integrity of the night sky, topography, views, water quality, air quality, low ambient noise, wildlife, and wildlife habitat to be maintained and/or restored and protected from future development, and to ensure good environmental stewardship.

SECTION 15.2 PERMITTED USES

The following uses are designated as permitted uses in the Preserve District, subject to compliance with all other applicable provisions of this Ordinance:

1. Uses existing at the time of the adoption of this Ordinance.
2. Nature preserves and natural areas.
3. Park, playground and similar recreational use when operated by a governmental or non-profit organization.
4. Site specific informational and wayfinding signage.
5. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
6. Permissible accessory uses.

7. Farmers Market.

SECTION 15.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Preserve District, subject to applicable provisions of this Ordinance, including special land use and site plan approvals: None.

SECTION 15.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

The non-developmental nature of this district is such that a traditional conception of density, area, placement, and height requirements is not consistent with the unique intent and purpose of this district. Accordingly, all such requirements for any permissible limited development in this district shall be determined by the Planning Commission on a use-specific and site-specific basis pursuant to the standards for special land use approval specified in Section 20.3 of this Ordinance, the standards for site plan approval specified in Section 19.7 of this Ordinance, and the intent and purpose of the district as specified in preceding Section 15.1.

SECTION 15.5 ADDITIONAL REGULATIONS

1. Signs are not permissible in this district, except as specifically allowed by Chapter 22 and Section 15.2.4.
2. Site plan review is required for all specified uses in this district in accordance with section 19.4 and/or 19.5.
3. Exterior lighting for all uses in this district shall comply with Section 4.12.

<p style="text-align:center">CHAPTER 16</p> <p style="text-align:center">MARINA DISTRICT (MA)</p>

SECTION 16.1 INTENT AND PURPOSE

The MA Marina District is derived from the Marina planning classification in the Arcadia Township Master Plan, and is intended to apply to the waterfront portion of the planned Marina area as shown on the Future Land Use Map. This district is intended to reflect the character of the maritime past of the Village by accommodating the community's private and public marinas, boat launches, and a fish cleaning station. This district is intended to build upon the existing maritime-related assets in order to create and support economic development opportunities in adjoining districts and throughout the community. The uses in this district are limited to a select type of small business development that support a maritime culture with development of a maritime character in the architecture and streetscape elements, with land adjacent to the water primarily reserved for open space protection/uses in order to maintain the littoral character and views of Arcadia Lake. This district lends itself to low-density residential and commercial development but is not intended for high-density residential or commercial development as this district is linked to the nearby residential and business districts where such uses are intended. The desired outcome for this district is to support the continuation and expansion of existing marina facilities while imposing regulations to maximize the open view shed and protect this valuable resource. Dark Sky lighting limitations and watershed protection are of particularly high priority in this district.

SECTION 16.2 PERMITTED USES

The following uses are designated as permitted uses in the Marina District, subject to all other applicable provisions of this Ordinance:

1. Existing Uses.
2. Marina and Boat Launch.
3. Fish Cleaning Station.
4. Water sport equipment and/or bicycle rental.
5. Public park and open space civic gathering area.
6. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
7. Essential Public Service Equipment.
8. Short Term Rental.

9. Permissible accessory uses, including Home Occupation accessory to an otherwise permissible single family dwelling unit (pursuant to Section 16.3.11).
10. Farmers Market.

SECTION 16.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Marina District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Coffee shop, restaurant, and food truck.
2. Essential Public Service Structures and Buildings.
3. Hotel and Motel.
4. Resort.
5. Single family dwelling and two family dwelling.
6. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 16.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

1. Minimum Lot Area & Lot Frontage - 30,000 square feet Lot Area, with no minimum required Lot Frontage; subject to such larger area/frontage as may be necessary to locate all components of a private sewer system at least 100 feet from the ordinary high water mark of any waterway or wetland, or such greater distance as may be required by county regulations or state law.
2. Minimum Required Building Setbacks
 - A. *Front Yard (street side)* - five feet; but the Planning Commission may approve a specific setback of 0-5 feet upon determining the building is constructed to prevent storm water from draining onto any adjoining property.
 - B. *Side Yard* - ten feet; but the Planning Commission may approve a specific setback of 0-10 feet upon determining the building is constructed to prevent storm water from draining onto any adjoining property.

- C. *Rear Yard* - ten feet; but the Planning Commission may approve a specific setback of 0-10 feet upon determining the building is constructed to prevent storm water from draining onto any adjoining property.
 - D. *Waterfront Yard* - 50 feet; but the Planning Commission may approve a specific setback of 0-50 feet upon determining the building is constructed to prevent storm water from draining onto any adjoining property and considering the means by which a specific reduced setback will provide for shoreline protection and water quality protection (including primary and alternate septic system sites).
3. Maximum Building Height 35 feet; except as otherwise provided in Section 4.6.3 of this Ordinance, as applicable to the uses allowed in this district.

SECTION 16.5 ADDITIONAL REGULATIONS

1. Refuse containers in this district shall not be located in a front yard, and shall not be visible at ground level from any street or adjoining property.
2. Signs are permissible in this district in accordance with Chapter 22.
3. Site plan review is required for all uses in this district, in accordance with Chapter 19.
4. Exterior lighting for all uses in this district shall comply with Section 4.12.
5. Parking for all uses in this district shall be provided in accordance with Chapter 23.
6. Structures and landscaping elements, combined, shall not impede more than 75% of the public's lateral/panoramic view of Arcadia Lake from Lake Street and/or First Street, as determined from the perspective of a person standing in the middle of the street and directly facing the lake.

CHAPTER 17
MARINA 2 DISTRICT (MA-2)

SECTION 17.1 INTENT AND PURPOSE

The MA-2 Marina 2 District is derived from the Marina planning classification in the Arcadia Township Master Plan and is intended to apply only to the non-waterfront portion of the planned Marina area as shown on the Future Land Use Map. This district is intended to build upon the existing maritime-related assets in order to create and support economic development opportunities in adjoining districts and throughout the community. The uses in this district are limited to a select type of small business that support a maritime culture, with development of a maritime character. This district lends itself to low-density residential and commercial development and does not intend high-density residential or commercial development, as this district is linked to the nearby residential and business districts where such uses are intended. All uses in this district are subject to special parking and lighting regulations in keeping with best practice watershed protection measures and Dark Sky standards. This district recognizes the small lots fronting on the east side of the First Street business corridor, and the need to structure allowed uses and dimensional requirements which are more compatible with the adjoining residential district.

SECTION 17.2 PERMITTED USES

The following uses are designated as permitted uses in the Marina 2 District, subject to all other applicable provisions of this Ordinance:

1. Retail shops and stores, including but not limited to bakeries, clothing shops, and similar uses.
2. Personal service business, such as barber shop, beauty salon, shoe repair, and other similar businesses.
3. Professional office of lawyer, architect, and other similar professions.
4. Essential Public Service Equipment.
5. Coffee shop/Restaurant/café.
6. Roadside Stand, accessory to an otherwise permissible single family dwelling.
7. Food Truck.
8. Food Service Module.

9. Water sport equipment and/or bicycle rental.
10. Maritime-related rental shops and kiosks.
11. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building.
12. Single family dwelling and two family dwelling.
13. Single family dwelling unit(s) located on the second floor or in the rear portion of the ground floor of a building where the front portion of the ground floor of the building is occupied by or designed for a permissible business use.
14. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Family Day Care Home.
 - Adult Foster Care Family Home.
 - Bed and Breakfast.
15. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
16. Short Term Rental.
17. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined by the Planning Commission.
18. Permissible accessory uses.
19. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.
20. Farmers Market.

SECTION 17.3 SPECIAL LAND USES

The following uses are designated as special land uses in the Marina 2 District, subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

1. Essential Public Service Structures and Buildings.

2. A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

SECTION 17.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses in this district are subject to the Density, Area, Placement and Height Requirements of the VR Village Residential District (Section 8.4), which shall also apply to accessory uses/buildings/structures except where a different requirement is specified in this Chapter or elsewhere in this Ordinance.

SECTION 17.5 ADDITIONAL REGULATIONS

All principal buildings/uses in this district are subject to Section 11.5 in its entirety.

SECTION 17.6 SPECIAL ARCHITECTURAL AND DESIGN REQUIREMENTS

All principal buildings/uses in this district are subject to Section 11.6 in its entirety.

CHAPTER 18

**ACCESSORY USES AND
ACCESSORY
BUILDINGS/STRUCTURES,
ACCESSORY APARTMENTS,
HOME OCCUPATIONS,
ACCESSORY WIND ENERGY
STRUCTURES, AND ACCESSORY
SOLAR ENERGY SYSTEMS**

**SECTION 18.1 GENERAL REGULATIONS FOR ACCESSORY USES, AND
ACCESSORY BUILDINGS/STRUCTURES**

The following regulations apply to accessory uses and accessory buildings/structures in all districts, unless otherwise provided:

- A. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
- B. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot under common ownership, which may include a lot separated from the main lot by a street.
- C. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated, and shall be aesthetically compatible with the associated principal use.
- D. An accessory use or accessory building/structure on a corner lot shall comply with the applicable setback requirement and the corner lot clear vision area requirement as specified in Section 4.4.5 of this Ordinance.

**SECTION 18.2 GENERAL REGULATIONS FOR ACCESSORY
BUILDINGS/STRUCTURES**

The following regulations apply to accessory buildings/structures in all districts, unless otherwise provided:

- A. An accessory building/structure attached to or otherwise erected as an integral part of the principal building shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.

- B. Accessory buildings may be erected in any front, rear, or side yards in compliance with all applicable minimum building setback requirements.
- C. An accessory building/structure shall not include residential or living quarters or be used for lodging or sleeping of human beings, except for a permissible Accessory Apartment for which the Zoning Administrator has issued a permit in accordance with Section 18.3 of this Ordinance.
- D. An accessory building or accessory structure shall not be constructed on a lot before the principal building or use is constructed or established, except for Farm Buildings as defined in this Ordinance.

SECTION 18.3 ACCESSORY APARTMENTS

The regulations in this subsection are intended to permit the establishment of accessory apartments associated with occupied single family dwellings to provide homeowners with a means of obtaining, through tenants in accessory apartments, companionship, security and services; provide a means for homeowners to care for elderly or ailing relatives and still allow them to maintain the independence and comfort of separate living quarters; and add inexpensive rental units to the housing stock to meet the smaller housing needs of all demographics of the population. These regulations are also designed to protect the stability, property values, and single-family residential character of a neighborhood by ensuring the appearance and use of the accessory apartment remains that of a single family residence.

- A. The Zoning Administrator shall only issue a permit for an Accessory Apartment in a district within which such use is specifically permitted, and when the following development standards have been met:
 - (1) The accessory apartment shall be a complete housekeeping unit, containing kitchen and bathroom facilities, designed for and occupied by one family.
 - (2) Only one accessory apartment shall be allowed for each principal single family dwelling, and may be located either within the single family dwelling or in a detached accessory building accessory to the single family dwelling.
 - (3) The accessory apartment shall be located on the same lot as the principal single family dwelling to which it is accessory, or on an adjacent lot if both lots are in common ownership and both such lots are tied-together by deed restriction prohibiting the sale of one lot separately from the other.

- (4) An accessory apartment shall comply with all applicable requirements of the State Construction Code.
- (5) An accessory apartment shall consist of a minimum of 240 square feet of floor area and no more than 50% of the total square footage of the principal single family dwelling.
- (6) A minimum of three parking spaces shall be provided on the premises for use by occupants of the accessory apartment and the principal single family dwelling.
- (7) An accessory apartment shall be constructed so that the appearance of the building remains that of a single family residence.
- (8) An accessory apartment shall be constructed in compliance with all other applicable provisions of this Ordinance.
- (9) A site plan shall accompany a permit application for an accessory apartment. For purposes of this section, the site plan shall illustrate, at a minimum, the following:
 - (a) Dimensions of the site.
 - (b) Dimensions of the principal dwelling and accessory apartment.
 - (c) Existing and proposed building setback distances.
 - (d) Floor plan of the accessory apartment illustrating room dimensions and location of the accessory apartment relative to the principal single family dwelling.
 - (e) Dimensions and location of existing and proposed off-street parking area.

B. Accessory apartments shall also comply with the following general regulations:

- (1) The establishment of an accessory apartment shall not result in any building site or use situation which is nonconforming.
- (2) Dwelling units designed for or occupied by transient or migrant workers shall not be considered accessory apartments.

SECTION 18.4 HOME OCCUPATIONS

A home occupation is a permitted use, accessory to a dwelling, if it is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses in the area and with the character of the neighborhood. A home occupation shall be permitted in all dwelling units in every district that allows dwelling units, after a determination by the Zoning Administrator that the home occupation meets all of the following standards:

- A. Only members of the immediate family who reside on the premises shall be involved in the operation of the home occupation, plus not more than two nonresidents.
- B. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The area of the dwelling unit used for the home occupation shall not exceed 25% of the floor area of the dwelling, including the basement, or 500 square feet, whichever is less. If the home occupation is conducted in an accessory building, the area of the accessory building used for the home occupation shall not exceed 25% of the area of the accessory building or 500 square feet, whichever is less.
- C. Exterior storage of equipment used in the conduct of the home occupation is prohibited. All activities shall be conducted within an enclosed building.
- D. The establishment of a home occupation shall not require exterior modification to any building on the property except those modifications necessary to accommodate the physically handicapped. A non-illuminated sign not exceeding two square feet in area is permitted if mounted flat against the wall of the building which contains the home occupation.
- E. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat, and all exterior lighting shall comply with Section 4.12 of this Ordinance. Any noise, vibration, smoke electrical interference, dust, odors, or heat detectable beyond the property lines, shall constitute a violation.
- F. The home occupation shall not significantly increase vehicular traffic and parking such that more than two additional vehicles, other than those owned and operated by the resident family, are parked on the premises at any time. Such parking spaces shall be provided in an off-street area other than in a required front yard as regulated herein.

SECTION 18.5 ACCESSORY WIND ENERGY STRUCTURES

Any lot in any district may have located thereon one accessory wind energy structure, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to compliance with all of the following requirements and regulations:

- A. On-site Use. The wind energy structure shall be designed and intended to primarily serve the premises on which the structure is located.
- B. Permissible Type.
 - (1) A tower-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the height limitation determined pursuant to subsection C.1 herein.
 - (2) A roof-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the height limitation determined pursuant to subsection C.2 herein.
- C. Height.
 - (1) The total height of a tower-mounted wind energy structure shall not exceed 120 feet, including the tip of the rotor blade at its highest point (measured from ground grade), or such lesser height as is necessary to comply with the setback/location requirements in subsection D herein. In addition, the rotor blade shall have a ground clearance of at least 20 feet when the blade tip is at its lowest point.
 - (2) The total height of a roof-mounted wind-energy structure shall not exceed 10 feet above the peak height of the roof on which the structure is located.
- D. Setback/Location. The wind energy structure shall have a setback from all lot lines equal to at least two times the height of the structure, including the tip of the rotor blade in its highest position. Any part of an anchoring system for the wind energy structure, such as guy wire anchors, may be located within this required setback distance, but shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in this Ordinance, or a minimum setback of 12 feet, whichever is greater. A tower-mounted wind energy structure and its anchoring system shall also be located in compliance with all applicable accessory structure location requirements.

- E. Noise and Other Potential Interferences. The wind energy structure shall not generate noise exceeding 55dB(A), or 35d(B) at any octave frequency centered below 250Hz, as measured at or beyond every boundary line of the subject premises; shall not produce any physical vibrations that are humanly perceptible at or beyond the lot boundaries; and shall not cause any electromagnetic interference at or beyond the lot boundaries.
- F. Construction Codes and Other Regulatory Standards. The wind energy structure and all anchoring systems shall comply with all applicable building and electrical code requirements, and any other applicable regulations imposed by federal or state law; in each instance to the extent such standards and regulations are not less restrictive than the provisions of this Ordinance.
- G. Safety Standards. The wind energy structure shall be designed and operated so as to include all of the following in addition to such features as may be required by the codes and regulations referenced in the preceding paragraph:
- (1) An automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding of the rotor blades.
 - (2) Lightning protection.
 - (3) The use of color or other devices to cause any guy wires or other ground anchoring system for the structure to be clearly visible from the ground to a vertical height of at least six feet above the ground.
 - (4) (tower-mounted type) A non-climbable tower design up to at least 12 feet above the ground at the tower base.
- H. Visual Impact. All wind energy structure installations shall use measures to reduce the visual impact of the structure to the occupants of adjoining properties and the general public, including all of the following specific measures:
- (1) All components of the wind energy structure, including any above-ground anchoring system, shall be finished in a non-reflective, non-obtrusive neutral color (except as provided in subsection G.3.), which shall be maintained throughout the life of the structure.
 - (2) A wind energy structure shall not be illuminated or have lighting of any kind; except to the extent mandated by the Federal Aviation Administration or other applicable governmental authority, which shall be shielded to the maximum extent possible to reduce glare and visibility from the ground.

- (3) The wind energy structure shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
- I. Maintenance and Removal. The wind energy structure and all related systems shall be properly maintained in accordance with the manufacturers recommendations and so as to be operable as designed. The Zoning Administrator may require the applicant to submit the manufacturer's recommendations with respect to maintenance and the anticipated life of the structure. The structure shall be dismantled and removed if it is not being properly maintained or if its use for generating electricity has been abandoned. The Zoning Administrator may require adequate assurances of future compliance with this structure dismantling and removal requirement, including performance guarantees to the extent allowed by law.
- J. Pre-installation Administrative Review and Land Use Permit. Before beginning any on-site work associated with the installation of a wind energy structure the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a zoning compliance permit for the structure pursuant to Section 26.4 of this Ordinance.

SECTION 18.6 ACCESSORY SOLAR ENERGY SYSTEM

A accessory solar energy system may be sited as an accessory use on any premises in any district, after issuance of a zoning compliance permit from the Zoning Administrator, and subject to the following requirements and limitations:

- A. Maximum Height. The system may be mounted on a building and/or may be ground-mounted.
 1. The height of a roof-mounted system on a principle building or accessory building shall not exceed the applicable roof height limit for the district, as specified in the applicable chapter of this Ordinance. A wall-mounted system on a principle building or accessory building shall not exceed the applicable roof height limit for the district, as specified in the applicable chapter of this Ordinance.
 2. The height of a ground-mounted system shall not exceed the maximum height limit for an accessory building/structure in the district, as specified in the applicable chapter of this Ordinance.

- B. Roof Placement. A roof-mounted system shall be placed on the roof so as to facilitate firefighter and service contractor access.
- C. Setbacks and Location. The collector array and all other apparatus associated with the system shall comply with the otherwise applicable building setback requirements if mounted on a building, and with the otherwise applicable setback requirements if ground-mounted, and shall comply with any other applicable location requirements.
- D. Off-site Impacts. The collector panels and all other components of the system not within a fully enclosed building shall comply with all of the following requirements:
1. All components of the system shall be designed and maintained with an anti-reflective surface material.
 2. All components shall be designed and operated to not direct glare onto any adjoining property or any public road or other public way.
 3. The system shall not be illuminated, or have any lighting of any kind.
 4. Lettering, company insignia, advertising, or graphics of any kind shall not be displayed on any part of the system, except such non-obtrusive lettering and/or insignia intended to identify the manufacturer and not visible from any adjoining property or adjoining public road or other public way.
 5. The area within which a ground-mounted system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water; and all surface water runoff from the site shall be effectively managed on-site and not diverted to a public roadway or other public way, or to any adjoining premises not in the same ownership as the subject premises.
- E. Installation and Operational Safety. The system shall be installed, maintained, and used in accordance with all applicable provisions of the Construction Code and manufacturer's directions. The system shall not be made operational until a final inspection and approval certification for the system has been issued by the Building Official and Electrical Inspector, as applicable.
- F. Removal. The system, including all structural support components, shall be dismantled and removed when the system is no longer functional due to age, abandonment, or other cause.

CHAPTER 19
SITE PLAN REVIEW

SECTION 19.1 PURPOSE

The provisions of this chapter are intended to provide for consultation and cooperation between land owners/developers and the Planning Commission and/or Zoning Administrator to facilitate development objectives in compliance with this Ordinance so as to promote the orderly development of the Township with minimum adverse effect on public services and existing and future land uses, and in a manner consistent with the goals and objectives of the Arcadia Township Master Plan.

SECTION 19.2 USES SUBJECT TO SITE PLAN REVIEW

1. Except as provided in Section 19.3 of this Ordinance with respect to the matters subject to administrative site plan review, as designated therein, the following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this Ordinance pertaining to final site plans:
 - A. All special land uses.
 - B. All new commercial offices and buildings, and business uses and developments.
 - C. All multiple family dwellings.
 - D. All industrial buildings, uses and developments.
 - E. All multi-lot residential developments, including site condominium projects.
 - F. All open space preservation/clustering developments (see Chapter 21).
 - G. Landscaping, nursery, and greenhouse businesses which are primarily retail in operation.
 - H. An alteration of a building or property, or change in the use of a building or property, which results in an increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
 - I. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.

- J. Any other land use or activity subject to a site plan approval requirement pursuant to any provision of this Ordinance.
2. Farm Buildings (as defined in Section 2.2) in the Rural Agriculture District shall not be subject to site plan review (but are subject to a zoning compliance permit pursuant to Section 26.4 of this Ordinance).

SECTION 19.3 ADMINISTRATIVE SITE PLAN REVIEW

1. Alternate Process. The following administrative site plan review (ASPR) process shall apply only in the circumstances and to the extent specified in this section, as an alternate to the generally applicable final site plan review process specified in this Chapter.
2. Projects eligible for ASPR. A project is eligible for the ASPR process only with respect to any of the following changes to an existing development:
 - A. An expansion of a conforming existing use or building not exceeding 50% of the area of the existing use or building.
 - B. Construction of a building which is accessory to a non-residential principal use.
 - C. A reduction of the size of an existing building or structure, which does not involve an increase in intensity of the existing use, or the need for more parking spaces as required by this Ordinance.
 - D. The internal rearrangement of a parking lot and/or parking spaces, where the total number of parking spaces is neither increased nor decreased, and there is no alteration of the access location or design.
 - E. The relocation of an existing building or structure, where all setback and yard location requirements are met.
 - F. Other similar changes of a minor nature which the Zoning Administrator, upon consultation with the Planning Commission Chairperson, determines will not materially affect the character or intensity of use, vehicular or pedestrian circulation, drainage patterns, or the demand for public services; will not have any adverse affect on adjacent or nearby property or the use thereof; and will not have any adverse affect on the health, safety, or welfare of the general public.

The ASPR process shall not apply if any of the above-listed circumstances involve any of the following:

- A new building or structure.
- A new or altered access to the site.

- A change in use and/or a new use.
 - A variance from any provision of the Zoning Ordinance is required.
 - The project fails to comply with any applicable provision of this Ordinance, or any other applicable ordinance, regulation or law.
3. ASPR Site Plan Content and Submittal. The Zoning Administrator may require a site plan submitted for the ASPR process to include all of the content required for a final site plan pursuant to Section 19.5 of this Ordinance; but the Zoning Administrator may waive specific final site plan content requirements upon determining that such requirements are not applicable to the proposed project or are otherwise unnecessary to evaluate the project for which approval is sought pursuant to the applicable approval standards. The Zoning Administrator shall keep a record of waived site plan content items and document the reason for such waiver. The Zoning Administrator shall determine the number of site plan copies needed for a particular project, and inform the applicant of same.
 4. ASPR Process. The Zoning Administrator, after consultation with the Planning Commission Chairperson, may determine whether a proposed project is eligible for the ASPR process and may be granted site plan approval pursuant to that process. The Zoning Administrator may also consult with the Township Planner, Township Engineer, and other officials/consultants if deemed necessary to determine whether a proposed project is eligible for the ASPR process and/or may be granted site plan approval pursuant to that process. The Zoning Administrator shall refer to the Planning Commission for review and approval consideration pursuant to the sections of this chapter pertaining to final site plan review any proposed project for which the Planning Commission Chairperson has not recommended review pursuant to the ASPR process. In addition, the Zoning Administrator shall have discretion to decline applying the ASPR process to an eligible project, and instead refer such project to the Planning Commission for review and approval consideration pursuant to the sections of this chapter pertaining to final site plan review.
 5. Review and Approval Criteria. The Zoning Administrator shall review and determine whether to approve a project eligible for the ASPR process pursuant to the standards in Section 19.7.2 and all other applicable provisions of this Ordinance. The Zoning Administrator may impose conditions on a site plan approved pursuant to the ASPR process in the same manner as the Planning Commission is authorized to impose conditions on approval of a final site plan pursuant to Section 19.7.3 of this Ordinance.
 6. Significance of Approval Pursuant to ASPR Process. A project approved by the Zoning Administrator pursuant to the ASPR process shall be considered to have site plan approval, subject to Sections 19.8-19.9 of this Ordinance.

SECTION 19.4 PRELIMINARY SITE PLAN REVIEW

1. **Purpose.** Preliminary sketches of site and development plans may be submitted to the Planning Commission. The purpose of this optional preliminary site plan opportunity is to encourage discussion between the developer and the Planning Commission as to site, building, and general requirements; to allow the developer to become acquainted with the mandatory final site plan review process; and to investigate the feasibility of the project prior to extensive plans being prepared for the final site plan review procedure. This preliminary site plan review opportunity is also especially advisable if the applicant intends to ask for a waiver of any of the final site plan content requirements imposed by Section 19.5.2 of this Ordinance, as only the Planning Commission has authority to waive such content requirements, in certain circumstances, as addressed by Section 19.5.5.
2. All preliminary site plan submittals shall include at least the following:
 - A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
 - B. Address and legal description of the property, and size of the property.
 - C. A description of the proposed project.
 - D. Drawings showing tentative plans, drawn at a scale of not more than one inch equals 100 feet, and containing at least the following information unless specifically waived by the Planning Commission:
 - (1) Existing adjacent streets, and proposed streets (public or private), and all existing development within 100 feet of the site.
 - (2) Parking lots and access points.
 - (3) Proposed buffer strips and screening devices.
 - (4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, waterways, ponds, floodplains, hills, wetlands, and similar natural assets.
 - (5) Existing and proposed buildings.
 - (6) General topographical features, including existing contour at intervals not greater than ten feet.
 - (7) Proposed method of providing public or private utilities, and surface water management.

- (8) A small scale sketch of properties, streets, and uses of land within a one-quarter mile radius of the site.
3. Submission and Distribution. All preliminary site plan submittals shall be filed with the Zoning Administrator, including a sufficient number of copies of the submittal, as determined by the Zoning Administrator. The Zoning Administrator may request review of a preliminary site plan by the Township Fire Chief, Township Planner, Township Engineer, and/or other officials/consultants and request their resulting comments and input. The Zoning Administrator shall coordinate with the Clerk to provide copies of a preliminary site plan and any related reports to the members of the Planning Commission prior to the meeting at which the preliminary site plan will be considered.
4. Planning Commission Review. The Planning Commission shall review a preliminary site plan and any related reports and may make such resulting recommendations as the Planning Commission considers appropriate to assist the applicant in preparing a final site plan conforming to the requirements of this Ordinance.

SECTION 19.5 FINAL SITE PLAN REVIEW REQUIREMENT AND CONTENT

1. Final Site Plan Required. A final site plan required by this Ordinance may be submitted for review without prior preliminary site plan review (unless a provision of this Ordinance specifically requires preliminary site plan review and approval). Applications for final site plan review shall be made in accordance with this section.
2. Final Site Plan Application Content. Applications for final site plan review shall include all of the following site plan content and specified information (except as waived by the Planning Commission pursuant to Section 19.5.5):
 - A. The date on which the site plan was prepared.
 - B. The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
 - C. A north arrow and legal description based upon the most current survey.
 - D. Property lines, dimensions, and all building/structure setback distances within 100 feet of the site.
 - E. Existing and proposed topographic elevations at five feet intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
 - F. Direction of surface water drainage and how surface water runoff will be managed, including the location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps, and other facilities designed to collect, store or transport surface water,

- including the point of discharge for all associated drains, pipes, or other outflows.
- G. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage and finished floor elevation of each building (front, rear, and sides).
 - H. Location and width of existing and proposed abutting/internal streets, rights-of-way, service drives, driveways, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site.
 - I. Location and dimensions of existing outdoor display and storage areas, and recreation areas.
 - J. Location and size of all existing and proposed water and sanitary sewer lines, septic tanks and drainfields, and utility easements.
 - K. Location of municipal or private fire hydrants on and within 100 feet of the site.
 - L. Location and type of all existing and proposed sidewalks, bike paths, and other non-motorized vehicle and pedestrian ways.
 - M. Location, type and size of any existing and proposed walls, fences, and other screening devices.
 - N. Location and type of all significant existing vegetation, and all proposed new landscape materials, including size and type of plantings. Existing vegetation which is proposed to be retained, or not retained, shall be designated accordingly.
 - O. Location, size and height of all existing and proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices and methods of screening same, and existing and proposed utility poles.
 - P. Proposed parking areas and access drives showing the number and dimensions of spaces and aisles, loading/unloading areas, handicapped access ramps, the type of surface proposed for such areas, and all calculations used to determine the minimum required number of off street parking spaces required by this Ordinance.
 - Q. Location and type of all existing and proposed exterior lighting fixtures, the area proposed to be illuminated by each exterior lighting fixture, and verifying the means of compliance with all exterior lighting requirements of this Ordinance, including Section 4.12.

- R. Location of all water courses, and water bodies, including county drains and manmade surface drainage ways, floodplains, and wetlands, on and within 100 feet of the subject property.
 - S. Location of existing and proposed slopes with a grade of 20% or more.
 - T. The zoning classification (Zoning Map) and the planning classification (Master Plan) of the subject property and all properties adjacent to the subject property.
 - U. Location of any existing and proposed floor drains.
 - V. Location and dimensions of all existing and proposed interior and exterior areas and structures (including above ground and below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling, or disposal of any chemicals, fuels, flammable materials, contaminated surface water or wash water, or hazardous materials.
 - W. Engineering and architectural plans for the treatment and/or disposal of industrial waste or other unusable by-products of proposed manufacturing or other activities on the site.
 - X. Small-scale sketch of properties, streets and uses of land within a one-quarter mile radius of the site.
3. Other Required Information for Final Site Plan Submittal. A description of the proposed resulting use of the subject property in sufficient detail to indicate the effects of that use in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, and the emission of all potentially harmful or obnoxious matter or radiation.
4. Optional Information for Final Site Plan Review. The Planning Commission may require any/all of the following, as applicable, to supplement a final site plan submittal when the Planning Commission reasonably determines such supplemental information is necessary to properly evaluate the site development for which approval is sought pursuant to the final site plan review approval standards specified in Section 19.7.2 of this Ordinance:
- A. Written statements relative to the effects of the proposed use on the traffic capacity and safety of existing streets, and the proposed development's impact on schools, existing utilities, the environment and natural features.
 - B. Additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the final site plan pursuant to the standards for final site plan approval and any other requirements of this Ordinance.

- C. Architectural elevation drawings of a building and cross-section drawings of the site.
 - D. Complete floor plans for all multiple-family dwelling buildings, or such other information as is sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square foot requirement. The Planning Commission may also require complete floor plans with respect to other types of developments where deemed necessary to properly evaluate compliance with the standards for site plan approval.
5. Waiver of Final Site Plan Content. The Planning Commission may waive any of the above enumerated required items of content for a final site plan (subsection 2) if the Commission determines the item of content either does not apply to the proposed use, or is otherwise unnecessary to evaluate the site development for which approval is sought pursuant to the final site plan approval standards specified in Section 19.7.2 of this Ordinance.

SECTION 19.6 FINAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES

1. The applicant shall file the final site plan and all related information with the Zoning Administrator (or other designee of the Planning Commission), and pay any applicable fee. This filing shall be sufficiently in advance of the Planning Commission meeting at which the applicant would like to have the final site plan reviewed as to allow the Zoning Administrator adequate time to review the filing and timely comply with subsections 2-4 below.
2. The Zoning Administrator (or other designee of the Planning Commission) shall initially review the final site plan and all related information submitted by the applicant for "administrative completeness", and shall identify in a written or oral report to the applicant and Planning Commission all concerns relating to the standards for approval of a final site plan. The Zoning Administrator or Planning Commission may, at its discretion, request the Township Fire Chief, Township Planner, Township Engineer, Building Official, and/or other consultants review the final site plan submittal and provide their resulting comments and recommendations, for inclusion in the Zoning Administrator's report to the applicant and Planning Commission.
3. A final site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting.
4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a final site plan to be administratively complete the applicant shall supply the Zoning Administrator with 8 copies of the administratively complete final site plan and all related information (or such other number of

copies as the Zoning Administrator may require). The Zoning Administrator shall distribute a copy of the final site plan and all related information submitted by the applicant, and any written report of the Zoning Administrator, to each member of the Planning Commission no later than 5 days prior to the Planning Commission meeting at which the final site plan is scheduled to be reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete final site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township Clerk to be available for public examination.

SECTION 19.7 FINAL SITE PLAN REVIEW AND APPROVAL/APPROVAL CONDITIONS/APPROVED SITE PLAN MODIFICATIONS

1. Consultant Input. Prior to reviewing or acting on a final site plan the Planning Commission may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building Official, and such other parties as the Planning Commission may, in its discretion, determine to be advisable or necessary with respect to a particular final site plan.
2. Standards for Final Site Plan Approval. The Planning Commission shall review and approve a final site plan, or approve a final site plan with conditions, upon finding that all of the following standards are met:
 - A. The development of the site as designed will not have a harmful affect on the surrounding neighborhood.
 - B. Any adverse affects resulting from the locations of buildings and accessory structures, or the proposed use thereof, will be minimized to the occupants of adjacent properties.
 - C. The site design provides reasonable visual and sound privacy for all adjacent conforming or lawful nonconforming dwellings.
 - D. Fencing, walls and/or landscaping have been made part of the site design as required by this Ordinance or otherwise appropriate to minimize adverse affects upon surrounding development.
 - E. The site is designed to achieve a proper arrangement of internal proposed streets, surface drives, driveways, parking areas, sidewalks or other pedestrian walkways, and bicycle paths, so as to provide for the safety and convenience of pedestrian and vehicular traffic.
 - F. Public or common ways for vehicular and pedestrian circulation are arranged to be connected to existing or planned streets and pedestrian/bicycle pathways in the area; and the site design provides for access between adjoining parcels where practicable.

- G. The proper development of roads, easements and utilities has been provided for to protect the general health, safety and welfare of the residents of the Township.
- H. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained where they afford a barrier or buffer between adjoining properties being put to different use.
- I. The landscape of the site is preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes are in keeping with the general appearance of neighboring developed areas.
- J. The site design retains and protects in their natural state insofar as practical all areas of natural drainage such as swales, wetlands, ponds, and swamps to preserve drainage patterns, maintain the natural characteristics of the land, and provide areas for natural habitat.
- K. The site design includes appropriate measures sufficient to provide for the management of surface waters without adversely affecting neighboring properties or the public stormwater drainage system. All paved areas are designed to collect surface waters in a manner sufficient to not obstruct the flow of vehicular or pedestrian traffic or create ponding areas. The surface water management system uses catch basins and/or other technologies sufficient to prevent contaminants from being discharged to the natural drainage system.
- L. All areas and structures where chemicals, fuels, flammable materials, contaminated surface water or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
- M. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
- N. The height and location of all portions of buildings and structures are accessible to available emergency personnel. The arrangement of all buildings or groups of buildings enables necessary emergency vehicle access by the Township Fire Department and any other emergency services providers.
- O. All exterior lighting on the site complies with all applicable requirements of this Ordinance, including Section 4.12.

- P. All loading and unloading areas and outside storage areas, including areas for the storage of trash, are located or screened by structural or plant materials so as to not be visible at ground level from a public street or any adjoining residential property.
- Q. The development plan is consistent with the purpose of zoning regulation in the Township as set forth in Section 1.2 of this Ordinance, and all relevant goals and objectives of the Arcadia Township Master Plan.
- R. If the final site plan is approved and implemented, the resulting proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules, and regulations.

The Planning Commission shall not approve a final site plan if any part of the plan or the intended use or development of the subject property does not comply with all the preceding applicable standards.

- 3. Site Plan Approval Conditions/Performance Guarantee. The Planning Commission is authorized to impose conditions on the approval of a final site plan to the same extent it is authorized to impose conditions on the approval of a special land use, as prescribed in Section 20.4 of this Ordinance; and may also require a performance guarantee as prescribed in that section.
- 4. Site Plan Approval with Modifications. The Planning Commission may approve a final site plan contingent upon the modification of the site plan as discussed with the applicant at a public meeting and as specified in the Planning Commission's approval action. In such circumstances the final site plan approval shall not be effective until a new original of the approved final site plan, with the required modifications, has been filed with and verified by the Zoning Administrator after consultation with the Planning Commission Chairperson. Notwithstanding the foregoing, the Planning Commission shall in no case approve a final site plan contingent upon variance relief being granted by the Zoning Board of Appeals. If a proposed final site plan cannot be approved without variance relief the Planning Commission shall disapprove the final site plan; or, in the alternative, may table any substantive action on the final site plan until the applicant has determined whether to apply to the Zoning Board of Appeals for the pertinent variance relief, and the Zoning Board of Appeals has made a final decision on any such application.
- 5. Retention of Approved Final Site Plan. Upon approval of a final site plan three copies of the approved plan shall be dated and signed by the Zoning Administrator and Chairperson of the Planning Commission. One of the signed/dated copies shall be returned to the applicant, one copy shall be forwarded to the Building Official, and one copy shall be filed with the Clerk.

SECTION 19.8 TERM OF FINAL SITE PLAN APPROVAL/CONFORMITY TO APPROVED FINAL SITE PLAN/REVOCAION OF FINAL SITE PLAN APPROVAL

1. Term of Final Site Plan Approval. A final site plan approval shall be valid for a period of one year. Upon written application, filed with the Zoning Administrator prior to the lapsing of this one year period, the Planning Commission may approve an extension of the term of approval of a final site plan for not more than one additional year, but shall only grant such an extension upon good cause shown by the applicant and based on evidence from the applicant that the approved project will begin and be substantially completed within the period of an extension. If the project for which final site plan approval is not commenced and substantially completed during the one year term of final site plan approval, or the term of any extension of same, the final site plan approval shall be considered void and a new final site plan submission and approval shall be required before the project can proceed further.
2. Conformity to Approved Final Site Plan. Property which is the subject of final site plan approval shall be developed in strict conformity with the final site plan for that property as approved by the Planning Commission, including any site plan modifications approved by the Planning Commission, and any conditions imposed on the final site plan approval. This same rule shall apply to a project approved by the Zoning Administrator pursuant to the ASPR process.
3. Revocation of Final Site Plan Approval. The Planning Commission may revoke any final site plan approval (including a site plan approved by the ASPR process) when the construction of the project is not in conformance with the approved plan. The Planning Commission shall give the applicant notice of intention to revoke such approval at least fifteen days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.

SECTION 19.9 AMENDMENT OF APPROVED FINAL SITE PLAN

1. Planning Commission Approval. Any proposed amendment of a final site plan approved by the Planning Commission shall be subject to review and approval by the Planning Commission pursuant to the same submittal and review procedures as would apply to a new final site plan, unless the proposed site plan amendment qualifies for consideration as a "minor change" pursuant to subsection 2 of this section.
2. Zoning Administrator Approval of "Minor Change" Site Plan Amendment. The Zoning Administrator may approve proposed amendments of a final site plan approved by the Planning Commission upon determining the proposed change does not substantially affect the basic design of the site or alter any conditions imposed on the final site plan approval by the Planning Commission, including

proposed changes to the configuration, design, layout or topography of the development the Zoning Administrator determines are not material or significant in relation to the entire site, and would not have any significant adverse affect on adjacent or nearby lands or the public health.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In determining whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

<p style="text-align:center">CHAPTER 20</p> <p style="text-align:center">SPECIAL LAND USES</p>
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SECTION 20.1 EXPLANATION OF SPECIAL LAND USES

The Planning Commission is authorized to approve the establishment of certain uses designated as Special Land Uses within the various zoning districts in this Ordinance. Such special land uses have been selected because of the characteristics of the use which, in the particular zone and location involved, might cause the use to be incompatible with other uses permitted in such zoning district and accordingly detrimental thereto, without prior review pursuant to approval standards and in appropriate circumstances also approval conditions.

SECTION 20.2 SPECIAL LAND USE APPLICATION PROCEDURES

All applications for special land use approval shall be submitted and processed under the following procedures:

1. Filing of Application. The application shall initially be filed in triplicate with the Township Clerk, and shall include all of the following:
 - A. A completed application form, using the special land use application form prescribed by the Township.
 - B. A site plan substantially complying with the requirements for the content of a final site plan as specified in Chapter 19 of this Ordinance.
 - C. All specifications, data, and other materials on which the applicant intends to rely to show all applicable standards for special land use approval are met.
 - D. Payment of the fee set by the Township Board for special land use applications.
2. Administrative Review of Application. The Township Clerk shall promptly refer one copy of the application submittal to the Zoning Administrator. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing unless and until it is administratively complete as determined by the Zoning Administrator. The Zoning Administrator or Planning Commission may request the Township Fire Chief, Township Planner, Township Engineer, Building Official, and/or other consultants review the application and provide their resulting comments and recommendations, for inclusion in the Zoning Administrator's report to the applicant and Planning Commission.

3. Referral of Administratively Complete Application to Planning Commission. When the Zoning Administrator has determined an application submittal to be administratively complete the Zoning Administrator shall notify the applicant of that determination, and request 7 copies of the complete application submittal (or such other number as the Zoning Administrator may require). Upon receipt of such copies the Zoning Administrator shall promptly refer individual copies of the administratively complete application to the members of the Planning Commission, the Township Attorney, and to the Township Clerk to be available for public examination.
4. Planning Commission Public Hearing and Review of Application. The Planning Commission shall hold a public hearing on an administratively complete application, preceded by notice as required by law. The Planning Commission shall review the application subsequent to the public hearing, at the same meeting or at a subsequent meeting, and may require the applicant to provide additional information about the proposed use relevant to any standard for special land use approval specified in this Ordinance. The applicant has the burden of proving compliance with all special land use approval standards.
5. Planning Commission Decision on Application. The Planning Commission shall approve a special land use application if the application is in compliance with all applicable standards in this Ordinance. The Planning Commission's decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. The decision of the Planning Commission on a special land use application is a final decision, subject to appeal to a court of competent jurisdiction as authorized by law. The Zoning Board of Appeals does not have jurisdiction to hear an appeal from any decision of the Planning Commission on a special land use application.
6. Site Plan Review Requirement. An approved special land use is subject to site plan review pursuant to Chapter 19 of this Ordinance.
7. Special Timeline Rule for Special Land Use Application Involving Sexually Oriented Business. To comply with decisions of federal and state courts finding sexually oriented businesses implicate constitutionally protected rights, the following special rules shall apply to all applications for special land use approval of a sexually oriented business:
 - A. The Planning Commission shall hold its hearing on the application not later than 45 days after receiving an administratively complete application, unless the applicant consents to an extension.
 - B. The Planning Commission shall make its decision on the special land use application not later than 30 days after the hearing is held, unless the applicant consents to an extension.

- C. If the applicant files a timely appeal of the Planning Commission decision on the special land use application or otherwise timely initiates legal action in a court of competent jurisdiction regarding the validity of the provisions of this Ordinance on which the decision was based, the Township shall not impede efforts to obtain a prompt judicial adjudication pursuant to all applicable court rules and procedures relating to an expedited judicial determination on a claim alleging a denial of constitutionally protected rights, to the extent such an expedited judicial determination is required by relevant case law of precedential significance at that time.

20.3 STANDARDS FOR SPECIAL LAND USE APPROVAL

An application for special land use approval shall not be approved by the Planning Commission (with or without conditions) unless the Planning Commission finds from the evidence that all of the following standards and requirements are met:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in proximity to dwellings.
2. The use will be compatible with the natural environment of the area.
3. The use will not adversely affect the capacities of public services and facilities, such as police and fire protection, and schools, and will not cause unreasonable traffic congestion or otherwise specially burden the public streets in the area.
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance.
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood.
6. The use will not adversely affect the public health, safety, and general welfare of the community.
7. The use will be in accordance with the character and adaptability of the land at issue.
8. The location and character of the use is consistent with the general plan for the future use and development of the Township, as embodied in the Arcadia Township Master Plan.
9. The use will not violate any other ordinance of the Township, or any state or federal law or administrative regulation.

10. All standards/site design requirements applicable to the particular use as specified in Section 20.7 or elsewhere in this Ordinance can and will be complied with at all times.

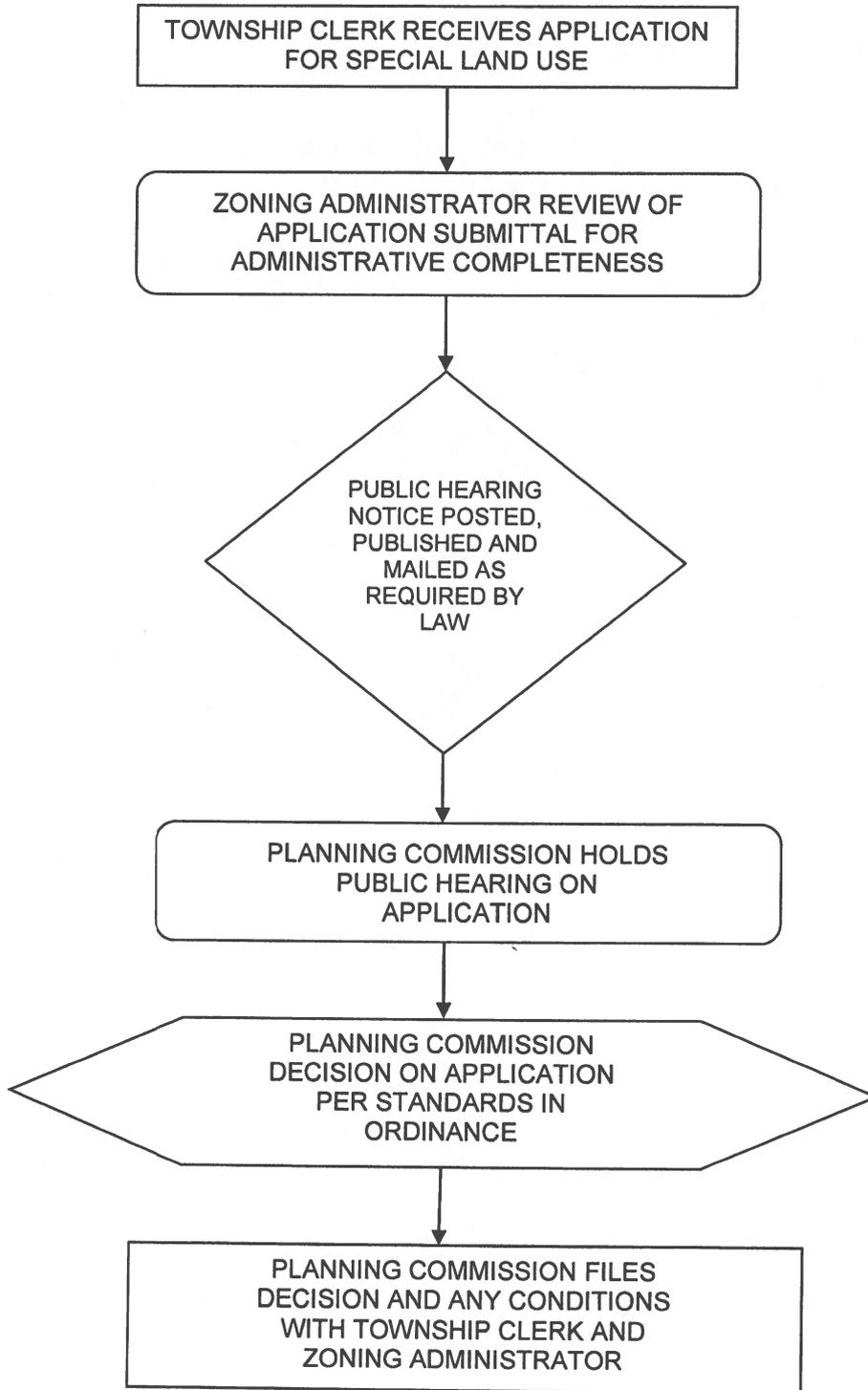
20.4 SPECIAL LAND USE APPROVAL CONDITIONS/PERFORMANCE GUARANTEE

1. Basis for conditions: The Planning Commission is authorized to impose conditions on the approval of a special land use, if the Planning Commission determines it has authority to approve the special land use application. Any conditions shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:
 - A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
2. Condition limiting duration of temporary use: The Planning Commission shall have the right to impose a condition limiting the duration of a special land use only where the use is by its nature a temporary use, and may also reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.
3. Performance guarantee condition on special land use approval: The Planning Commission is authorized to require a performance guarantee as a condition on a special land use approval, as follows:
 - A. To insure compliance with the Zoning Ordinance (and/or other conditions imposed at the time of approval), the Planning Commission may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering 100% of the

estimated costs of improvements associated with a project for which the approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.

- B. The Planning Commission shall by resolution request the Township Clerk rebate the security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- C. If any improvements are not constructed within the time limit established as part of the approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- D. As used herein "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS



20.5 COMPLIANCE WITH APPROVAL/LAPSE OF APPROVAL/CHANGES TO APPROVED SPECIAL LAND USE

1. The site plan submitted with the special land use application, the specifications in the application, and all conditions imposed by the Planning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the special land use approval. An approved special land use which at any time fails to comply with the terms of the approval, or any applicable provision of this Ordinance, shall cease to be a lawful use, and shall be subject to revocation in accordance with Section 20.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.
2. Every special land use approval shall be subject to an automatically imposed approval condition pursuant to which the approval lapses if construction of the approved use is not completed and commencement of the approved use has not substantially begun within three years from the date of approval. Upon request of the applicant, filed prior to the lapse of special land use approval, the Planning Commission may save its prior approval from lapsing where the applicant shows good cause for the delay, and the Planning Commission finds there have been no changed conditions that would potentially affect the prior findings of the Planning Commission with respect to any standard for approval of the use.
3. Any proposed change to an approved special land use that involves any change to the nature of the approved use, or any expansion of the portion of premises on which the use would take place, or any change in a condition imposed on the approved special land use, shall be submitted and processed under the procedures in this chapter for a special land use application. Any proposed change to an approved special land use that the Zoning Administrator determines does not involve any of the foregoing may instead be submitted and processed as an amendment to the previously approved site plan pursuant to all applicable provisions of Chapter 19.

20.6 REVOCATION OF SPECIAL LAND USE APPROVAL

All approved special land uses shall be subject to the following provisions, as a condition automatically imposed upon every approved special land use:

1. Zoning Administrator Revocation Recommendation. The Zoning Administrator may recommend revocation of a special land use approval upon determining a probable violation of the terms and conditions of a special land use approval or related provisions of this Ordinance. The Zoning Administrator shall provide written notice of the revocation recommendation to the approval holder/property owner by personal delivery or regular mail, and also to the Township Clerk and Planning Commission Chairperson by personal delivery or regular mail.

2. Planning Commission Review of Revocation Recommendation. The Planning Commission shall review the Zoning Administrator's recommendation to revoke a special land use approval, and shall hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters.
3. Revocation of Special Land Use Approval. After notice and public hearing as provided herein the Planning Commission may, by a majority of its membership, revoke a special land use approval upon verifying the grounds for the Zoning Administrator's revocation recommendation by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured, and are not likely to be cured within a reasonable period of time as established by the Planning Commission. Written notification of a Planning Commission determination to revoke a special land use approval shall be provided to the approval holder and property owner by personal delivery or regular mail.
4. Appeal of Revocation of Special Land Use Approval: Premises for which a special land use approval has been revoked by the Planning Commission shall be used only as otherwise allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district. A determination of the Planning Commission revoking a special land use approval may be appealed to the circuit court as provided by law.

20.7 SPECIFIC STANDARDS/SITE DESIGN REQUIREMENTS FOR PARTICULAR SPECIAL LAND USES

The following specific standards and site design requirements are imposed for the particular special land uses designated in this section pursuant to Section 20.3.10 of this Ordinance, in addition to the standards specified in Section 20.3.1-9 of this Ordinance. The required standards for each such use are referred to in the following table and included in the subsequent applicable text for the corresponding item number:

SPECIAL LAND USE	ZONING DISTRICT	ITEM NUMBER
Adult Foster Care Small Group Home	All except LS and MA-2 and MA	1
Aircraft Landing Strip/Heli-pad	R-AG, RR, M-22(heli-pad only), LI	2
Bed and Breakfast	R-AG, RR, CA, VR, SP, LS	3
Campground	R-AG, RR, M-22, LI	4
Group Day Care Home	All except LS and MA	5
Junkyard/Salvage Yard	R-AG, LI	6
Kennel	R-AG, RR, LI	7
Mining	R-AG, RR, LI	8
Mobile Home Park/Seasonal Mobile Home Park	R-AG	9
On-Farm Biofuel Production Facility (Type II or Type III)	R-AG, RR, LI	10
Sexually Oriented Business	LI	11
Wireless Communications Support Structure	R-AG, RR, M-22, LI	12

Item 1---Adult Foster Care Small Group Home

1. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - A. Another state licensed group day care home.
 - B. Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCL 400.701 et seq).
 - C. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq).
 - D. A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. It shall have appropriate fencing enclosing all outdoor play areas intended for children, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
3. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
4. It shall meet all applicable sign regulations in this Ordinance.
5. It shall meet all applicable off-street parking requirements in this Ordinance; and in addition shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility, and a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
6. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
7. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

Item 2---Aircraft Landing Strip and Heli-pad**Aircraft Landing Strip**

1. The landing strip shall have a length of at least 1,200 feet and a usable width of at least 50 feet, with an additional 25 feet minimum width on each side free of all obstructions. The landing strip shall also have a clear approach slope of 20:1 in each direction with a width of not less than 100 feet, and shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet. The above requirements may be modified if the landing strip is intended solely for the use of ultra light aircraft. All required landing strip and approach areas shall be under the ownership or control of the owner or operator of the facility.
2. The facility shall not exceed a Michigan Aviation System Plan (MASP) classification of U-1, offering service to small single engine utility aircraft, and/or ultra light aircraft, and shall comply with all licensing requirements of the State of Michigan.
3. The landing strip shall be of turf construction, or may be hard-surfaced.
4. Areas upon which aircraft land or taxi shall be at least 200 feet from any property line; provided, the Planning Commission may modify this setback requirement upon determining all the standards for special land use approval specified in Section 20.3 will be met with a lesser setback. The airfield must be of a size and location that will not require limitations on the height of structures on land that is not controlled by the airfield operator.
5. The Planning Commission may require fencing of appropriate areas to insure public safety. If required, such fencing shall be not less than six feet in height with suitable gating.
6. The facility shall not be used for commercial operations, unless such commercial use is otherwise permissible pursuant to the use regulations for the applicable district (such as crop-dusting in connection with commercial agriculture in the Rural Agriculture District), and such commercial operations are permissible under any state licensing requirements.

Heli-pad

1. The heli-pad shall have a landing area and approach surfaces of appropriate length and width for any helicopter using the facility and free of obstructions, as well as complying with any specific state licensing requirements.
2. If the heli-pad is located on an elevated structure or roof, the heli-pad shall be designed and constructed in compliance with all applicable Construction Code requirements, and any applicable requirements of state law/administrative rules.

3. The Planning Commission may require the operational areas of a ground level heli-pad to have appropriate fencing and marked with caution signs to prevent the inadvertent or unauthorized entry of persons or vehicles.
4. The facility shall not be used for commercial operations, unless such commercial use is otherwise permissible pursuant to the use regulations for the applicable district (such as in connection with commercial agriculture in the Rural Agriculture District), and such commercial operations are permissible under any state licensing requirements.

Item 3---Bed & Breakfast

1. Bed and breakfast establishments shall be located only in buildings that are used and have been used as detached single-family dwellings with a minimum of 2,000 square feet of floor area.
2. Off-street parking shall be provided in addition to that required for residential purposes at the rate of one vehicle parking space per sleeping room. Such parking need not be paved.
3. One sign shall be allowed for identification purposes only. Such sign shall not exceed 16 square feet in size and shall otherwise comply with the requirements of Chapter 22 herein.
4. No use shall be permitted which is not also a permitted use under the terms of the district in which the bed and breakfast establishment is located.
5. Meals may be served only to the operator's family and lodgers of the establishment.
6. Cooking facilities in bed and breakfast guest rooms are prohibited.
7. The bed and breakfast shall comply with all applicable regulations of the Health Department for the serving of food. In addition, if a bed and breakfast is approved by the Planning Commission, the property owner shall provide documentation from the Health Department that the well and septic system on the property is capable of serving the proposed use. This documentation shall be provided to the Zoning Administrator before the bed and breakfast is open for business.
8. The dwelling unit in which the bed and breakfast is located shall be the principal residence of the operator/owner, and the operator/owner shall live in the dwelling unit when the bed and breakfast operation is active.
9. Exterior refuse storage facilities in addition to what would normally be expected for a detached single-family dwelling shall be screened from view on all sides by a six-foot solid decorative fence or wall, or by other screening approved by the Planning Commission.

10. In addition to providing a site plan as required by Chapter 19 of this Ordinance, an applicant for a bed and breakfast shall also provide a floor plan of the dwelling unit and the use of each room.
11. The maximum consecutive stay for any lodger of a bed and breakfast (excluding the operator/owner) shall be 16 days.
12. The Building Inspector and Fire Chief shall conduct an inspection of the dwelling proposed for the bed and breakfast establishment following approval by the Planning Commission in order to ensure compliance with the applicable requirements of the Building Code and Fire Code. Any measures required to comply with these codes shall be completed before the bed and breakfast opens for business.

Item 4---Campground

1. The minimum lot size shall be 10 contiguous acres.
2. No commercial enterprises shall be permitted to operate within the campground, except a convenience goods store may be provided in a campground with more than 50 campsites.
3. No building or camp site shall be located within 200 feet of a property line. However, this setback requirement may be waived or modified with respect to a side or rear property line constituted by the edge of a river, lake, or State land, if the Planning Commission determines the intent of the setback requirement will be met even if the requirement is waived or modified.
4. The Planning Commission may require landscaping be installed along the borders of a campground in order to provide visual screening and privacy for nearby residents.

Item 5---Group Day Care Home

1. The enumerated standards in Item 1 for an Adult Foster Care Small Group Home also apply to a Group Day Care Home, and are incorporated by reference herein.

Item 6---Junkyard/Salvage Yard

1. The minimum lot area shall be 20 acres.
2. All salvage, display, and sales operations, and all vehicles, parts, materials and equipment shall be within enclosed buildings or within an outside area completely enclosed by a solid screening fence at least eight feet in height.
3. A screening fence pursuant to preceding sub-part 2 shall be setback from all property lines and any public street right-of-way line not less than 100 feet, and shall comply with the landscape requirements of Section 4.11 of this Ordinance.

4. No operations or items placed within the area enclosed by a screening fence shall exceed the height of the screening fence or be visible from any adjoining public road right-of-way or any adjoining property line as viewed at ground level.
5. All fluids and gasses shall be drained from all vehicles, appliances, and equipment when brought onto the site, and properly contained for lawful disposal, to prevent leakage into the soil, ground water, surface water, or air and to minimize the possibility of fire hazards from flammable materials.

Item 7---Kennel

1. All kennel facilities, including animal run areas, shall be located at least 200 feet from all property lines. Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable federal, state and county laws and regulations, and the recommendations of recognized sources for kennel facility design. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.
2. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary conditions for each animal kept, boarded, bred or trained upon the premises.

Item 8---Mining

Note---Section 4.15 of the draft Zoning Ordinance requires special land use approval for the mining of an area exceeding two acres and more than 10,000 cubic yards of earth material. This Item within Chapter 20 will therefore apply only to mining land uses that are subject to the special land use application and approval process.

This Ordinance recognizes the extraction and removal of earth materials (mining) is an important land use, but by its nature may involve activities incompatible with residential uses and may have adverse impacts to other land uses. Consistent with Section 205(3)-(6) of the Michigan Zoning Enabling Act [MCL 125.3205(3)-(6)], this Ordinance is not intended to prevent the extraction of valuable earth resources unless "very serious consequences" would result from the extraction of those resources. The designation of mining as a special land use in the R-AG, RR and LI districts, only, is an expression of the Township's determination that locations may exist in those districts where this land use can be undertaken without causing very serious consequences; and, conversely, that very serious consequences will result from this land use in any of the other districts. The application requirements and approval standards specified herein are intended to be applied so as to enable the Planning Commission to factually determine whether this land use can be undertaken on specific property in any of the three designated districts without resulting in very serious consequences. In making this determination the Planning Commission shall also apply the related standards set forth in Silva v. Ada Township, 416 Mich 153 (1982), as required by the Zoning Enabling Act, and any other applicable case law. The standards herein are also intended to exercise the Township's

statutory right to reasonable regulation of the hours of operation of this land use, noise levels, dust controls, and traffic, and to further assure that a mined site is appropriately reclaimed to avoid environmental degradation and to restore the land for other available uses as allowed in the district by this Ordinance.

1. Additional Application Materials. An application for special land use approval of mining shall include all of the following, in addition to the application content required by this Ordinance for all special land uses and the content required by this Ordinance for all site plans:
 - A. A written legal description of all of the lands proposed for the use.
 - B. Ten copies of a site plan for mineral removal, drawn at a scale not exceeding 1" = 100' if the site is less than 50 acres and 1" = 200' if the site is 50 acres or more and sealed by a registered civil engineer, and including the following:
 - (1) A north arrow, scale and date.
 - (2) Property lines and dimensions of the parcel proposed for mineral removal including any buildings on the site and shading indicating the area on which mineral removal operations and activities will take place.
 - (3) The location and width of all easements or rights-of-way on or abutting the lands.
 - (4) Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations.
 - (5) Existing elevations of the lands at intervals of not more than 5 feet, based on USGS datum.
 - (6) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
 - (7) Mineral processing and storage areas and stockpiling areas.
 - (8) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs and other features of the proposed use; an illustration of the type of fencing and gate proposed shall also be provided.
 - (9) Roads for ingress to and egress from the lands, including on-site roads, acceleration and deceleration lanes, and a description of the

- proposed measures to limit dust generated by mining activities and movement of vehicles.
- (10) A map showing routes to be used for the hauling of mined materials from the site and for trucks returning to the site.
 - (11) Areas, if any, to be used for ponding.
 - (12) Illustration of the phasing of site reclamation.
- C. A narrative description and explanation of the proposed mining operations and activities, which shall include the following:
- (1) The date of commencement of operations and estimated duration of mining activities.
 - (2) The proposed hours and days of operations.
 - (3) An estimate of the type and quantity of material to be removed and estimated number of truck trips per day.
 - (4) A description of the extraction and removal and processing methods, including proposed excavation, crushing, washing, and screening, and removal equipment and vehicles.
 - (5) A description of all adverse effects, whether anticipated or reasonably possible, on the ground water table and other underground sources of water supply, together with copies or reports of studies analyzing the effect, if any, of the mining operation on the underground water supply of the subject land and adjacent and nearby lands.
- D. A site rehabilitation plan and narrative showing the final grades of the lands as rehabilitated, at contour intervals not exceeding 5 feet; and also including water courses, ponds or lakes, and landscaping and plantings.
- E. If a mining operation is proposed within 1000 feet of a lake, river, stream or a wetland regulated by the State of Michigan a hydro geological study shall be conducted to determine the impact of the mining operation on such natural features.
- F. The Planning Commission may require the applicant to provide studies or information concerning the need for and consequences of the proposed mineral extraction and removal. Such studies may include but need not be limited to the following: an environmental impact study, hydro geological study, engineering data, traffic impact study, and economic analysis in particular the impact on the property values of nearby properties.

- G. **Fee for Administration of Special Land Use.** As a condition of any such special land use, the applicant shall pay to the Township such fee as determined by the Township Board, for the purpose of defraying the Township's cost of administration, surveillance and enforcement of the special land use, including but not limited to, consideration of applications and renewals, testing, monitoring, sampling, surveying, engineering fees, legal fees, studies, and other consultant fees and other related costs and expenses. Such fee shall be calculated and paid as required by resolution of the Township Board. In its discretion, the Board may provide for the advance payment into escrow, by the applicant, of all of the Township's costs and expenses with respect to the consideration of the special land use, in accordance with the Township Board resolution concerning such escrowed fees. In addition, the applicant shall pay such application fee or renewal fee as may be established by the Board.

2. Site Design Standards.

- A. No machinery shall be located or used within 100 feet of any property or street line. No cut or excavation shall be made closer than 100 feet from any street right-of-way line or property line. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation pursuant to applicable approval standards.
- B. No cut or excavation, storage or stockpile area, structure, access drive or loading area shall be closer than 400 feet to a principal building or dwelling on adjoining or nearby lands existing at the time of the approval of the special land use. The Planning Commission may approve a lesser distance based upon evidence that such lesser distance will not result in adverse effect upon nearby buildings or dwellings.
- C. All areas of excavation and removal shall be fenced and gated at all times. Such fencing shall be installed before any activity pertaining to the mining operation begins. The fence shall be installed around the entire parcel proposed for mining at the required setbacks set forth in A and B above. Fencing shall be at least four feet high and constructed of woven wire, chain link or similar wire material with a minimum of 10 gauge wire. Gates shall be at least four feet in height and locked when operations are not occurring.
- D. The entrance to the site shall have a gate which shall be located so there is room on the site to accommodate mining vehicles waiting outside the gate.

3. Operational and Nuisance Abatement Standards.

- A. The entry road or roads to and from a mining area shall be hard surfaced for such distance as may be required by the Planning Commission as a condition of special land use approval.
- B. Mining activities shall occur during the hours and days of the week as shall be determined by the Planning Commission in its approval of the special land use.
- C. Equipment for the excavation, crushing, washing, screening and removal of mineral material, and other mineral excavation and removal activities, shall not emit noise louder than 70 decibels when measured at the nearest dwelling or occupied building.
- D. Any dust arising from mining activities shall be controlled by such measures as may be required by the Planning Commission as a condition of special land use approval.
- E. Drainage on the mining site shall be maintained in a manner which most closely approximates the natural drainage patterns. Measures shall be taken to avoid or mitigate the run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.
- F. The type, nature and quantity of equipment to be used at the removal site, and the type and nature of vehicles used to remove mineral material from the site, shall be specified in the special land use approval.
- G. Temporary stockpiling of excavated material shall be permitted within the removal site, at such locations and upon such terms as may be specified in the special land use approval.
- H. No sand, gravel or other mineral material excavated or obtained from lands other than those covered by the special land use shall be brought to the mineral removal site, unless such activity is for reclamation of the site as required herein or is otherwise part of the special land use approval.
- I. No cement, concrete, asphalt or other artificial mineral material, nor any other artificial material or debris shall be brought to or stored on a mineral removal site, as required herein or is otherwise part of the special land use approval.

4. Site Reclamation Standards.

- A. Topsoil shall be replaced on the site to a depth of not less than four inches unless it is demonstrated that there was less than four inches of topsoil on the site prior to any excavation in which case topsoil shall be replaced to

the extent that it existed on the site prior to any excavation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.

- B. If the mining operation is to occur in phases, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mining operations or activities are commenced in another phase or area. Within each phase no more than 20 acres shall be cleared and actively mined at any time without reclamation occurring consistent with the approved reclamation plan. The area used for stockpiling excavated material shall not be included in the 20 acres. It is the intent of this section that site restoration and reclamation occur in unison with the mining process.
- C. Final slopes shall have a ratio of not greater than one foot of elevation to each four feet of horizontal distance. However, the Planning Commission may approve a ratio of one foot of elevation to each three feet of horizontal distance for portions of the site if it is demonstrated that such slopes will still allow the land to be used in accordance with the Zoning Ordinance.
- D. The creation or enlargement of a lake, in connection with reclamation of the site, shall be permitted only where the applicant demonstrates from engineering and hydro geological studies that the waters of the lake will not become polluted or stagnant and will not adversely affect groundwater supplies for nearby uses. Any such lake shall be approved by those state and county agencies having jurisdiction. Construction of the lake shall not begin until written approvals from these agencies have been provided to the Township.
- E. The end-use or uses provided for in the site reclamation plan shall conform to the uses designated for the lands by the Zoning Ordinance.

5. Review and Approval Standards.

- A. Planning Commission review and approval of a special land use application for mining shall be in accordance with all applicable provisions of this Ordinance; and, recognizing the unique land use aspects of earth removal operations, shall also be based on a consideration of the following factors, as applicable:
 - (1) The relationship of extraction and associated activities with existing land uses.
 - (2) The impact on existing land uses in the vicinity of the property.
 - (3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

- (4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (5) The impact on other identifiable health, safety, and welfare interests in the Township.
- (6) The overall public interest in the extraction of the specific natural resources on the property.

6. Conditions on Approval.

- A. In granting special land use approval the Planning Commission may impose such conditions as are within the scope of its authority pursuant to Section 20.4 of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements. The Planning Commission may also limit the length of time the special land use approval is to be effective, as provided by subsection 7 below.
- B. Letter of Credit or Performance Bond. An applicant for a mining special land use shall submit a letter of credit or performance bond, in the amount specified in the special land use, before commencing any operations. The letter of credit or performance bond shall name the Township as the benefited party and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the special land use.

The letter of credit or performance bond shall not be refunded, reduced or transferred until all mineral removal operations, site rehabilitation or restoration and all other required or permitted activities have received final inspection and approval by the Zoning Administrator and until the Planning Commission has determined the applicant has fully complied with all the terms and conditions of the special land use, including all required site rehabilitation.

7. Approval Duration and Annual Review.

- A. Mining operations shall be approved for a total duration as determined by the Planning Commission, but may be subject to annual renewal as provided under subsection C of this section. For purposes of this subsection the date of renewal shall be one year from the date of approval of the special land use by the Planning Commission.
- B. The mining activity shall be subject to periodic inspections by the Township Engineer or Zoning Administrator to determine that the mining

activity is proceeding in accordance with the conditions of the approved site plan and special land use.

- C. The special land use authorized by this section may be renewed in the discretion of the Planning Commission for a period of one or more years. Such renewal shall be subject to the terms of this subsection.
- (1) The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of the use, or prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special land use.
 - (2) Prior to consideration of an application for renewal, the Township Engineer or other designated Township official shall inspect the land, shall review the mineral mining activities to date, and shall submit a report to the Planning Commission.
 - (3) Upon receiving the completed application for renewal, including the report of the Township Engineer, the Planning Commission shall approve, disapprove or approve with conditions the requested renewal. In determining whether to approve a renewal, the Planning Commission may consider whether the applicant or other operator has complied with the terms and conditions of the prior special land use approval.
 - (4) In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

Item 9---Mobile Home Park and Seasonal Mobile Home Park

1. A mobile home park and seasonal mobile home park shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and all amendments thereto, and with all regulations promulgated thereunder, except as such provisions may be herein supplemented.
2. A mobile home park and seasonal mobile home park shall be landscaped as follows:
 - (A) If it abuts an existing residential development or a residential district, screening shall be provided along the boundary abutting the residential development/district.
 - (B) Screening shall be provided along any boundary abutting a public right-of-way.

- (C) The landscaping required pursuant to sub-parts (1) and (2) above shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park/seasonal mobile home park as effectively as the otherwise required landscaping.
 - (D) Exposed ground surfaces in all parts of the mobile home park/seasonal mobile home park shall be paved or covered with ornamental stone, or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the development shall be graded and equipped to drain all surface water in a safe and efficient manner.
3. Common sidewalks shall be installed along one side of all internal collector streets within the mobile home park/seasonal mobile home park to the public right-of-way and to all service facilities, including central laundry, central parking, and recreation areas. In addition, an individual site sidewalk shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. All common and individual site sidewalks shall meet the standards established in R125.1928 of the Michigan Administrative Code.
 4. A mobile home park/seasonal mobile home park that contains 50 or more home sites shall have not less than 2% of the development's gross acreage dedicated to designated open space, but not less than 25,000 square feet. Required property boundary setbacks may not be used in the calculation of open space area. Recreational or athletic areas shall comply with applicable safety and setback standards specified in R125.1705 and R125.1941 of the Michigan Administrative Code.
 5. Resident and visitor vehicle parking shall be provided as specified by R125.1925 and R125.1926 of the Michigan Administrative Code.
 6. If recreational vehicle storage is provided within the mobile home park/seasonal mobile home park, it shall include, but not be limited to: class A, B, and C motor homes, 5th wheel travel trailers, travel trailers, folding tent campers, trailered boats, trailered all-terrain vehicles, trailered personal watercraft, historical vehicles, and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter pursuant to subsection 2.B. herein, and surfaced in accordance with R125.1922 of the Michigan Administrative Code.
 7. Livestock are not allowed in a mobile home park/seasonal mobile home park, whether as an accessory use or otherwise. Customary household pets are allowed; provided such animals shall not run at large or commit any nuisance.

8. Unique character design: It is the intent of this Ordinance to encourage a concept of mobile home park/seasonal mobile home park development designed to allow for a cluster type of mobile home grouping with the clusters separated from each other by common open space, individual mobile home sites separated from each other by common open space, and the provision of related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreational facilities.

It is also the intent of this Ordinance to allow the developer to use a more creative and imaginative design to preserve unusual natural features on the site and to utilize excess or generally unusable land to bypass unusual natural obstacles, thereby reducing overall development costs of the project.

A mobile home park/seasonal mobile home park designed to provide a cluster type arrangement may reduce the mobile home site size by 15 percent provided the reduced area be equally dedicated as common open space abutting the cluster. Each mobile home park/seasonal mobile home park shall contain a recreation area equivalent to 10% of the total land area of the park.

Item 10---On-Farm Biofuel Production Facility (Type II or Type III)

1. The facility has all of the characteristics for the term "On-Farm Biofuel Production Facility (Type II or Type III)" as defined in Section 2.2 of this Ordinance.
2. The application for special land use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
 - A. A description of the process to be used to produce biofuel.
 - B. The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
 - C. An emergency access and fire protection plan that has been reviewed and approved by the Manistee County Sheriff's Department and the Township Fire Department.
 - D. For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information) and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.

- E. Information that demonstrates the biofuel production facility will comply with all of the special land use approval standards specified herein.
 - F. Any additional information requested by the Planning Commission relevant to compliance with any provision of this Ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
3. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable local, state and federal laws.
4. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the Township with proof that all necessary approvals have been obtained from the Michigan Department of Environment, Great Lakes, and Energy (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
- A. Air pollution emissions.
 - B. Transportation of biofuel or additional products resulting from biofuel production.
 - C. Use or reuse of additional products resulting from biofuel production.
 - D. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
5. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Planning Commission is required to hold a hearing on an application for special land use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. *MCL 125.3513(4)*.

Item 11---Sexually Oriented Business

This Ordinance recognizes that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a general downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is therefore considered necessary and in the best interest of the orderly and better development of the community to prohibit the concentration of such uses in a particular location and require their dispersal throughout

the zoning district of the township where such uses are allowable, to thereby minimize their adverse impact to the best extent possible on any other permissible use. The following standards must therefore be met for special land use approval of a sexually oriented business, in addition to all other standards specified in this Ordinance for special land use approval:

1. A sexually oriented business shall not be located within 1,000 feet* of any other sexually oriented business.
2. A sexually oriented business shall not be located within 500 feet* of any of the following pre-existing uses: any residential use, public or private school, child day care center, church, public park or playground, athletic field, library, or other public facility.
3. A manager shall be on the premises at all times the business is open to customers.
4. No one under the age of 18 shall be allowed on the premises as an employee, a customer, or otherwise.
5. No product or service for sale or gift, or any picture or other representation thereof, including an otherwise permissible sign, which relates in any way to "specified sexual activities" or "specified anatomical areas" shall be displayed so as to be visible from the street or exterior of the premises.

*The specified distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building in which the business is operated to the property line of a specified use.

Item 12--Wireless Communications Support Structure (exceeding 100 feet in height)

1. Purpose. It is the general purpose and intent of the Township to comply with the requirements of the Federal Telecommunications Act of 1996 by authorizing towers and antennas needed to operate wireless communication systems, and to further comply with the requirements of the Michigan Zoning Enabling Act regarding co-locating wireless communications equipment on an existing tower or other permissible wireless communications support structure. It is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township.
2. Application. An application for special land use approval for such antenna or tower, where required by this Ordinance, shall include the following information, in addition to what is otherwise required by this Chapter:
 - A. A detailed site development plan depicting the nature, type, appearance and location of the antenna and tower, any buildings or other structures

and all other external features of the special land use, including driveways, fencing, isolation distances, screening and landscaping and other matters. The plans for the tower shall be certified by a registered engineer.

- B. A justification for the proposed height and location of the antenna and tower including efforts to co-locate the proposed antenna on existing towers in or adjacent to the Township.
- C. A maintenance plan and any applicable maintenance agreement, prepared so as to ensure long-term, continuous maintenance of the antenna and tower and any supporting structures.
- D. A map showing existing and known proposed telecommunications facilities or other structures within and surrounding the Township which could possibly be used by the applicant to co-locate the proposed antenna.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land use application for this land use not more than 90 days after the application is considered to be administratively complete.

3. Co-location

- A. It is the policy of the Township that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township and to encourage the use of existing towers and structures for new antennas.

Therefore, a proposed tower for commercial telecommunications services shall be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three or more additional users. The Planning Commission may permit a tower design which would allow fewer than three other users if the Commission finds that three additional users would not be consistent with the intent and purposes of this section.

The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon

the tower, and to accept equipment mounted at varying heights on the tower.

- B. Approval of co-located antenna or other wireless communications equipment. See subsection 7 below.
4. Requirements and Standards. An antenna or tower shall comply with all of the following special land use approval standards/requirements:
- A. The antenna or tower shall be permanently secured to a stable foundation.
 - B. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.
 - C. An antenna or tower shall not be located in any required front yard setback, shall not be closer to a property line than its height, and shall not be located closer than 400 feet from the centerline of State Highway M-22.
 - D. All antennas and towers must be grounded to protect against damage from lightning.
 - E. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes.
 - F. The support system shall be constructed in accordance with all applicable building codes.
 - G. The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them. The Commission may require plantings to be placed on properties adjacent to the tower site in order to provide a more effective visual screen.
 - H. Towers for commercial telecommunications services which are abandoned or unused shall be removed by the owner or operator along with any associated buildings, structures or equipment within 180 days of a written notice from the Township, unless a time extension is granted by the Zoning Administrator.

To ensure compliance with this requirement the applicant shall provide a bond, letter of credit or other surety acceptable to the Township to cover the cost of removing the tower. Failure to remove the tower within the time stipulated above shall cause the surety to be used by the Township to remove the tower.
 - I. Tower lighting shall not be permitted unless required by federal or state agencies as an aircraft obstacle avoidance system. If tower lighting is required, such lighting shall be activated only by a radio determination

(radar) frequency technology, unless the applicant documents the agency with jurisdiction will not approve a system with that activation control technology. In that event, the tower lighting shall use such other activation control technology as is approved by the agency for the tower installation. If no such technology is so approved, and in all other circumstances, including the above circumstances, the lighting shall be designed, installed, controlled, and maintained so as to meet the applicable requirements of the agency in a manner that is the least visually disruptive to dark skies, and the least detrimental to migratory birds.

- J. Any ancillary building housing equipment needed for the operation of the antenna or tower, or any other appurtenance, shall be of a size, type, color and exterior materials which are aesthetically compatible with existing principal buildings within the surrounding area.

The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

- K. The tower shall comply with the requirements of the Federal Aviation Administration, the Federal Communications Commission and the Michigan Aeronautics Commission.
- L. The height of the tower shall not exceed 350 feet above grade.
- M. All towers shall be equipped with anti-climbing measures or devices.
- N. Minimum spacing between towers that are lighted or illuminated in any way shall be two miles in order to prevent a concentration of towers in one area and to maintain compliance with the Dark Sky standards of subsection 4.1. The minimum spacing between an unlighted tower and any other tower shall be one mile.
- O. Towers may be located on parcels, whether owned or leased by the applicant, which do not have frontage on a public road.
- P. In its reasonable discretion, the Planning Commission may impose additional terms and conditions regulating the construction, installation, use, repair, maintenance and removal of an antenna or tower in order to achieve the intent and purposes of this section.

5. Amateur radio antennas operating under a license issued by the Federal Communications Commission shall be subject to the provisions of this Item, except to the extent such provisions would preclude or prevent the operation of the antenna.

6. Approval Requirements. The Planning Commission shall consider the following additional factors in applying the standards for approval in Section 20.3 and in this Item:
 - A. Height of the proposed tower.
 - B. Proximity of the tower to residential structures and residential district boundaries.
 - C. Nature of uses on adjacent and nearby properties.
 - D. Surrounding topography.
 - E. Surrounding tree coverage and foliage.
 - F. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - G. Proposed ingress and egress.
 - H. Whether the applicant has demonstrated to the reasonable satisfaction of the Planning Commission that no existing tower or structures can accommodate the applicant's proposed antenna.

7. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:
 - A. Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures, are in complete conformance with the underlying special land use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures.
 - B. Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is otherwise in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and/or associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):

- (1) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- (2) The existing wireless communications support structure/ existing equipment compound is itself in compliance with the Zoning Ordinance.
- (3) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
- (4) The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit collocation.
- (5) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
- (6) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with B.(3), (4), (5), or (6), but which otherwise is compliant with sub-part B is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- C. Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not within the scope of either subsections A or B of this subpart 7, the installation shall be subject to special land use and site plan approvals in a district where Wireless Communications Support Structure is designated as a special land use.

CHAPTER 21
OPEN SPACE
PRESERVATION/CLUSTERING
DEVELOPMENTS

Note on legislative intent: this Chapter of the Zoning Ordinance is intended to address and implement the type of residential development opportunity recognized by a provision of the Michigan Zoning Enabling Act, as indicated below. This Chapter of the Zoning Ordinance is also responsive to the intent of the Arcadia Township Master Plan to include in the areas master-planned Rural Agriculture and Rural Residential, which correspond to the zoning districts referenced in this chapter, opportunities for density-based open space/clustering developments for single family dwellings. Other types of developmental opportunities, such as planned unit developments, which pursuant to the Michigan Zoning Enabling Act may or may not be included in a zoning ordinance, at the discretion of the Township, are not considered necessary to include in this Zoning Ordinance at this time.

SECTION 21.1 OPEN SPACE PRESERVATION/CLUSTERING DEVELOPMENTS

1. Open Space Preservation/Clustering Development Option: This section provides the requirements applicable to an innovative type of residential development recognized by the Michigan Zoning Enabling Act. Pursuant to Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements, land qualified for this development option may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, pursuant to the provisions of this section.
2. Land Qualified for this Development Option: Land is subject to the open space preservation/clustering development option provided by this section only if all of the following apply:
 - A. The land is located in the R-AG Rural Agriculture District or in the RR Rural Residential District, or is otherwise zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre, or the land is served by a public sewer system and is zoned at a density equivalent to 3 or fewer dwelling units per acre.
 - B. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

As used in this section the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
 - D. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
3. Review Procedures: A residential development proposed under this section shall be submitted to the Planning Commission for review pursuant to the following procedures:
- A. The applicant shall submit a hypothetical "standard" development plan showing the number of dwelling units/lots that could be developed on the subject property under existing ordinances, laws, and rules, if the applicant were to develop the subject property without exercising the open space preservation/clustering option under this section. The content of this hypothetical "standard" development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-12.) of the Plat and Condominium Subdivision Development Ordinance (Ordinance No. 164, as may be amended).
 - B. The applicant shall submit a development plan for the proposed open space preservation/clustering development showing not more than the total number of dwelling units/lots that could otherwise be developed on the subject property pursuant to the hypothetical standard development plan. The content of this open space preservation/clustering development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-12.) of the Plat and Condominium Subdivision Development Ordinance (Ordinance No. 164, as may be amended), and shall otherwise have sufficient information to enable the Planning Commission to determine whether the development complies with Section 506 of the Michigan Zoning Enabling Act and all other applicable laws and ordinances.
 - C. The Planning Commission shall review and approve an open space preservation/clustering development plan presented at the option of the landowner of the subject property upon determining:

- (1) The development complies with Section 506 of the Michigan Zoning Enabling Act, and all other applicable ordinances, laws, and rules, including but not limited to:
 - (a) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act (*MCL 125.3506*).
 - (b) The Land Division Act (*MCL 560.101 et seq.*).
 - (c) The Plat and Condominium Subdivision Development Ordinance (Ordinance No. 164, as may be amended), the Land Division, Combination, and Boundary Adjustment Ordinance (Ordinance No. 178, as may be amended), and any other ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - (d) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 - (e) Rules for on-site sewage disposal for land not served by public sewers.
- (2) The applicant has submitted (or is required to submit as a condition of approval) an executed document in recordable form ensuring that the land area designated on the development plan to remain in an "undeveloped state" (not less than 50% of the land area of the subject property) will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other sufficient legal means that runs with the land. A recorded copy of this document shall be filed with the Zoning Administrator before any on-site construction of the development is commenced.

CHAPTER 22**SIGNS****SECTION 22.1 PURPOSE AND SCOPE OF REGULATIONS**

1. Purpose. This Chapter regulates the permissibility, size, number, location, illumination, manner of display, construction and maintenance, and permitting requirements for signs in the Township pursuant to the following purposes:
 - A. Protect the public health, safety and welfare of residents, property owners, and visitors.
 - B. Protect, conserve, and enhance the natural beauty and distinctive community character of the Township, and avoid visual clutter.
 - C. Promote uniformity in the size, number, and placement of signs within zoning districts.
 - D. Inform the public of the various land uses and enterprises within the Township, including business establishments and public facilities.
 - E. Prevent hazardous conditions and distractions detrimental to the safety of vehicular and pedestrian traffic, and the general public.
 - F. Balance the right of the public to be informed, and the promotion of businesses to potential customers, with the other interests of the general public and the community, as articulated above.
2. Scope. This Chapter is intended to comprehensively regulate all signage in the Township. The regulations in this Chapter are not intended to be interpreted/administered/enforced in such a manner as to regulate or restrict/prohibit a sign based solely on the content of the sign message contrary to federal or state constitutional protections.

SECTION 22.2 DEFINITIONS

The following words and terms shall have the meanings indicated, as used in this Chapter or elsewhere in this Ordinance:

1. Accessory Sign: A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises, but not the primary or main sign pertaining to same.
2. Agricultural Industry Sign: A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm, and also

including signs for farm organizations or a specialty farm (i.e. Farm Bureau, Tree Farm, Sustainable Farm, etc.).

3. Area (Sign Area): Unless otherwise specified in this Ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, including 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, but excluding the structure necessary to support the sign. The area of a sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and no more than two feet apart at any point, the area of the two back-to-back faces shall be calculated as one face. If the two back-to-back faces are of unequal size, the side with the greatest surface area shall be used to calculate the surface area of the sign.
4. Awning Sign: A sign that is either attached to, affixed to, or painted/printed on an awning or canopy.
5. Changeable-Copy Sign: A portion of a sign on which copy is changed manually.
6. Clear Sight Area: An unoccupied space extending along the full width of the front lot line between side lot lines and extending 25 feet from the abutting street right-of-way. Such space shall remain clear of obstructions between 3 and 12 feet above grade.
7. Community Special Event Sign: A type of portable or other temporary sign displayed for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and formed for charitable, philanthropic, religious, or benevolent purposes.
8. Construction Sign: A type of temporary sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
9. Directional Sign: A sign directing and guiding traffic and parking on private property, or otherwise limited to traffic control functions, and containing no advertising.
10. Directory Sign: A sign which displays names and/or location of occupants or users of the premises.
11. Electronic Message Board: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

12. Free-Standing Sign (or Pole Sign): A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building or other structure.
13. Ground-Mounted Sign: A sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
14. Height (of Sign): The vertical distance measured from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
15. Identification Sign: A sign that only identifies the name and street address of the owner or resident of premises.
16. Illegal Sign: A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.
17. Illuminated (or Illumination): Any artificial means of lighting any portion of a sign, either directly or indirectly.
18. Institutional Bulletin Board: A sign displaying the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
19. Non-Commercial Sign: A portable or non-portable sign not advertising commerce, trade, or location and not otherwise defined herein. A political sign is a type of non-commercial sign for purposes of this Chapter.
20. Non-Conforming Sign: A sign which was legally erected prior to the effective date of this Ordinance, but which does not conform to the location, size, height, or other requirements of this Ordinance pertaining to signs.
21. Number (of Signs): Except as otherwise provided in this Chapter with respect to Billboards, for the purpose of determining the permitted number of signs a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
22. On-Premises Sign: Any sign or portion thereof advertising or relating to a business establishment, service, activity, product, commodity, or profession lawfully conducted, made, assembled, processed, stored, distributed, leased, sold or offered on or from the premises on which the sign is situated.

23. Off-Premises Sign: Any sign or portion thereof advertising or relating to a business establishment, service, activity, product, commodity, or profession lawfully conducted, made, assembled, processed, stored, distributed, leased, sold or offered on or from premises other than the premises on which the sign is situated. These signs include, but are not limited to, those signs and sign structures which are defined and regulated by the Michigan Department of Transportation pursuant to the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended (*MCL 252.301, et. seq.*).
24. Political Sign: A sign advertising a candidate for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election.
25. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground, and which by its nature is intended to be moved or movable from one location to another, including a sign mounted on a moveable trailer or other conveyance, a sign board carried by a person, and a balloon or other air/gas filled object with advertising matter or otherwise serving as an advertising sign.
26. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
27. Sign: A device, structure, fixture, or placard, which may or may not use graphics, symbols, and/or written copy, designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advertise or inform.
28. Sign Owner: The owner of premises upon which a sign is located is presumed to be the owner of the sign unless facts are submitted to the Township showing other ownership.
29. Subdivision Sign: A sign placed at the primary entrance to a residential subdivision (plat or site condominium), multi-family development, or other similar type of housing development, containing only identifying information about that development.
30. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its mobility and/or function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or other short-term matters, is not intended or usually designed to be permanent. Also see "Portable Sign".
31. Wall Sign: A sign which is attached directly to or painted upon a building wall or window.

32. **Wayfinding Sign:** A type of sign that is part of a program sponsored or coordinated by the Township, or in which the Township is otherwise a participant, for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated or recognized by the Township's wayfinding sign program.
33. **Wayfinding Kiosk:** A type of structure that is part of a program sponsored or coordinated by the Township, or in which the Township is otherwise a participant, for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated or recognized by the Township's wayfinding sign program, and which may or may not use interactive technology.

SECTION 22.3 SIGNS ALLOWED/PROHIBITED

1. Signs are allowed only pursuant to the regulations applicable to the district in which the sign is situated as specified in this Chapter, or pursuant to Section 22.3 pertaining to signs allowed in all districts. A sign not expressly allowed in a specific district or generally allowed in all districts pursuant to this Chapter is prohibited. Any sign pertaining to a land use or activity that is unlawful under federal or state law, or local ordinance, and any "illegal sign" as defined herein, is also prohibited, in all districts. All otherwise allowed signs are subject to Section 22.11 on sign permits, where applicable, and Section 22.12 providing general standards and requirements for sign location, illumination, design, construction, and maintenance. Where a provision of this Ordinance pertaining to signage for a specific land use is more restrictive than any provision of this Chapter that would otherwise apply (for example, as to permissible sign area, non-illumination, etc.) the more restrictive provisions shall control.
2. It is the specific intent of this Ordinance to prohibit an off-premises sign/billboard in every district of the Township, except:
 - A. Any off-premises sign/billboard which is existing and lawful on the effective date of this Ordinance.
 - B. Any type of off-premises sign which is specifically allowed in all districts pursuant to Section 22.4 or in a specific district by the regulations pertaining to same in this Chapter.

This general prohibition of off-premises signs/billboards in any district in the Township is made pursuant to the following legislative findings:

- Such prohibition is consistent with and furthers the purpose of this Zoning Ordinance as specified in Section 1.2, which reasonably advances legitimate governmental interests.
- Such prohibition is consistent with and furthers the purpose and scope of the regulations in this Chapter 22 of this Ordinance, as specified in

Section 22.1 of this Ordinance, which reasonably advances legitimate governmental interests.

- This prohibition does not conflict with the Highway Advertising Act of the State of Michigan (*MCL 252.301 et. seq.*), which by its terms only regulates and controls the size, lighting, and spacing of signs and sign structures in certain areas.
- Off-premises signs/billboards are permitted by other surrounding communities and adequately address any perceived private need for such signage in this area of the county.
- There is no demonstrated public need for commercial off-premises signs/billboards within the boundaries of the Township of Arcadia.
- This provision does not constitute a total prohibition of all off-premises signs/billboards in the Township, as Section 22.13 of this Ordinance expressly recognizes the right to continue an off-premises sign/billboard which is existing and lawful on the effective date of this Ordinance.

SECTION 22.4 SIGNS ALLOWED IN ALL ZONING DISTRICTS

The following types of signs are allowed, without a permit unless otherwise required by Section 22.11, in all districts where the use to which the sign pertains is otherwise allowed, but subject to the requirements in Section 22.12 and any other applicable laws/ordinances:

1. Flags; and insignia of any government, community organization or educational institution not displayed in connection with commercial promotion and not exceeding 16 square feet in area.
2. Legal notices posted by any governmental body.
3. Official traffic signs authorized or erected by the Michigan Department of Transportation or Manistee County Road Commission.
4. Identification, informational or directional signs, and other types of signs lawfully erected or required by any governmental body including, but not limited to the State of Michigan, Manistee County or the Township of Arcadia.
5. Signs erected by governmental bodies to designate hours of activity or conditions of use for public parks, parking lots, recreational areas, governmental buildings, or other public places.
6. Directional Signs not exceeding four square feet in area, three feet in height, and set back at least five feet from any lot line, and containing no advertising matter.

7. Institutional Bulletin Boards not exceeding eight square feet in area.
8. Wayfinding Signs.
9. Wayfinding Kiosks not placed in any clear sight area and otherwise placed so as to not hamper the visibility or mobility of vehicles or pedestrians on and off the premises on which the kiosk is placed.
10. Signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, not exceeding 16 square feet in area.
11. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
12. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity, and not exceeding two square feet in area.
13. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
14. Temporary Political signs.
15. Building address numbers and one dwelling nameplate per dwelling not exceeding two square feet in area (either free-standing or attached to the dwelling).
16. Directory Signs, not exceeding two square feet in area.
17. Newspaper box identifying signs.
18. Farm identification signs and Agricultural Industry signs not exceeding eight square feet in area.
19. Wall murals of a non-commercial nature and otherwise bearing no advertising matter.
20. Signs not visible from any street or from any premises other than the premises on which the sign is located.
21. One Real Estate Sign per lot not exceeding four square feet in area regardless of the amount of street frontage; one Real Estate Sign not exceeding four square feet in area on each frontage of a corner lot regardless of the amount of street frontage; and for lots exceeding 500' of street frontage one additional Real Estate Sign not exceeding four square feet in area per each additional 500' feet of street frontage (erected within such additional frontage), and provided the aggregate

total area of all such signs shall not exceed 16 square feet. On a waterfront lot one additional Real Estate Sign not exceeding four square feet in area may be placed on the water frontage of such lot, regardless of the amount of water frontage. In each instance an otherwise permissible Real Estate Sign shall be located on-premises only while the premises are actually on the market for sale, rent or lease.

22. One Construction Sign per project, not exceeding eight square feet in area for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects, in conjunction with a project under construction and not yet completed.
23. Community Special Event Signs, Banners, and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity, and special decorative displays, subject to the following:
 - A. Such signs shall not exceed 32 square feet in area, and a maximum height above ground level of eight feet, and shall otherwise be compatible with the nature of the matter being promoted, and may be located on or off the premises on which the special event will be held.
 - B. Such signs shall be placed not more than 45 days before the advertised special event and shall be removed within seven days after the conclusion of the special event.
 - C. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display, and shall not otherwise have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
 - D. The sign or display shall not constitute a traffic hazard.
24. One portable auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.
25. Non-Commercial Signs not exceeding 32 square feet in area.

SECTION 22.5 SIGNS ALLOWED IN RURAL-AGRICULTURE DISTRICT AND RURAL RESIDENTIAL DISTRICT

The following types of signs are allowed on a lot in the R-AG Rural-Agriculture District and the RR Rural Residential District:

1. Signs allowed in all districts as specified in Section 22.4.

2. One wall sign type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, not exceeding a sign area of 32 square feet; provided that on a corner lot one such wall sign facing each street frontage is permissible.
3. One ground-mounted type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. The sign area shall not exceed 32 square feet.
 - B. The height of the sign shall not exceed six feet.
 - C. The sign shall have a setback of at least 25 feet from each side lot line and as otherwise sufficient to preserve the required Clear Sight Area.
4. Signs as allowed elsewhere in this Ordinance for a specific type of land use (for example, Section 18.4 allows a non-illuminated wall sign not exceeding two square feet in area for a permissible Home Occupation).

SECTION 22.6 SIGNS ALLOWED IN VILLAGE RESIDENTIAL DISTRICT, POINT ARCADIA RESIDENTIAL DISTRICT, AND STAR-KEY POINT RESIDENTIAL DISTRICT

The following types of signs are allowed on a lot in the VR Village Residential District, the PA Point Arcadia Residential District, and the SP Star-Key Point Residential District:

1. Signs allowed in all districts as specified in Section 22.4.
2. One wall sign type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, not exceeding a sign area of eight square feet; provided that on a corner lot one such wall sign facing each street frontage is permissible.
3. One ground-mounted type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. The sign area shall not exceed four square feet.
 - B. The height of the sign shall not exceed six feet.
 - C. The sign shall have a setback of at least 25 feet from each side lot line and as otherwise sufficient to preserve the required Clear Sight Area.

4. Signs as allowed elsewhere in this Ordinance for a specific type of land use (for example, Section 18.4 allows a non-illuminated wall sign not exceeding two square feet in area for a permissible Home Occupation).

SECTION 22.7 SIGNS ALLOWED IN CAMP ARCADIA DISTRICT

The following types of signs are allowed on a lot in the CA Camp Arcadia District:

1. Signs allowed in all districts as specified in Section 22.4.
2. One wall sign type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, not exceeding a sign area of eight square feet; provided that on a corner lot one such wall sign facing each street frontage is permissible.
3. One ground-mounted type of on-premises advertising sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. The sign area shall not exceed eight square feet.
 - B. The height of the sign shall not exceed six feet.
 - C. The sign shall have a setback of at least 25 feet from each side lot line and as otherwise sufficient to preserve the required Clear Sight Area.
4. One free-standing pole sign or ground-mounted sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. If a pole sign:
 - (1) The sign area shall not exceed 32 square feet, or 50 feet on a lot with more than one non-residential permitted use or approved special land use.
 - (2) The sign height shall not exceed 25 feet.
 - (3) The sign shall have a clearance of at least eight feet between the bottom of the sign and the ground.
 - B. If a ground-mounted sign:
 - (1) The sign area shall not exceed 32 square feet, or 50 feet on a lot with more than one non-residential permitted use or approved special land use.
 - (2) The sign height shall not exceed six feet.

- (3) The sign shall have a setback of at least 25 feet from each side lot line, and as otherwise sufficient to preserve the required Clear Sight Area.
5. One portable sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. The sign area shall not exceed 32 square feet.
 - B. If illuminated, the sign shall be back-lit only; shall not have any flashing, colored, or glaring lights; and shall otherwise comply with the illumination requirements specified in Section 22.12 of this Ordinance.
 - C. The sign shall be displayed for no more than a total of 120 days in any calendar year, calculated cumulatively.
 - D. The sign shall have a setback of at least 25' from each side lot line, and as otherwise sufficient to preserve the required Clear Sign Area.
6. Signs as allowed elsewhere in this Ordinance for a specific type of land use (for example, Section 18.4 allows a non-illuminated wall sign not exceeding two square feet in area for a permissible Home Occupation).

SECTION 22.8 SIGNS ALLOWED IN LAKE STREET HISTORIC BUSINESS DISTRICT, M22-2 DISTRICT, MARINA-2 DISTRICT, AND MARINA DISTRICT

The following types of signs are allowed on a lot in the LS Lake Street Historic Business District, the M22-2 Business District, the MA-2 Marina 2 District, and the MA Marina District:

1. Signs allowed in all districts as specified in Section 22.4.
2. A total of not more than 24 square feet of sign area of on-premises advertising signage for a non-residential permitted use or approved special land use, in any combination of the following:
 - A. One or more wall signs placed in or over windows, but not exceeding 25% of the total window glass area.
 - B. One pole sign per lot, subject to the following restrictions:
 - (1) The sign area shall not exceed eight square feet.
 - (2) The sign height shall not exceed 10 feet.

- (3) The sign shall have a clearance of at least seven feet between the bottom of the sign and the ground
 - (4) The sign shall have a setback of at least eight feet from each side lot line, and as otherwise sufficient to preserve the required Clear Sight Area.
- C. One portable sign per lot, subject to the following restrictions:
- (1) The sign area shall not exceed eight square feet.
 - (2) The sign shall not be illuminated in any manner.
3. Signs as allowed elsewhere in this Ordinance for a specific type of land use (for example, Section 18.4 allows a non-illuminated wall sign not exceeding two square feet in area for a permissible Home Occupation).

SECTION 22.9 SIGNS ALLOWED IN M-22/GLOVERS LAKE ROAD BUSINESS DISTRICT, AND LI LIGHT INDUSTRIAL DISTRICT

The following types of signs are allowed on a lot in the M-22 M-22/Glovers Lake Road Business District, and the LI Light Industrial District:

1. Signs allowed in all districts as specified in Section 22.4.
2. One wall sign per lot for each non-residential permitted use or approved special land use, provided that on a corner lot one such sign facing each frontage is permissible; subject to the following restrictions:
 - A. The sign area shall not exceed 50 square feet for any wall plane, calculated cumulatively.
 - B. Wall signs placed in or over windows shall not exceed 25% of the total window glass area.
3. One free-standing pole sign or ground-mounted sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. If a pole sign:
 - (1) The sign area shall not exceed 32 square feet, or 50 feet on a lot with more than one non-residential permitted use or approved special land use.
 - (2) The sign height shall not exceed 25 feet.

- (3) The sign shall have a clearance of at least eight feet between the bottom of the sign and the ground.
 - B. If a ground-mounted sign:
 - (1) The sign area shall not exceed 32 square feet or 50 feet on a lot with more than one non-residential permitted use or approved special land use.
 - (2) The sign height shall not exceed six feet.
 - (3) The sign shall have a setback of at least 25 feet from each side lot line and as otherwise sufficient to preserve the required Clear Sight Area.
4. One portable sign per lot for a non-residential permitted use or approved special land use, subject to the following restrictions:
 - A. The sign area shall not exceed 32 square feet.
 - B. If illuminated, the sign shall be back-lit only; shall not have any flashing, colored, or glaring lights; and shall otherwise comply with the illumination requirements specified in Section 22.12 of this Ordinance.
 - C. The sign shall be displayed for no more than a total of 120 days in any calendar year, calculated cumulatively.
5. Signs as allowed elsewhere in this Ordinance for a specific type of land use (for example, Section 18.4 allows a non-illuminated wall sign not exceeding two square feet in area for a permissible Home Occupation).

Administrative Note regarding potential future applicability of the following subsection 6: Section 22.3 of this Ordinance expresses the specific intent to prohibit all new off-premises signs in every zoning district, pursuant to the legislative findings articulated in that section. If that aspect of this Zoning Ordinance is invalidated by a final ruling of a court of law, and only in that event, the following subsection 6 is intended to specify the then-applicable regulations pertaining to new off-premises signs in the M-22/Glovers Lake Road Business District and LI Light Industrial District.

6. (This subsection 6 is not presently in effect, and will only become effective, if ever, when the Township Attorney certifies the conditional circumstance specified in the preceding Administrative Note paragraph has occurred)
An Off-Premises Sign (Billboard) is allowed on a conforming lot fronting on M-22, subject to the following restrictions:
 - A. Not more than three billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different

sides of the same highway. The linear mile measurement shall not be limited to the boundaries of Arcadia Township. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) having only one face visible to traffic proceeding from any given direction on the highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Billboard structures otherwise having more than one billboard face, including V-type billboards, are prohibited.

- B. No billboard shall be located within 1,500 feet of another billboard abutting either side of the highway.
- C. No billboard shall be located within 200 feet of a Residential District; or within 300 feet of an existing dwelling, church, or school in any district. If the billboard is illuminated, this required distance shall instead be 300 feet.
- D. No billboard shall be located closer than 30 feet from a public right-of-way; or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- E. The surface display area of any side of a billboard shall not exceed 32 sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces shall not exceed 64 sq. feet.
- F. The length of the billboard shall not exceed 8 feet.
- G. The height of a billboard structure shall not exceed 12 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- H. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- I. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent lot, and otherwise comply with all applicable exterior lighting requirements in Section 4.12 of this Ordinance.
- J. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering M-22, shall in addition to complying with the above conditions also comply with all applicable provisions of said Act and the

regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 22.10 SIGNS ALLOWED IN PRESERVE DISTRICT

The following types of signs are allowed on a lot in the P Preserve District:

1. Signs allowed in all zoning districts as specified in Section 22.4, but only if and to the extent the sign pertains to a use that is otherwise lawful in the P Preserve District pursuant to Chapter 15.
2. Non-commercial wayfinding signs and information ground-mounted signs, pole signs, and wayfinding kiosks.

SECTION 22.11 SIGN PERMITS AND APPLICATION PROCEDURES

1. Permits required. A sign permit shall be required for the erection, use, construction or alteration of all signs exceeding 32 square feet in area or 14 feet in height, and for any off-premises advertising sign regardless of size or height. For purposes of this section "alteration" shall mean any change to an existing sign, including changing the copy to promote, advertise or identify another use, but shall not mean normal maintenance of a sign.
2. Application. An application for a sign permit shall include the following, and be filed with the Zoning Administrator:
 - A. Name, address and telephone number of the applicant and the person erecting the sign.
 - B. Address and permanent parcel number of the property where the sign will be located.
 - C. A sketch showing the location of the building, structure or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with the setbacks from lot lines and street right-of-way lines.
 - D. Drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area as certified by a registered engineer.
 - E. A copy of the application for any required building permit and/or electrical permit.

- F. The zoning district in which the sign is to be located.
 - G. Any other information the Zoning Administrator may require in order to evaluate compliance with this Ordinance.
 - H. Signature of the applicant or the person erecting the sign and signature of the property owner.
 - I. Any required application fee.
3. Issuance of sign permit. The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable ordinances/Codes are met. Where a sign requires a building permit or electrical permit under the Construction Code, the Zoning Administrator shall not issue a sign permit until consulting with the pertinent Code official and determining such Code permit(s) has been approved or is approvable.
 4. Duration of sign permit. A sign permit expires one year from the date of issuance unless the permitted sign has been installed within the one year period, or unless the Zoning Administrator has prior to expiration granted an extension of not more than one year upon good cause shown. The Zoning Administrator shall deny a permit extension request if the sign for which the permit was issued would no longer be approvable pursuant to this Ordinance.

SECTION 22.12 GENERAL STANDARDS AND REQUIREMENTS FOR SIGN LOCATION, ILLUMINATION, DESIGN, CONSTRUCTION AND MAINTENANCE

All otherwise permissible signs, including signs for which this Chapter does not require a sign permit, shall comply with the standards and requirements in this Section, unless a more specific standard or requirement is specified elsewhere in this Chapter for a specific type of sign or in a particular circumstance.

1. Location.
 - A. Signs and supporting devices shall not extend over a lot line.
 - B. Signs shall not be placed in, upon, or over any public street right-of-way or any other public way or alley, except as may be permitted by the Michigan Department of Transportation, the Manistee County Road Commission, or the Arcadia Township Board, as applicable.
 - C. Signs shall not be placed where by reason of position, shape, color, or other characteristic, the sign interferes with, obstructs, or may be confused with an official traffic sign, signal, or device.

- D. A light pole, or other support structure not specifically designed as a sign support structure, shall not be used for the placement of any sign, unless specifically approved for such use by the Zoning Administrator pursuant to all applicable provisions of this Ordinance, including the purpose of this Chapter as specified in Section 22.1.1.

2. Illumination.

- A. Signs may be internally or externally illuminated, unless illumination is prohibited or otherwise restricted by any provision of this Ordinance applicable to a particular type of sign.
- B. Where illumination is otherwise permissible, the illumination shall not be flashing, and shall be arranged so that the light source is enclosed or otherwise deflected away from adjacent properties, and so no direct source of light is visible to any driver or pedestrian located in a public street or private road right-of-way, or from any premises in a Residential District or used for residential purposes in any district, or otherwise casts a shadow beyond any lot line or road right-of-way.
- C. All exterior lighting of signs shall be downward facing, and shall otherwise comply with all applicable exterior lighting requirements in Section 4.12 of this Ordinance.

3. Stationary, on-premises signage. All signs shall be stationary, and shall pertain only to the business or activity lawfully conducted on the premises; except non-commercial signs, portable signs, community special event signs, and off-premises signs (billboards), as allowed in this Chapter.

4. Changeable-copy signs and electronic message boards. All otherwise permissible advertising signs may include changeable-copy signs, or electronic message boards in the M-22/Glovers Lake Road Business District, only, subject to the design standards and use limitations specified in this Chapter.

5. Design standards and use limitations for electronic message boards. Electronic message board are permitted in the M-22/Glovers Lake Road Business District, only, and subject to the following design standards and use limitations:

- A. An electronic message board may change messages and/or background images/color if the rate of change between two static messages and/or images/background color is not more frequent than one change per eight seconds, and each change is complete in one second or less, and all such changes are otherwise compliant with subsections B and C herein. In addition, animation and flashing features are prohibited, but frame effects are permitted, subject to compliance with subsections B and C herein.

- B. An electronic message board shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - C. An electronic message board shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance, and using the following brightness measurement process:
 - (1) At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area, with the digital sign off or displaying all black copy.
 - (2) The reading shall be taken with the meter aimed directly at the digital sign at the appropriate pre-set distance (100 feet from source).
 - (3) Turn on the digital display to full white copy and take another reading.
 - (4) If the difference between readings is 0.3 foot candles or less, the brightness is properly adjusted.
6. Design standards for wall signs. A wall sign shall not extend beyond the vertical edge of the wall to which it is affixed, or above the roof line of the building to which it is affixed.
7. Design standards for pole signs and awning signs. Pole signs and awning signs shall maintain a minimum clear distance of eight feet from the bottom of the sign to the ground.
8. Design standards for ground-mounted signs. Ground-mounted signs shall be constructed of wood, brick, concrete, stone (or equivalent imitation stone) or other similar material as approved by the Zoning Administrator in the sign permit process. The base of any ground-mounted sign shall be landscaped with drought-tolerant plant materials that do not obscure the visibility of the sign itself, or encroach into the clear sight area.
9. Construction standards. All signs shall comply with applicable provisions of the building and electrical codes administered and enforced in the Township. Signs shall be constructed to withstand all wind and vibration forces normally expected to occur in the vicinity.
10. Maintenance.
- A. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation.

- B. All signs including sign surfaces shall be maintained so as to not have a dilapidated appearance due to leaning, peeling, missing pieces, or other visually distracting or blighting condition as a result of weathering or other cause.
- C. All signs are subject to periodic inspection by the Zoning Administrator to assure compliance with these maintenance requirements.
- D. A sign which is not maintained in accordance with these requirements or which otherwise no longer serves the purpose for which it was intended, or is abandoned, shall be removed by the owner within 30 days of written notice by the Zoning Administrator.

SECTION 22.13 NONCONFORMING SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

1. Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign, but may not be expanded, enlarged or extended. A nonconforming sign may be reduced in size in such a manner as to not otherwise extend the useful life of the nonconforming sign.
2. If a nonconforming sign is damaged or destroyed, resulting in a loss of 60 percent or more of its replacement value by fire, flood, wind or other such calamity, its reconstruction shall be in accordance with the provisions of this Ordinance. Any such restoration must be started within a period of one year at the time of such damage and diligently prosecuted to completion.
3. The legal nonconforming status of a sign shall be lost, and the sign shall be removed or otherwise brought into compliance with this Ordinance, if any of the following apply:
 - A. The sign is relocated.
 - B. The structure or size of the sign is altered except toward compliance with this Chapter. This does not refer to change of copy or normal maintenance.
 - C. The sign suffers more than 50% deterioration, as measured by the renovation/replacement cost.
 - D. The sign is abandoned or otherwise no longer serves the purpose for which it was intended, for one year or longer.
 - E. The sign is structurally altered so as to change the shape, size, type, or design of the sign.

4. Chapter 25 shall apply to legal nonconforming signs, except where a provision of Chapter 25 pertaining to non-conformities, generally, conflicts with any specific provision of this Section 22.13.
5. The provisions of this Section are specifically intended to apply to any off-premises sign/billboard which is existing and lawful on the effective date of this Ordinance, and thus thereafter a legal nonconforming use/structure pursuant to Section 22.3.2 of this Ordinance.

CHAPTER 23
OFF-STREET PARKING AND
LOADING/UNLOADING AREAS

SECTION 23.1 PURPOSE

The purpose of this Chapter is to prescribe regulations for off-street parking of motor vehicles and associated loading/unloading areas in residential and nonresidential districts, to ensure that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas and loading/unloading facilities.

SECTION 23.2 GENERAL OFF-STREET PARKING AND LOADING/UNLOADING AREA REQUIREMENTS

1. In all districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Chapter; provided this requirement shall not apply in the LS Lake Street Historic Business District, or in any other circumstance where this Ordinance does not require on-site parking.
2. No parking area or space or loading/unloading facilities existing at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
3. The parking area required by this Chapter for each land use shall be increased sufficiently to comply with the applicable requirements of this Chapter whenever an addition is made to an existing building or other changes occur that implicate additional parking space requirements pursuant to this Ordinance.

SECTION 23.3 LOCATION OF PARKING AREAS

1. For all residential uses, the number of parking spaces required by this Chapter shall be located on the same zoning lot or parcel as the dwelling units served.
2. For all non-residential uses, the number of parking spaces required by this Chapter shall be located on the same lot, a contiguous lot under the same ownership (which shall include a lot separated from the main lot by a street), or a lot under the same ownership within 300 feet of the building/use it is intended to serve (measured in a straight line from the building/use to the nearest parking space). Note: this paragraph does not apply in the Lake Street Historic Business District, which does not require any use in that district to provide on-site parking.

Parking on lots under different ownership within 300 feet of the building/use it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for any other use, and a binding and enforceable legal agreement specifying the terms for the parking arrangement, signed by all involved parties, is provided to the Township.

3. Each required parking area shall be located in the same district as the property/use it serves, unless it is located in another district in which the use associated with the parking area is permissible.
4. All off-street parking areas shall be located at least 10 feet from any boundary line of any residentially used lot, regardless of district, and at least 10 feet from any Residential District.

SECTION 23.4 PARKING AREA DESIGN, CONSTRUCTION AND LANDSCAPING REQUIREMENTS

1. The following regulations shall apply to all uses in every district, except one and two family dwellings and farm uses:
 - A. Parking Area Surface. All off-street parking areas required by this Ordinance for the parking of motor vehicles shall be surfaced with permeable or impermeable surface material, and shall be maintained in a usable, clean, and dust-free condition.
 - B. Parking Area Drainage. All parking areas shall be graded and drained to properly dispose of all surface water and prevent unabated drainage into wetlands, streams, lakes, or onto abutting properties or across public streets.
 - C. Lighting. Lighting fixtures shall not exceed 23 feet in height for required parking facilities in business and industrial districts, and for non-residential uses within 150 feet of a Residential District. All other fixtures shall not exceed 35 feet in height. The exterior lighting requirements in Section 4.12 of this Ordinance shall apply to all off-street parking areas in all districts.
 - D. Landscaping. All parking areas having at least 20 spaces shall be landscaped with one canopy and one evergreen tree for every 10 parking spaces, with a minimum of two trees. These trees shall be planted adjacent to the parking area; provided that the trees and all other parking lot landscaping, including any greenbelts, shall be arranged so as to not obscure traffic signs or fire hydrants, or obstruct drivers' clear vision within the parking area or of sidewalks, driveway entrances, or streets.
 - E. Greenbelts. Where off-street parking areas for non-residential uses abut or are across the street from property zoned or planned for residential use, a greenbelt not less than 10 feet wide shall be provided adjacent to the

parking area. The greenbelt shall be landscaped according to the landscape requirements of this Ordinance. See Section 4.11 and any other applicable provisions.

- F. Access Drives. Access drives serving off-street parking areas shall be at least 20 feet from any property in a Residential District.
- G. Prohibited Design. Off-street parking areas shall not be designed to make it necessary for any vehicle to back-out directly into a public street.

SECTION 23.5 SIZE OF PARKING SPACE AND AISLE

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 23-1.

TABLE 23-1
MINIMUM STANDARDS FOR SIZE OF PARKING SPACES AND AISLES

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	23 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

SECTION 23.6 OFF-STREET PARKING SPACE REQUIREMENTS

1. Each use shall provide the applicable minimum number of off-street parking spaces in accordance with Table 23-2 (Schedule) below. The following rules shall apply to determining and calculating the required minimum number of parking spaces:
 - A. Overriding requirement. Notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances a greater number of parking spaces may be required in order to comply with this overriding requirement.

- B. Parking spaces for uses not specified. In the case of a use not specifically mentioned in the Schedule, the applicable requirement for the number of off-street parking spaces shall be as required for an analogous specified use or a specified use with similar parking demands, as determined by the Zoning Administrator.
- C. Mixed occupancies. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with the Schedule.
- D. Shared parking. Parking facilities for one use shall not serve as the required parking facilities for any other use; provided, that requirements for the parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in the Schedule or otherwise required by this Ordinance.
- E. Maximum demand. For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees likely to be on the premises during the largest shift.
- F. Fractional spaces. When the calculation of the required number of parking spaces pursuant to the Schedule results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.
- G. All required parking spaces shall be irrevocably reserved for such use.

**TABLE 23-2
SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS**

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
a) Residential	
1) Single family, two family, or multiple family with three or more bedroom	Two for each dwelling unit.
2) Multiple family with one or two bedroom	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
3) Accessory Apartment, Economy Efficient Dwelling	One for each dwelling unit.

4) Mobile Home Park	Two for each mobile home or mobile home site.
5) Elderly housing or retirement community	For independent living units, one for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
6) Bed and breakfast, boarding house	One for each guest room plus two for the dwelling unit.
b) Institutional/Public Assembly	
1) Church, temple, mosque, synagogue, or similar type of facility	One space per each four seats in the worship room.
2) Hospital	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
3) Outpatient care station	Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
4) Child Care Center	One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
5) Elementary, junior high, middle school	Two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
6) High school	Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
7) Private club and lodge	One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
8) Auditorium (non-school), stadium, and sports arena	One space per each three seats.

9) Conference room, exhibit hall, hall, ballroom, civic club, or similar place of assembly without fixed seats whether public or private	One space per each four persons allowed within the banquet maximum occupancy load as determined by the building or fire codes.
10) Library, museum, and non-commercial art gallery	One parking space per 400 square feet of gross floor area.
c) Office	
1) Medical/dental clinic or office	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
2) General office building	One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.
3) Bank, credit union, or savings and loan	Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive through automatic teller.
d) Retail and Service	
1) Retail shopping center, discount store, and department store	Four spaces per 1,000 square feet of store, and usable floor area.
2) Other retail use not otherwise specified herein	One space per 200 square feet of usable floor area plus one per employee.
3) Supermarket and grocery store	One space per 200 square feet of usable floor area.
4) Personal service establishment not otherwise provided herein	One space per each 300 square feet of usable floor area plus one per employee.
5) Appliance store	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
6) Automobile service station	Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space.
7) Automobile wash establishment (automatic)	One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying

	spaces at the exit.
8) Automobile wash establishment (self-service)	One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance.
9) Barber shop, beauty salon	Two for each barber or beauty operator chair/station plus one for every two employees.
10) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area	One space per 200 square feet of usable floor area plus one for each employee.
11) Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area	Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee.
12) Convenience store	Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
13) Dry cleaner	Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
14) Funeral home and mortuary	One space per 50 square feet of parlor and chapel areas.
15) Furniture, carpet, and home furnishing store	One space per 800 square feet of usable floor area.
16) Hotel, motel, or other commercial lodging establishment	One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein.
17) Laundromat	One space per each three washing machines.
18) Mini-storage warehouse	Six spaces.
19) Motor vehicle dealership	One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces

	shall be required.
20) Quick oil change establishment	Two spaces per bay plus one per each employee.
21) Recreational vehicle and boat dealership	One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
22) Restaurant that serves non-fast food and has no drive-through window	Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.
23) Restaurant that serves mostly take out, with six or less booths or tables	Six spaces plus one for each employee.
24) Restaurant that serves fast food and has no drive through window	Seven spaces per 1,000 square feet of gross floor area.
25) Restaurant that serves fast food and has a drive through window and indoor seating	Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive through, short term waiting spaces plus 10 on site waiting spaces.
26) Restaurant that serves fast food and has a drive through window, but no indoor seating	Fifteen spaces.
27) Video rental store	One space per each 100 square feet of gross floor area plus one per each employee.
28) Service company doing repair	Two spaces per 1,000 square feet of electrical and plumbing work gross floor area. A minimum of five spaces shall be required.
e) Recreational/Entertainment	
1) Arcade	One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
2) Batting cage facility	Three spaces per cage.
3) Bowling center	Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc.

4) Golf driving range	One and one-half spaces per tee.
5) Golf course, miniature	One and one-half spaces per each hole.
6) Golf course, par-three	Three spaces per hole.
7) Golf course	Five spaces per hole.
8) Health fitness center	Five spaces per 1,000 square feet of gross floor area.
9) Movie theater	One space per each four seats, plus four spaces per screen.
10) Racquetball and tennis center	Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
11) Public recreation center	Five spaces per 1,000 square feet of gross floor area.
12) Roller/ice skating rink	Six spaces per 1,000 square feet of gross floor area.
f) Industrial	
1) Manufacturing, light industrial, and research establishment	One and one-half parking spaces per 1,000 square feet of gross floor area.
2) Wholesale warehouse, or distribution facility, and trucking terminal	One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater.

SECTION 23.7 PARKING VARIATION/DEFERRED PARKING

1. Where it can be demonstrated that the parking requirements of the Schedule would provide an excessive amount of parking area for the needs of a particular use, a site plan with lesser parking area may be approved, provided all the following conditions are present:
 - A. The use does not provide on-site services to the general public.
 - B. The maximum number of employees and visitors during the peak eight hour period can be demonstrated to be less than the parking space requirements of this Ordinance.

- C. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of the site plan.
 - D. An open landscaped area meeting the required area of this Chapter is shown reserved for future parking.
2. Site plan approval of lesser requirements shall be valid only for the stated use. A new use shall not be approved unless a new site plan is reviewed and parking arrangements are found to be in accordance with the requirements of this Ordinance.
 3. The authority to approve a site plan with parking variation/deferred parking as specified in this section is intended to be exercised by the entity with the underlying site plan review/approval authority (Planning Commission, except in any specific circumstances where the Zoning Administrator has such authority).

SECTION 23.8 BARRIER FREE/ACCESSIBLE PARKING AND DESIGN REQUIREMENTS

1. All uses required by state law to provide barrier free/accessible parking shall provide a minimum number of barrier free/accessible parking spaces as specified below, or as otherwise required by the Building Code or state law:

<u>Total Parking Spaces in Lot</u>	<u>Minimum Number of Accessible Spaces Required</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12

2. All barrier free/accessible parking spaces, curbs, ramps, and related signs shall comply with all applicable design, location, and other requirements of the Building Code and as may be required by any other law or administrative regulation.

SECTION 23.9 OFF-STREET LOADING/UNLOADING REQUIREMENTS

1. Loading/Unloading shall not obstruct vehicular traffic on any public right-of-way.
2. Loading/unloading spaces shall not be included in the count of required off-street parking spaces.
3. Loading/unloading spaces shall not use any portion of any public right-of-way.

4. Maneuvering space for trucks using loading/unloading spaces shall be provided on-premise, and shall not necessitate the use of any public right-of-way.
5. The design, location, and screening of off-street loading/unloading areas shall be reviewed at the time of site-plan approval to ensure adequate protection is afforded adjacent properties, especially any Residential District.
6. Off-street loading/unloading spaces shall be no closer than 50 feet to any Residential District unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

CHAPTER 24
ZONING BOARD OF APPEALS

SECTION 24.1 CREATION

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws and this Ordinance.

SECTION 24.2 MEMBERS

1. The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute. The Zoning Board of Appeals shall consist of three regular members. One of the regular members shall be a member of the Planning Commission. The remaining regular members, and any alternate members, shall be selected from the electors of the Township. The membership of the Zoning Board of Appeals shall be representative of the population distribution and of the various interests present in the Township. A member of the Township Board may be a regular member of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.
2. The Township Board may appoint to the Zoning Board of Appeals not more than two alternate members for the same term as regular members. One of these two alternate members may be a member of the Planning Commission. An alternate member may be called to sit in the absence of a regular member, or where the regular member will not participate for reasons of conflict of interest; provided, an alternate member who is also a member of the Planning Commission shall be called to sit only in the absence or conflict of interest of the regular member who is also a member of the Planning Commission. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

SECTION 24.3 TERM OF OFFICE

The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms may be effected by one or more of the members appointed to serve a term of less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

SECTION 24.4 JURISDICTION AND POWERS

1. The Zoning Board of Appeals shall have all the powers and jurisdiction prescribed by applicable law, and by the provisions of this Ordinance, including the following:
 - A. Hear and decide, subject to Section 24.7, appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
 - B. Act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
 - C. Hear and decide, subject to Section 24.9, requests for a nonuse variance from dimensional requirements of the Zoning Ordinance, or from any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the requirement, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
2. The Zoning Board of Appeals has no jurisdiction to hear an appeal from a decision of the Planning Commission approving or disapproving a special land use application, or a decision of the Planning Commission with respect to an open space preservation/clustering development.
3. The Zoning Board of Appeals has no jurisdiction to consider a request for a land use variance (to approve a land use not otherwise allowed in a zoning district pursuant to this Ordinance).

SECTION 24.5 OFFICERS

The Zoning Board of Appeals shall designate one regular member as its Chairperson; provided a regular member who is also a member of the Township Board is not eligible to serve as Chairperson of the Zoning Board of Appeals. The Zoning Board of Appeals may designate such other officers as it deems expedient to the proper performance of its duties.

SECTION 24.6 MEETINGS/RULES OF PROCEDURE

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, as needed, or at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members are present. All meetings shall be

open to the public. The Zoning Board of Appeals may adopt rules of procedure consistent with applicable statutes and this Ordinance, and Township policies.

SECTION 24.7 APPEAL OF ZONING ADMINISTRATOR DECISION

Appeals to the Zoning Board of Appeals may be taken by any party aggrieved or affected by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the Zoning Administrator, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order issued by the Zoning Board of Appeals or by the circuit court.

SECTION 24.8 APPLICATIONS

1. All appeals and applications for any matter within the jurisdiction of the Zoning Board of Appeals shall be submitted and processed under the following procedures, and such other/supplementary procedures as may be required by Rules of Procedure adopted by the Zoning Board of Appeals or by Township policy:
 - A. The appeal or application shall be filed with the Zoning Administrator, and shall include all of the following:
 - (1) A completed appeal or application form, using the applicable form prescribed by the Township.
 - (2) All materials on which the applicant intends to rely in support of the appeal or other application.
 - (3) For any appeal or other application involving specific property, such as an application for variance relief, a site plan or diagram of the subject property showing, at a minimum, all of the following:
 - a. The location of the subject property with respect to all abutting streets.
 - b. The dimensions of the subject property.
 - c. The location of all existing buildings and structures on the subject property, and on all adjoining properties.
 - d. The location of all proposed buildings/structures on the subject property.

- e. The existing and proposed uses of the existing and proposed buildings/structures on the subject property.
- f. The existing and proposed setback of each building/structure which is the subject of the appeal or other application, measured in each instance to the street line and all pertinent lot lines.

(4) Payment of the applicable fee as set by the Township Board.

- B. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing or other consideration by the Zoning Board of Appeals unless and until it is administratively complete as determined by the Zoning Administrator. The Zoning Administrator shall promptly refer an appeal/application to the Zoning Board of Appeals, with such administrative report as the Zoning Administrator may consider advisable pursuant to Section 26.3.4 of this Ordinance; and shall file a copy of same with the Clerk.

SECTION 24.9 VARIANCE STANDARDS AND CONDITIONS

- 1. Standards: No variance in the provisions or requirements of this Ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:
 - A. By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance.
 - B. The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.
 - C. The circumstances or conditions submitted by the applicant to justify the variance relief pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
 - D. The circumstances or conditions submitted by the applicant to justify the variance relief were not self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.

- E. The variance will not be of substantial detriment to adjoining property.
 - F. The variance will not materially impair the intent and purpose of this Ordinance, or the public health, safety and welfare.
 - G. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirement at issue.
2. In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:
- A. An existing nonconformity on other property is not a basis for variance relief with respect to the applicant's property.
 - B. Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
 - C. Increased financial return if variance relief is granted is not a basis for variance relief.
 - D. The ZBA may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied, but not to the extent of the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.
3. Conditions. The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- The condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
- The condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,

- The condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance, to the same extent and in the same manner as the Planning Commission is authorized to require a performance guarantee pursuant to Section 20.4.3 of this Ordinance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

SECTION 24.10 PUBLIC HEARINGS

Upon the filing of an administratively complete appeal or application on a matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter if required by law, preceded by notice as required by law.

SECTION 24.11 DECISIONS

1. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to grant a variance or otherwise decide in favor of the applicant, or to reverse an order, requirement, decision, or determination of the Zoning Administrator.
2. The Zoning Board of Appeals shall render its decision upon such application within 30 days after the hearing thereon, unless the applicant has agreed to an extension of this time limit, or other circumstances not within the control of the Zoning Board of Appeals cause a further delay (such as the failure of an applicant to timely submit additional required information), and in such circumstances the Zoning Board of Appeals shall render its decision within a reasonable time.
3. Each decision of the Zoning Board of Appeals shall be certified in writing by the Chairperson (or authorized designee) on a form provided by the Township for this purpose, and filed with the Clerk. The Zoning Administrator or designee of the Zoning Administrator shall promptly provide a copy of the certification form to the applicant.
4. The decision of the Zoning Board of Appeals shall be final, subject to appeal by a party aggrieved by a decision to the Manistee County Circuit Court as provided by law.

SECTION 24.12 TIME LIMITS

1. If a variance is granted or other action is authorized by the Zoning Board of Appeals, the authorized action shall be deemed abandoned and withdrawn if it is not initiated within three months and completed within 12 months after the Zoning Board of Appeals decision. However, upon request of the applicant, filed no later than the applicable deadline, the Zoning Board of Appeals may renew the authorized action where the applicant shows good cause for the delay, and the Zoning Board of Appeals finds there have been no changed conditions that would potentially affect the prior findings of the Zoning Board of Appeals on which the authorized action was dependent.
2. No application for a variance or other relief which was denied in whole or in part shall be reheard by the Zoning Board of Appeals for a period of one year from the date of the denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exist on the basis of either newly discovered evidence or proof of changed conditions that were not known to the applicant or the Zoning Board of Appeals at the time of the previous hearing.

SECTION 24.13 MINUTES AND RECORDS

The secretary/recording secretary or other designee of the Zoning Board of Appeals shall keep minutes of its proceedings, which shall be filed with the Township Clerk and be a public record.

SECTION 24.14 LIMITATION OF BOARD ACTION.

Except as expressly authorized in this Chapter, the Zoning Board of Appeals shall not, through any decision, alter, vary or otherwise negate any provisions of this Ordinance. If the Zoning Board of Appeals considers any specific provision of the Zoning Ordinance inappropriate it shall submit to the Planning Commission a request for review of the provision.

CHAPTER 25
NONCONFORMING USES,
NONCONFORMING
BUILDINGS/STRUCTURES,
AND NONCONFORMING LOTS

SECTION 25.1 SCOPE OF REGULATIONS

This Chapter establishes the rules governing the continuation, repair, maintenance, reconstruction, restoration, expansion, extension, enlargement, alteration, substitution, reestablishment, and discontinuation of lawfully established nonconforming uses and buildings and structures, and the use of nonconforming lots. See Section 2.2 for the definitions of "nonconforming use", "nonconforming building or structure", and "nonconforming lot of record". Nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of a use, building/structure or lot that is not legal under federal or state law.

SECTION 25.2 CONTINUATION OF NONCONFORMING USES, NONCONFORMING BUILDINGS/STRUCTURES, AND NONCONFORMING LOTS; EVENTUAL TERMINATION

1. Subject to the provisions of this Chapter, a use, building/structure, or lot, which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance (text or map) then on the effective date of such amendment, may be continued even though such use, building/structure, or lot does not conform with the provisions of this Ordinance or applicable amendment thereof.
2. A change in the ownership, tenancy or occupancy of a nonconforming use, a nonconforming building/structure, or a nonconforming lot does not affect the right to continue such use, building/structure, or lot pursuant to this Chapter.
3. If a nonconforming building/structure is moved for any reason the right to continue such building/structure as a nonconforming building/structure is lost, and such building/structure shall conform to the regulations for the district in which it is located after being moved.
4. As a matter of policy of the State of Michigan, and of the Township of Arcadia, all nonconforming uses and nonconforming buildings/structures are intended to eventually terminate, to facilitate the use of property and the development of buildings/structures thereon that fully conform to the requirements of this Ordinance.

SECTION 25.3 REPAIR AND MAINTENANCE OF NONCONFORMING USE OR NONCONFORMING BUILDING/STRUCTURE

Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or nonconforming building/structure in sound condition may be made, provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of a nonconforming building/structure.

SECTION 25.4 RECONSTRUCTION/RESTORATION OF NONCONFORMING USE OR NONCONFORMING BUILDING/STRUCTURE

If a nonconforming use or nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, the use/building/structure shall not be repaired or otherwise reconstructed or restored except in conformity with this Ordinance. Where such damage or destruction is less than 50% of the fair market value of the use/building/structure at the time of such damage or destruction, the use/building/structure may be repaired or otherwise reconstructed or restored so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction/restoration right shall be considered terminated by abandonment if reconstruction/restoration is not started within six months from the time of the damage or destruction. For purposes of this provision there shall be a rebuttable presumption that the "fair market value" of a building/structure is the same as the "true cash value" for that building/structure according to the most recent property tax assessing records of the municipality with assessing jurisdiction over the subject real property on which such building/structure is located.

SECTION 25.5 EXPANSION OF NONCONFORMING USE OR NONCONFORMING BUILDING/STRUCTURE

1. A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
 - A. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the applicable provisions of this Ordinance pertaining to setback, height, building square footage or other dimensional requirement, and parking, and does not aggravate the existing nonconforming condition; or,
 - B. Such expansion, extension, enlargement or alternation is authorized by subsection 2 of this section as it pertains to a specific class of nonconforming use; or
 - C. Such expansion, extension, enlargement or alteration is authorized by the Planning Commission pursuant to Chapter 20 as an overlay special land use upon a finding that:

- (1) the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or nonconforming building/structure.
 - (2) all of the standards for special land use approval specified in Section 20.3 of this Ordinance are met.
2. The Planning Commission is authorized to approve a proposed expansion, extension, enlargement or alteration of automotive/truck repair and/or body shop and/or Resort facilities existing as a lawful nonconforming use in the Rural Agricultural District or Rural Residential District upon a finding that all of the standards for special land use approval specified in Section 20.3 of this Ordinance are met.

SECTION 25.6 SUBSTITUTION OF NONCONFORMING USE

1. A nonconforming use shall not be substituted for or changed to any other nonconforming use, except as may be authorized by the Planning Commission pursuant to Chapter 20 as an overlay special land use upon a finding that:
 - A. The proposed new use will decrease the degree of nonconformity.
 - B. The proposed new use will be more compatible with adjacent uses than the prior nonconforming use.
 - C. No structural alterations are required to accommodate the proposed new nonconforming use.
 - D. All of the standards for special land use approval specified in Section 20.3 of this Ordinance are met.

SECTION 25.7 REESTABLISHMENT/DISCONTINUATION OF NONCONFORMING USE OR NONCONFORMING BUILDING/STRUCTURE

1. A nonconforming use shall not be reestablished after it has been changed to a conforming use or a more restrictive use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming or less nonconforming building/structure.
2. A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned, without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.

**SECTION 25.8 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT;
NONCONFORMITY DUE TO SPECIAL LAND USE APPROVAL
REQUIREMENT**

1. The provisions of this chapter shall also apply to uses, buildings/structures, and lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this Ordinance.
2. A land use designated as a special land use by any provision of this Ordinance applicable to the district in which the land use is located, but lawfully in existence before the special land use approval requirement was in effect, may be continued pursuant to Section 25.2 herein but shall be subject to the other provisions of this Chapter unless/until special land use approval has been granted for the land use pursuant to Chapter 20.

**SECTION 25.9 EXISTING NONCONFORMING LOTS; COMBINATION OF
NONCONFORMING LOTS UNDER SINGLE OWNERSHIP
(ZONING LOTS)**

1. Subject to subsections 2 and 3 of this section, any lot of record created prior to the effective date of this Ordinance that fails to comply with the minimum lot area and/or frontage/width requirements of the district in which the lot is located may be developed for a lawful conforming use if the lot conforms in all respects to the zoning requirements in effect as of the date of such recording, and complies with all other current requirements of this Ordinance, including all applicable front, rear, and side yard/setback requirements. A nonconforming lot shall otherwise be buildable only pursuant to a variance approved by the Zoning Board of Appeals.
2. Any lot of record created prior to the effective date of this Ordinance that has less than 90% of the required minimum lot frontage/width of the district in which the lot is located may be developed for a lawful conforming use with the required side yard/setback reduced by the same percentage that the frontage/width of such lot bears to the required minimum frontage/width of the district, as determined by the Zoning Administrator, but in no event less than five feet, if the development of the lot for a lawful conforming use complies with all other current requirements of this Ordinance, including all applicable front and rear yard setback requirements and off-street parking requirements.
3. Notwithstanding the foregoing subsections 1 and 2, where two or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be combined for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot).

CHAPTER 26
ADMINISTRATION AND
ENFORCEMENT

SECTION 26.1 ZONING ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.

SECTION 26.2 ZONING ADMINISTRATOR APPOINTMENT

The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and compensation as the Township Board shall determine.

SECTION 26.3 ZONING ADMINISTRATOR DUTIES

The Zoning Administrator shall have the following duties and responsibilities:

1. Investigation of Violations. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law. The Zoning Administrator may recommend revocation of a special land use approval upon determining a probable violation of the terms or conditions of a special land use approval or related provisions of this Ordinance, pursuant to Section 20.6.1 of this Ordinance.
2. Inspections. The Zoning Administrator shall make periodic inspections of property subject to an approved site plan and/or special land use permit approval to ascertain that the requirements of this Ordinance are being complied with during the construction/implementation of the approved development.
3. Review of Applications. The Zoning Administrator shall review for administrative completeness all applications for zoning permits/zoning approvals, such as applications for zoning compliance permits, sign permits, special land use permits, site plan review, and all other zoning-related matters, except where the duty to review the matter is expressly assigned by this Ordinance to another official.
4. Preparation of Administrative Reports. Where a zoning application is reviewed by the Zoning Administrator for administrative completeness, but is subject to approval/disapproval action by the Planning Commission or Zoning Board of Appeals, the Zoning Administrator shall submit a report to the Planning Commission or Zoning Board of Appeals, as applicable, advising as to any issues relating to approval or disapproval of the application in accordance with

this Ordinance. The Zoning Administrator may submit such administrative reports to the reviewing body in writing, or orally at a meeting of the body, unless a written report is requested by the reviewing body or otherwise required by Township procedures.

5. Coordination with Township Clerk on Applications. The Zoning Administrator shall promptly inform the Township Clerk of all administratively complete applications required to be noticed for public hearing, and coordinate with the Clerk with respect to the proper processing of such applications for hearing.
 - A. Filing and Processing of Applications. Except as may otherwise be specified in this Ordinance, all applications for zoning permits and other zoning-related matters shall be filed with the Zoning Administrator. The Zoning Administrator shall promptly remit to the Township Clerk any application fee submitted with the application. The Clerk shall coordinate with the Zoning Administrator to assure each application is thereafter processed as required by law and/or this Ordinance.
 - B. Public Notice. All applications for land use or development approval requiring a public hearing shall be noticed for public hearing in accordance with all applicable requirements of the Michigan Zoning Enabling Act and the Michigan Open Meetings Act, and any other applicable requirements of this Ordinance and policies of the Township. The Clerk or the designee of same shall be responsible for all public hearing notices, with such assistance from the Township Attorney as is necessary or advisable.
6. Issuance of Zoning-Related Permits/Approvals. The Zoning Administrator shall review and act on applications for various zoning-related permits/approvals as required by this Ordinance, including:
 - Application for zoning compliance permit pursuant to Section 26.4 of this Ordinance.
 - Application for administrative site plan review and approval pursuant to Section 19.3 of this Ordinance.
 - Application for sign permit pursuant to Chapter 22 of this Ordinance.
 - Application for such other permit or zoning approval matters as the Zoning Administrator may be assigned responsibility by this Ordinance.
7. Review of Approved Site Plan "Minor Change" Amendments. The Zoning Administrator shall review and act on an amendment to an approved site plan that qualifies as a "minor change" pursuant to Section 19.9.2 of this Ordinance.
8. Coordination with Building Official. The Zoning Administrator shall promptly inform the Building Official of all issued and denied zoning compliance permits, and otherwise coordinate with the Building Official with respect to all permit

applications reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.

9. Records. The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all plans, and a record of all fees submitted with applications. The same shall form a part of the records of the office and shall be readily available.
10. Other Duties. The Zoning Administrator shall perform such additional duties related to administration and enforcement of the Zoning Ordinance as are prescribed by law or as may from time to time be assigned by the Township Board.
11. Meeting Attendance. The Township Board may require the Zoning Administrator to attend meetings of the Township Board, Planning Commission, and Zoning Board of Appeals, and keep the members of same informed of matters pertaining to zoning.

SECTION 26.4 ZONING COMPLIANCE PERMITS

1. When Required. A zoning compliance permit is required before any of the following land uses/activities are initiated on any premises:
 - A. Construction or placement of any building or structure, parking area, or structural alterations of any existing building or structure. This zoning compliance permit requirement shall apply even if a building or structure is exempt from a building permit requirement pursuant to the Building Code.
 - B. Temporary dwelling pursuant to Section 4.7.6 of this Ordinance.
 - C. Temporary occupancy of a recreational vehicle pursuant to Section 4.7.7 of this Ordinance.
 - D. Accessory Apartment pursuant to Section 18.3 of this Ordinance.
 - E. Home Occupation pursuant to Section 18.4 of this Ordinance.
 - F. Accessory Wind Energy Structure pursuant to Section 18.5 of this Ordinance.
 - G. Accessory Solar Energy System pursuant to Section 18.6 of this Ordinance.
 - H. Swimming pool pursuant to Section 4.13 of this Ordinance.
 - I. Construction of private road pursuant to Section 4.14 of this Ordinance.

- J. Removal of earth materials and/or fill operations involving an area exceeding two acres but not exceeding 10,000 cubic yards of earth material pursuant to Section 4.15.2 of this Ordinance.
 - K. Any other land use/activity that is subject to a zoning compliance permit pursuant to this Ordinance.
2. Application. An application for a zoning compliance permit shall be filed with the Zoning Administrator, on a form provided by the Township for this purpose, and shall include a copy of all such permits for the land use/activity at issue as may be required or administered for that land use/activity by Manistee County (including but not limited to a water well permit, a sanitary septic/sewer system permit, and a soil erosion and sedimentation control permit, etc). The application shall specify the land use/activity for which the permit is requested, and the parcel identification number and street address for the subject property. The application form shall be accompanied by two duplicate site plans/site sketches, drawn to scale, and showing the lot lines and dimensions of the subject property, the exact size and location on the lot of all existing and proposed structures and uses, and such other information as is necessary to demonstrate compliance with this Ordinance. The Zoning Administrator may waive or vary portions of these site plan/site sketch requirements that are not necessary for a determination of compliance with respect to the proposed use/activity, and may require additional information which is necessary to make a determination of compliance with respect to the proposed use/activity. Note: the site plan/site sketch required to accompany a zoning compliance permit application is not intended to be required to include all of the content for a final site plan specified in Chapter 19 of this Ordinance, unless the Zoning Administrator determines such content is necessary to make the required determination of compliance.
 3. Review and Approval/Disapproval. The Zoning Administrator shall promptly review a complete application for a zoning compliance permit, and shall approve the application and issue the permit upon determining the proposed use/activity is in compliance with all applicable provisions of this Ordinance. The Zoning Administrator shall not approve any application for a zoning compliance permit if the application is not complete, or where the proposed use/activity for which the permit is requested does not comply with all applicable provisions of this Ordinance. The Zoning Administrator shall timely issue an approved zoning compliance permit on such permit form as may be prescribed by the Township for this purpose and/or in accordance with other applicable Township procedures for such matters.
 4. Permit Duration. A zoning compliance permit shall be void unless the project for which the permit was issued is substantially implemented within three years of the date of issuance.
 5. Revocation. The Zoning Administrator is authorized to revoke a zoning compliance permit if the land use/activity authorized by the permit is not

undertaken in compliance with the permit or any applicable provisions of this Ordinance.

SECTION 26.5 APPLICATION FEES

The Township Board is authorized to establish, by motion or resolution, fees for consideration of all applications for a permit or other approval by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board under this Ordinance or a related statute, including but not limited to: zoning compliance permit, special land use permit, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, rezoning of property, amendment of Zoning Ordinance text, or amendment of Master Plan (text or map). The fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting; and may be established as a flat fee or based on all actual costs incurred by the Township with respect to processing and consideration of the matter, with specified deposit and escrow amounts. All such fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and may take effect immediately or upon such later date as the Board may specify.

SECTION 26.6 VIOLATIONS AND SANCTIONS

1. Any person who violates, disobeys neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
2. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
3. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
4. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum <u>fine</u>
1 st offense	\$150.00
2 nd offense	\$325.00

3rd or subsequent offense \$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

SECTION 26.7 NUISANCE PER SE

Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

SECTION 26.8 AUTHORITY TO COMMENCE LEGAL ACTION

The Zoning Administrator and such other persons as the Township Board may properly designate may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or to sanction any violation of this Ordinance; provided that actions in the Circuit Court shall be authorized by the Township Board.

CHAPTER 27
AMENDMENTS AND DISTRICT
CHANGES

SECTION 27.1 INITIATION OF AMENDMENTS

Amendments of this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.

SECTION 27.2 AMENDMENT APPLICATION PROCEDURE

All amendments of this Ordinance initiated by application shall be in writing, signed, and filed with the Zoning Administrator. Such applications shall include the following:

1. The applicant's name, address, and interest in the application.
2. In the case of a rezoning application:
 - A. The permanent parcel identification number(s) and legal description of the land proposed to be rezoned.
 - B. All existing street addresses within the property proposed to be rezoned.
 - C. The present and requested zoning classification of the property proposed to be rezoned.
 - D. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
 - E. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
 - F. The name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
 - G. The present planning classification of the property proposed to be rezoned, according to the Arcadia Township Master Plan Future Land Use Map. Note: if the zoning classification requested by the applicant is not consistent with the planning classification of the subject property pursuant to the Master Plan, the Planning Commission may require the rezoning applicant to also apply for an amendment of the Master Plan planning classification, and may defer holding a public hearing on the rezoning application until the Master Plan amendment application has been processed in accordance with all applicable statutory procedures that precede the required Planning Commission public hearing thereon. In

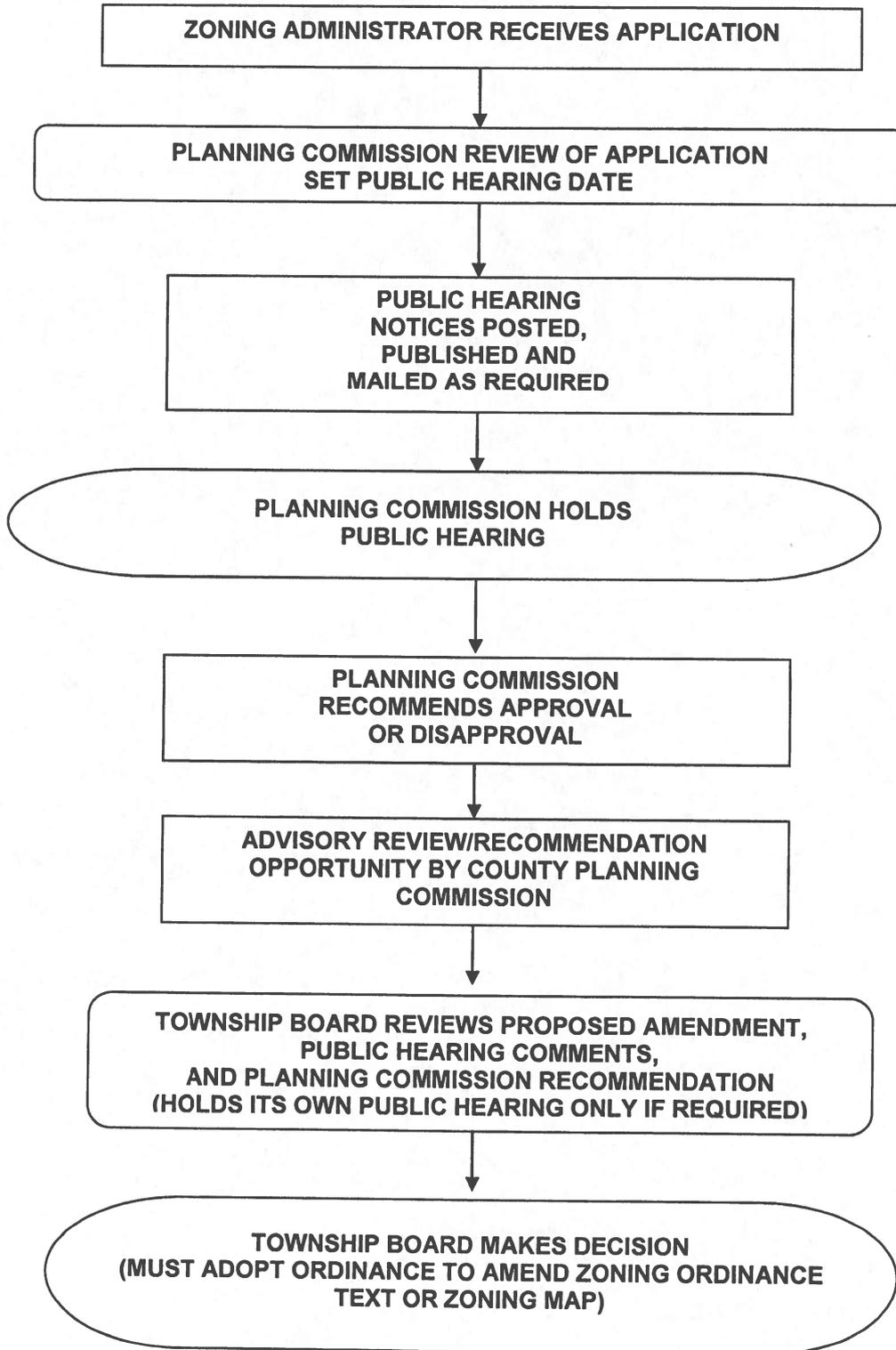
such circumstances the Planning Commission may hold the public hearing on the proposed rezoning application at the same meeting as the public hearing on the underlying proposed Master Plan amendment.

3. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
4. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

SECTION 27.3 AMENDMENT PROCEDURE

After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

**FLOW DIAGRAM FOR AMENDMENTS OF ZONING
ORDINANCE TEXT OR ZONING MAP (REZONING)**



CHAPTER 28
EFFECTIVE DATE/REPEAL;
SEVERABILITY

SECTION 28.1 EFFECTIVE DATE/REPEAL

This Ordinance shall take effect on the eighth day after publication of a notice of adoption or on such later date as may be required by law; and on such effective date shall be deemed to repeal and supersede in its entirety the former Zoning Ordinance (Ordinance No. 001-2005 that became effective on June 23, 2005, and all amendments thereof).

SECTION 28.2 SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is declared by a court to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof other than that portion declared to be invalid.