

# **ARCADA TOWNSHIP ZONING ORDINANCE**

**Adopted May 10, 2005**

**Effective May 26, 2005**

**Arcada Township  
Gratiot County, Michigan**

ARCADA TOWNSHIP ZONING ORDINANCE

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## PREAMBLE

An Ordinance enacted by the Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

### Article 1 TITLE and PURPOSE

#### **Section 1.01 Title**

This Ordinance shall be known and cited as the Arcada Township Zoning Ordinance.

#### **Section 1.02 Purpose**

It is the purpose of this Zoning Ordinance to promote the public health, safety, and general welfare of the inhabitants of Arcada Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services to conform with the most advantageous uses of land, resources, and property; and any other purpose permitted by the Township Zoning Act.

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**Article 2**  
**INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,**  
**and EFFECTIVE DATE**

**Section 2.01 Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 2.02 Severance Clause**

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

**Section 2.03 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare except as provided in Article 13, Nonconforming Uses, Lots and Structures.

**Section 2.04 Repeal**

The Arcada Township Zoning Ordinance adopted on January 10, 1995 and amendments thereto, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance, are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Section 2.05 Effective Date**

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943, as amended.

Made and passed by the Township Board of the Township of Arcada, Gratiot County, Michigan on this 10th day of May, 2005.

1. Date of Adoption by Township Board: May 10, 2005.
2. Date Notice of Adoption Published in Newspaper: May 19, 2005.
3. Date Ordinance Shall Take Effect: May 26, 2005.

## Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 3.01 Purpose**

It is the intent and purpose of this Article to provide for the administration of this Ordinance and the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the zoning permit. Issuance of such a permit, pursuant to this Article, shall indicate that the uses and plans for which the zoning permit is requested comply with this Ordinance. Upon the issuance of a zoning permit, the applicant may erect or alter a building or structure for which the zoning permit has been issued only after receiving a Building Permit from the Building Inspector, except where exempted by law.

### **Section 3.02 Responsibility for Administration**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with P.A. 184 of 1943, as amended, the "Township Zoning Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

### **Section 3.03 Duties of the Zoning Administrator**

**A.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, at a minimum, the following duties:

1. **Issue Permits:** All applications for zoning permits, including zoning permits for special uses, temporary uses and temporary dwellings; variances; appeals; requests for Ordinance interpretation; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
2. **File of Applications:** The Zoning Administrator shall maintain files of all zoning permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Township Clerk and shall be open for public inspection.
3. **Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
4. **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
5. **Reports:** The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of zoning permits and complaints of violation and actions taken on such complaints.
6. **Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.
7. **Review Plans for Completeness:** The Zoning Administrator shall review all zoning permit application forms and plans for completeness.

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## **Section 3.04 General Zoning Permit Procedures and Regulations**

**A. Zoning Permit Application Required for Construction:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a zoning permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. No zoning permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include a plot plan or site plan, a zoning permit shall be issued.

1. **Plot Plan / Site Plan:** An application for a zoning permit shall include the submittal of a plot plan or site plan. The preparation and review of such submittal shall comply with the provisions of Article 4. Upon approval of the plot plan or site plan, a zoning permit shall be issued except as may be provided otherwise in this Ordinance.
2. **Variances:** Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 6 is necessary for the approval of a proposed plot plan or site plan, no plot plan or site plan shall be approved nor shall such project be issued a zoning permit until action on such variance request has been taken by the Zoning Board of Appeals.
3. **Special Land Uses:** In addition to meeting the site plan requirements of Article 4, a zoning permit application for a use classified as a "special land use" within the subject zoning district (See Article 9) shall be processed according to the provisions of Article 5.
4. **Completeness of Plans:** The Zoning Administrator shall review all zoning permit application forms and plans for completeness. If materials are not administratively complete, the materials shall be returned to the applicant with a written notice identifying the inadequacies. A finding by the Zoning Administrator that such materials are complete is in no way binding upon the Planning Commission and the Planning Commission may request additional information having bearing upon the character of the project or site conditions and the Planning Commission's knowledge of all relevant facts.
5. **Scheduling as Agenda Item:** The Planning Commission may defer initiating the review of a zoning permit application or site plan until a subsequent meeting if the materials to be reviewed and/or acted upon are submitted to the Zoning Administrator less than twenty-five (25) days prior to the next meeting of the Planning Commission.

**B. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

**C. Application Fees:** Fees for review of development proposals, rezoning requests, appeals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application. No application for approval for which a fee is requested will be processed until the fee is deposited with the Zoning Administrator. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of administration and inspection resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. **Professional Review and Fee:** For any application for a zoning permit or variance, a reviewing or approving body may require the payment of a professional review fee when professional input is desired, before a decision is made, due to the complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee at the time a zoning permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any zoning permit issued by the Township in response to the applicant's request.
  - a. **Professional Review Report:** A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

#### **D. Permit Issuance, Withholding, Expiration, and Revocation.**

1. **Issuance:** Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate zoning permit after being directed to do so by the designated approving body or official. A performance guarantee may be required as a condition to the issuance of any zoning permit in order to insure conformance with the requirements of this Ordinance (see Section 3.07). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. **Withholding Permit:** The Zoning Administrator may withhold any zoning permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes zoning permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a zoning permit until said permits from other agencies have been obtained.
3. **Expiration of Permit:** A zoning permit shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least thirty (30) days before such voidance is effective, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
4. **Revocation:** The Zoning Administrator may revoke or cancel any zoning permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application, when authorized to do so by the body that authorized the issuance of the zoning permit. Prior to the revocation of a zoning permit, the body that approved the issuance of the zoning permit shall hold a public hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. At the hearing, the approving body shall state the basis for the revocation and the zoning permit holder shall be given the opportunity to present evidence and testimony against such revocation. Procedures for the notification of such hearing shall comply with the notification procedures of subsection 5.02(B)(2)(b). The owner or his agent shall be notified of such revocation in writing. Following the hearing, the body holding the hearing may revoke the zoning permit, delay such revocation for a specified time period to permit the zoning permit holder time to correct specified violations, or find there is no basis for such revocation. Upon revocation of the zoning permit, or in the case where revocation is delayed to correct violations, all further construction activities and usage shall cease upon the site other than for the purpose of correcting violations. Failure to terminate the use for which the zoning permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation of this Ordinance.

#### **Section 3.05 Violations**

**A. Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se.

**B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation, in writing, which specifies all circumstances found to be in violation. A Notice of Violation or stop order posted by the Zoning Administrator on a structure or dwelling shall not be removed without written authorization from the Zoning Administrator.

**C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

**D. Violation Correction Period:** All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Zoning Administrator, but not less than 5 days nor more than 6 months.

**E. Township Board Hearing:** Should a violation not be corrected within this time period specified, the Zoning Administrator shall notify the owner, or party of interest in writing, of the time and place of a hearing to be held before the Township Board on the conditions causing the notice of violation. At said hearing the person to whom the notice is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said action would cause an undue hardship. The Township Board may extend the correction period for a period not to exceed 6 months.

**F. Legal Action:** If the owner or party in interest fails to appear at the hearing, or establishes no reasonable basis for the Township Board to extend the correction period, or neglects to correct the violation within the time period specified by the Township Board, the Township Board shall direct the Township Attorney to take appropriate legal action. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (see *Section 3.06*).

### **Section 3.06 Penalties and Remedies**

**A. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**B. Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

### **Section 3.07 Performance Guarantee for Compliance**

**A. Purpose:** In authorizing any zoning permit, the body or official which approves the zoning permit application, as designated by this Ordinance, may require that a performance guarantee or bond be furnished to: (1) ensure compliance with the requirements, specifications and conditions imposed with the grant of such zoning permit; and (2) provide sufficient resources for the Township to complete required improvements or conditions in the event the zoning permit holder does not.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect the natural resources or the health, safety and welfare of residents of the Township and future uses or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening and drainage.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of improvements for which the performance guarantee or bond is to cover, according to a detailed cost estimate submitted by the applicant and approved by the Planning Commission. After approval of the detailed cost estimate by the Planning Commission, the performance guarantee or bond shall be submitted at the time of issuance of the zoning permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejection. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Planning Commission shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Planning Commission within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Planning Commission shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

**D. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

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***End of Article 3***

## Article 4 PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

### **Section 4.01 Purpose**

It is the intent of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the zoning permit application process to ensure that the Zoning Administrator, Planning Commission, and Township Board is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, and conformance with all applicable provisions and standards of this Ordinance.

### **Section 4.02 Approval of Site Plan or Plot Plan Required**

**A. Planning Commission Approval of Site Plans:** Site plan approval is required by the Planning Commission prior to the issuance of a zoning permit, for the following land uses:

1. All uses permitted by right within any commercial or industrial zoning district.
2. All special land uses, as specified in each zoning district.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces.
4. All single and two family developments subject to the platting requirements of P.A. 591 of 1997, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
6. All other uses as required elsewhere in this Ordinance.

**B. Zoning Administrator Approval of Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a zoning permit, for all other uses not listed in Section 4.02 (A) above.

### **Section 4.03 Data Required**

**A. Plot Plans:** An accurate, readable, scale drawing showing the following shall be submitted with applications for zoning permits for uses requiring plot plan review, except in the case of minor alterations and repairs where perimeter walls are not to be moved or extended.

1. Name, address and telephone number of the applicant (and owner if different).
2. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

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**B. Site Plan:** A site plan shall be submitted as part of a zoning permit application for uses listed in Section 4.02(A). The site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The site plan shall provide the following data, except where the Planning Commission makes specific findings that certain data is not required because it is not pertinent to the property or proposed use, and that the lack of such information shall not undermine the Planning Commission's ability to adequately evaluate the application.

1. Name, address and telephone number of the applicant (and owner if different).
2. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and existing man-made features such as roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
6. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
8. Proposed location and dimensions of accessory structures, including trash receptacles.
9. Proposed location of free stranding and wall signs, including construction details of such signs.
10. The locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
11. A plan identifying how storm water is to be collected and discharged.
12. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
13. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
14. A statement from the applicant identifying all federal, state and local permits required, if any.
15. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
16. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**C.** The Zoning Administrator may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.



## **Section 4.04 Plot Plan and Site Plan Review Procedures**

**A. Submittal and Distribution of Plot Plans and Site Plans:** At least twelve (12) copies of a site plan, or five (5) copies of a plot plan where a plot plan is required, and same number of zoning permit application forms, shall be submitted to the Zoning Administrator. The Zoning Administrator shall record the date of their receipt. Upon receipt of completed forms and plans, the Zoning Administrator shall forward copies of the site plan to the Planning Commission. See Section 3.04(A)(1)-(5).

**B. Review:**

1. Plot Plan: The Zoning Administrator shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance including the provisions of Section 4.05.
2. Site Plan: Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance including the provisions of Section 4.05.

**C. Action:**

1. Plot Plan: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within sixty (60) days of the receipt of a complete plot plan. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. See Section 20.12 regarding conditional approvals.
2. Site Plan: Upon conducting a review of the site plan, the Planning Commission shall either reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in the meeting minutes, including the reasons for such conditions, and shown on the site plan, and delivered to the applicant. Decisions by the Planning Commission shall be made within ninety (90) days after receipt of a complete application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately review information pertinent to a decision. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. See Section 20.12 regarding conditional approvals.

**D. Approved Plot Plans and Site Plans:** At least three (3) copies of an approved plot plan or site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Planning Commission Chairperson, or by the Zoning Administrator in the case of a plot plan. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan or site plan and delivered to the applicant for information and direction.

**E. As-Built Drawings:** The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a Certificate of Occupancy. Such drawings shall identify all improvements made upon the site including utility services.

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## **Section 4.05 Plot Plan and Site Plan Approval Standards**

**A. Plot Plan:** Each plot plan shall conform with all applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, and permitted uses, and the applicable provisions of:

1. Article 15, Signs
2. Article 16, Off-Street Parking and Loading
3. Article 17, Landscaping and Screening
5. Article 18, Environmental Protection
6. Article 20, General Provisions

**B. Site Plan:** Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, lot width, and permitted uses, and the standards listed below:

1. Applicable provisions of:
  - a. Article 11, Standards for Specific Special Land Uses
  - b. Article 15, Signs
  - c. Article 16, Off-Street Parking and Loading
  - d. Article 17, Landscaping and Screening
  - e. Article 18, Environmental Protection
  - f. Article 20, General Provisions
2. All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development.
4. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
10. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
11. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
12. Site plans shall conform to all applicable Township planning documents, other applicable ordinances, and state and federal statutes.
13. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
  - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

#### **Section 4.06 Sketch Plan Review Option**

An applicant may seek approval of a sketch plan, the purpose of which is receive approval of the general design and layout of the project prior to preparing a detailed site plan.

**A. Submittal of Sketch Plans:** At least twelve (12) copies of a sketch plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall record the date of their receipt. The submittal shall include the following:

1. Fifteen (15) copies of a completed application form supplied by the Township Clerk.
2. Fifteen (15) copies of the sketch plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Property dimensions.
  - b. Topographic elevations at two feet intervals.
  - c. Significant vegetation.
  - d. Water courses and water bodies, including man-made surface drainage ways.
  - e. Existing public right of way, pavements, and/or private easements.
  - f. Existing uses, buildings, structures, and lots.
  - g. Proposed uses and general location of buildings, structures, and lots.
  - h. Zoning classification of abutting properties.
  - i. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.

**B. Review:** The Zoning Administrator shall review the application forms and plans for completeness and if such materials do not appear complete according to Section 4.06(A), the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed forms and plans, the Zoning Administrator shall forward copies of the sketch plan to the Planning Commission. Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance including the provisions of Section 4.05.

**C. Action:**

1. After conducting a review, the Planning Commission shall either reject, approve, or conditionally approve the sketch plan, as it pertains to requirements and standards contained in the Zoning Ordinance including the provisions of Section 4.05. Any conditions required by the Planning Commission shall be stated in the meeting minutes, including the reasons for such conditions, and shown on the site plan, and delivered to the applicant. Decisions by the Planning Commission shall be made within ninety (90) days after receipt of a complete application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately review information pertinent to a decision.
  - a. Approval of the sketch plan is valid for a period of one (1) year. If a complete site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. Sketch plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

#### **Section 4.07 Conformity To Approved Site Plans**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any approved amendments thereto. If construction and development does not conform with such approved plans, the approved zoning permit shall be revoked by the Zoning Administrator pursuant to Section 3.04(D)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

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#### **Section 4.08 Changes to Approved Site Plan**

**A. Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures;

1. **Major Changes:** Major changes to an approved site plan shall include changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
  - a. Such changes will not adversely affect the initial basis for granting approval;
  - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
  - c. Such changes shall not result in the reduction of open space area as required herein.
2. **Minor Changes:** Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Planning Commission.

**B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

#### **Section 4.09 Appeals**

A person aggrieved by a decision on a site plan may appeal such decision to the Zoning Board of Appeals pursuant to Article 6.

***End of Article 4***

## Article 5 PROCEDURES for SPECIAL LAND USES

### **Section 5.01 Purpose**

It is the purpose of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a zoning permit for a Special Land Use.

### **Section 5.02 Procedures For Special Land Uses**

An application for a zoning permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures:

**A. Submission and Distribution of Application:** Any person or representatives thereof, owning or having an ownership interest in the subject property, may file an application for one or more zoning permits for a special land use as provided for in this Ordinance. The application form shall be supplied by the Zoning Administrator and the following minimum information shall be required:

1. Name and address of applicant and, if different from the landowner, the landowner's name and address.
2. A legal description of the property and a description of the proposed project.
3. A statement or statements addressing the extent to which the application complies with the approval standards of Section 5.06 of this Ordinance.

At least twelve (12) copies of a special land use application shall be submitted to the Zoning Administrator and each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03(B). The Zoning Administrator shall record the date of their receipt. Upon receipt of completed forms and plans, the Zoning Administrator shall forward the materials to the Planning Commission. See Section 3.04(A)(1)-(5).

### **B. Planning Commission Action:**

1. Review: Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. The Planning Commission may also submit a copy of the application, including the site plan, to each of the following agencies considered to be impacted or affected by the application for the special land use. The Planning Commission shall request the reviewing agency to respond within twenty (20) days of receipt of the materials although the Planning Commission need not delay action on the application if such response has not been received within such time period.
  - a. County Road Commission.
  - b. County Health Department.
  - c. County Drain Commissioner.
  - d. Other agencies as relevant, including the local fire department.
2. Public Hearing:
  - a. Upon certification that the application materials are complete, the Planning Commission shall publish a notice of public hearing on the special land use application which shall:
    - 1) Describe the nature of the special land use request.
    - 2) Indicate the property which is the subject of the special land use request.
    - 3) State when and where the request will be considered.
    - 4) Indicate when and where written comments will be received concerning the request.
  - b. Notice shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice shall be given not less than five (5) and not more than fifteen (15) days before the public hearing.

- 1) If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
3. **Planning Commission Action:** Upon review of the special land use application, all supporting materials, and the public hearing, the Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards set forth in Section 5.06, and the specific special land use standards set forth in Article 11. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements. See Section 20.12 regarding conditional approvals.

### **Section 5.03 Appeals**

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the Zoning Board of Appeals.

### **Section 5.04 Reapplication**

No application for a zoning permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

### **Section 5.05 Changes**

**A. Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to the approved site plan shall comply with the application and review procedures of Section 4.08.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved zoning permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original zoning permit for the special land use;
2. the establishment of another special land use or uses;
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

### **Section 5.06 Approval Standards**

**A.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township. No special land use application shall be approved except where the proposed use and site plan comply with the following standards:

1. Be harmonious with and in accordance with the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use or parking areas.

4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Not create excessive additional requirements at public cost for public facilities and services.

**B.** Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity conforms to the specific site development requirements identified in Article 11.

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***End of Article 5***



## Article 6 ZONING BOARD of APPEALS

### **Section 6.01 Purpose**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### **Section 6.02 Creation and Membership**

**A. Establishment and Appointment of Members:** The Zoning Board of Appeals first established by the Arcada Township Zoning Ordinance adopted on January 10, 1995 is hereby retained in accordance with Act 184 of the Public Acts of 1943, as amended, and shall consist of five members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

1. **Alternate Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

**B. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of the Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

**C. Conflict of Interest:** A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

### **Section 6.03 Organization**

**A. Rules of Procedure and Officers:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

**B. Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

**D. Records:** The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record except where exempt from disclosure under the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

#### **Section 6.04 Jurisdiction**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters so specified in this Ordinance including appeals regarding an administrative review, interpretations, and variances.

#### **Section 6.05 Appeals for Administrative Reviews**

**A. Authority:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance. The Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal is taken.

**B. Standards:** The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

**C. Record of Facts:** In hearing and deciding appeals under this sub-section, the Zoning Board of Appeal's review shall be based upon the record of the administrative decision being appealed, and the Zoning Board of Appeals shall not consider new information which had not been presented to the administrative official, board, or commission from whom the appeal is taken.

#### **Section 6.06 Interpretations**

**A. Authority:** The Zoning Board of Appeals shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts (*see Section 9.04*).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

**B. Consultation:** Prior to deciding a request for an interpretation, the Zoning Board of Appeals may confer with Township staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

## **Section 6.07 Variances**

**A. Authority:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, setback regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance. The Zoning Board of Appeals is not authorized to grant a variance that permits the establishment of any use which is not a principal permitted use within the subject zoning district.

**B. Standards:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all of the standards listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

1. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
3. That the hardship or special conditions or circumstances do not result from actions of the applicant.
4. That the variance will relate only to property described in the variance application.
5. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
6. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**C. Evidence:** In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the Zoning Board of Appeals may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony, and/or evidence on a variance request.

## **Section 6.08 Procedures**

### **A. Application**

1. Ordinance Interpretations and Variances: Requests for Ordinance interpretations and requests for variances may be made to the Zoning Board of Appeals by completing and filing a written application with the Zoning Administrator on forms established for that purpose and accompanied with such information as is necessary to decide such request.
  - a. Variance Application Contents: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; the extent to which such variance request complies with the standards of Section 6.07(B); and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested.
  - b. Interpretation Application Contents: Application for an interpretation of the Ordinance shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation.
2. Administrative Reviews: Where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance, a written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose within twenty-one (21) days after the date of the decision being appealed.
  - a. Application Contents: Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal.
  - b. Transmission of Record: Upon receipt of an application, the officer or body from whom the appeal is taken shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

- c. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

**B. Fee:** A fee as established by the Township Board shall be paid at the time the applicant files an application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

**C. Hearing:** Upon receipt of an application, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the Zoning Board of Appeals to review the application prior to such hearing. Notice of the hearing shall be given by certified mail to the applicant and, in the case of an application for a variance or appeal for an administrative review, to all owners of an interest in lots, as recorded on the Township tax roll, within three-hundred (300) feet of the lot subject to the application, of the date, time and place of the Zoning Board of Appeals meeting at which the application will be considered. Where the hearing, in the opinion of the Township Clerk and chairperson of the Zoning Board of Appeals, concerns matters of general applicability in the Township and does not concern only individual lots or parcels, such notice shall also be given in a newspaper of general circulation in the Township. All notices of hearings shall be given not less than ten (10) and not more than thirty (30) days before the hearing. Upon the hearing, any party may appear in person or by agent or attorney.

**D. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of an application with the Zoning Board of Appeals, unless an extension of time is agreed upon by the parties concerned. The decision shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to grant a variance, to make an interpretation of the Ordinance, to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The Zoning Board of Appeals shall state the grounds for each decision and such grounds shall be placed in the record.

1. Conditions: In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 20.12 regarding conditional approvals.
2. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance, and occupancy has occurred within one (1) year of the granting of such variance.

**E. Reapplication:** No application for a variance, Ordinance interpretation, or appeal of an administrative review, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

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**Section 6.09 Review By Circuit Court**

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court. The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

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

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***End of Article 6***

## Article 7 PROCEDURES for AMENDMENTS

### **Section 7.01 Purpose**

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02 Initiation Of Amendments**

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 7.03 Filing Fee**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 7.04 Procedures**

**A. Application:** A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
  - a. A legal description of the property.
  - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - c. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
  - d. The desired change and reasons for such change.
  - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

**B. Completeness of Plans and Distribution to the Planning Commission:** The Zoning Administrator shall review all application materials for completeness and if such materials are not administratively complete, the materials shall be returned to the applicant with a written notice identifying the inadequacies. The Zoning Administrator shall forward complete application materials to the Planning Commission.

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### C. Planning Commission Action

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactory and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Township Clerk shall give notice of the public hearing in the following manner:
  - a. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days, nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.
  - b. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time, place, date and purpose of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
  - c. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Planning Commission for the purpose of receiving the notice.
  - d. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
  - e. An affidavit of all mailings shall be maintained.
2. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
  - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
    - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
    - 3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
    - 4) Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
    - 5) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
    - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
    - 7) Does the petitioned district change generally comply with the planning goals of the Township?
    - 8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
    - 9) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
  - b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
    - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
    - 3) Is the proposed amendment supported by significant case law?



- c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.
4. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C)(1) above. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the County Planning Commission pursuant to the Township Zoning Act.

#### **D. Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
  - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the township. The notice shall be published not more than fifteen (15) days nor less than five (5) days before the hearing.
2. The Township Board shall not deviate from the recommendation of the Township Planning Commission without first referring the application back to the Township Planning Commission to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board considers amendments to the proposed text advisable, the Board shall refer the amendments to the Planning Commission for a report thereon within the time specified.
  - a. After receiving the report specified in (D)(2) above, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.

**E. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

#### **Section 7.05 Resubmittal**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

#### **Section 7.06 Comprehensive Review Of Zoning Ordinance**

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

***End of Article 7***

## **Article 11**

# **STANDARDS for SPECIFIC SPECIAL LAND USES**

The following standards and requirements apply to the special land uses permitted by special approval in the zoning districts of this Ordinance. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A) and those standards contained in this Article for specific special land uses. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. See Article 5: Procedures for Special Land Uses. Any requirements of this Article regarding data, plans, and drawings shall be in addition to the data requirements of Section 4.03(B) regarding required site plan information.

### **Section 11.01 Bed And Breakfast**

#### **A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

#### **B. Special Performance Standards:**

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to employees and overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

### **Section 11.02 Cemeteries**

#### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All burial plots and all structures shall be set back no less than fifty (50) feet from any lot line or road right-of-way.
4. Parking areas and driveways shall be provided on the site, at least fifty (50) feet from any lot line.

#### **B. Special Performance Standards:**

1. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

### **Section 11.03 Public Facilities and Public Assembly Facilities**

#### **A. The following site and developmental requirements shall apply:**

1. No more than sixty percent (60%) of the site shall be covered by impervious surface.
2. No building, driveway, or parking area shall be closer than fifty (50) feet from any lot line or right-of-way.
3. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation, excluding a spire.

## **Section 11.04 Commercial Stables**

### **A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be ten (10) acres in area.
2. Off-street parking shall be provided at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable. Overflow parking for special events shall be identified on the site plan.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of one hundred (100) feet from any lot line.
5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

### **B. Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. No special events such as shows, exhibitions, and contests shall be permitted within seventy-five (75) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

## **Section 11.05 Drive-In and Drive-Through Facilities**

### **A. The following site and developmental requirements shall apply:**

1. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of two streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the lot line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than thirty (30) feet wide at the lot line.

### **B. Special Performance Standards:**

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.

## **Section 11.06 Foster Care Facility (State Licensed Residential Facility), Group Home**

### **A. The following special performance standards shall apply:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.

### **B. Special Performance Standards:**

1. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
2. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

## **Section 11.07 Group Home Day Care**

### **A. The following site and developmental requirements shall apply:**

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
  - a. Another licensed group day care home.
  - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of 1979.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people licensed under article 6 of the public health code, P.A. 368 of 1978.
  - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

**B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.

**Section 11.08 Kennels**

**A. The following site and developmental requirements shall apply:**

1. The lot shall be at least five (5) acres in size and five hundred (500) feet in width.
2. Kennels shall not be located in a subdivision plat or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than two hundred feet (200) to any adjacent lot line in a Conservation or Residential district or any adjacent building used by the general public. Runs and exercise areas shall be located in the rear yard only.

**B. Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

**Section 11.09 Mini Storage Facilities**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be two (2) acres.
2. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.

**B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along lot lines which do not abut a Conservation or Residential District, or residentially used property.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
5. The exterior of mini-storage buildings shall be of finished quality and maintained as such.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

### **Section 11.10 Motels and Hotels**

#### **A. The following site and developmental requirements shall apply:**

1. A hotel or motel shall not be located within two hundred (200) feet of any adjacent Conservation or Residential District.
2. Ingress and egress to the facility shall be only from a paved road.

#### **B. Special Performance Standards:**

1. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
3. Each sleeping room shall be equipped with a smoke detector.

### **Section 11.11 Nursing Homes**

#### **A. The following site and developmental requirements shall apply:**

1. The lot shall be a minimum of three (3) acres.
2. All ingress and egress for the site shall be from a paved road.
3. No building shall be closer than fifty (50) feet to any lot line.

#### **B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a Conservation or Residential District.
2. A nursing home shall provide adequate outdoor open space. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

### **Section 11.12 Open Air Businesses (Vehicles, Landscape Supplies, and Similar Uses)**

#### **A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.

#### **B. Special Performance standards:**

1. In the case of auto sales:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
  - c. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials shall not occur in the required yards.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
4. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

### **Section 11.13 Vehicle Repair Shops and Service Stations**

#### **A. The following site and developmental requirements shall apply:**

1. No more than two (2) driveways onto a roadway shall be permitted. Driveway approach width shall not exceed thirty-five (35) feet and no driveway shall be located closer than thirty-five (35) feet from property zoned for residential use.
2. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest straight line distance between lot lines.
3. All buildings and accessory structures, including gasoline pumps, shall be located at least forty (40) feet from all lot lines, seventy (70) feet from the road right-of-way, and one hundred (100) feet from a Residential District.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Ingress and egress to the facility shall be only from a paved road.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than ten (10) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.

**Section 11.14 Vehicle / Car Wash Establishment**

**A. The following site and developmental requirements shall apply:**

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Ingress and egress to the facility shall be only from a paved road.

**B. Special Performance Standards:**

1. Buildings shall be oriented so that self-serve open bays do not face onto adjacent thoroughfares, unless otherwise screened by landscaping.
2. Each bay shall be graded and drained to collect run-off originating in the bay.

**Section 11.15 Veterinary Clinics**

**A. The following site and developmental requirements shall apply:**

1. Buildings where animals are kept, dogruns, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required yard.

**B. Special Performance Standards:**

1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
2. All principal use activities shall be conducted within a totally enclosed main building.
3. There shall be no storage or boarding of animals outside of the fully enclosed building.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**Section 11.16 Wireless Communication Facilities**

**A. The following site and developmental requirements shall apply:**

1. The tower shall be set back from all lot lines a distance equal to its height, unless engineering plans and specifications have been verified by an engineering firm approved by the Township, that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with the engineering review.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any lot line than thirty (30) feet.
3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
4. All commercial bufferyard requirements within the zoning ordinance shall be met.
5. All towers and accessory buildings shall be secured to prevent unauthorized access.
6. The plans of the tower construction shall be certified and sealed by a registered structural engineer and these plans shall be in compliance with all applicable building and electrical codes.
7. All towers must meet the standards of the State of Michigan and Federal Aviation Administrations, the Federal Communications Commission, the Gratiot Community Airport Commission and the Gratiot Community Airport Zoning Board.
8. Tower height shall be governed by state and federal aviation authorities and by the Gratiot Community Airport Zoning Ordinance.
9. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area. In no case shall a tower be located within thirty (30) feet of a lot line.

10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.



11. All towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
12. Towers and antennae shall be designed to withstand a uniform wind loading as prescribed in the applicable building code.
13. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
14. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.
15. The base of the tower shall occupy no more than five hundred (500) square feet.
16. Minimum spacing between tower locations shall be one (1) mile.
17. Towers shall not be artificially lighted unless required by State or Federal Aviation Administrations.
18. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes or as required by State and Federal regulatory agencies.
19. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme shall be designed to minimize off-site visibility of the tower and antenna.
20. Existing on-site vegetation shall be preserved to the maximum extent practical.
21. Where the property adjoins any residentially zoned property or land use, the operator shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.
22. Parking and drive areas shall be provided and maintained by the tower owner/operator.
23. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

**B. Special Performance Standards:**

1. Structures shall be subject to any and all State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator.
2. The tower shall be removed by the property owner or leasee within six (6) months of non-use or abandonment. The Township Board shall require posting a performance bond to ensure funding for removal of abandoned towers.
3. Collocation
  - a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, to facilitate adequate and efficient opportunities for wireless communication facility sites while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes of this Section and Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township.
  - b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
    - 1) The wireless communication provider entity under consideration for collocation will be charged reasonable market rent or other market compensation for collocation.
    - 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
    - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards contained in this Section.
- c. Requirements for Collocation:
  - 1) A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - 2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
  - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.
4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the Township for a period of five years from the date of the failure or refusal to permit the collocation.
5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within 3 miles from the borders of Arcada Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed.

## **Section 11.17 Outdoor Commercial Recreation**

### **A. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. A recreational accessory use shall not predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.
7. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in a Conservation or Residential District. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.

### **B. Site, Development and Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least one hundred fifty (150) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campgrounds shall be licensed by the Michigan Department of Public Health.

8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
9. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
10. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
11. All entrances and exit lanes within a campground shall be lighted.

**C. Site, Development and Performance Standards for Golf Courses and Country Clubs**

1. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any side or rear lot line, or one hundred (100) feet from a right-of-way line.
2. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building within the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
4. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
5. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
6. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
7. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

**D. Site, Development and Performance Standards for Shooting Ranges and Hunt Clubs.**

1. Minimum lot area shall be forty (40) acres for outdoor shooting activities. The Planning Commission may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a lot line.
2. Minimum front, side and rear yard setbacks for outdoor shooting ranges shall be two hundred fifty (250) feet.
3. A minimum eight (8) foot high fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
5. The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment, and shall request comment on such plan within thirty (30) days of submittal to such agencies.
6. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
7. Hours of outdoor operation shall be between 8:00 a.m. and dusk, excluding facilities operated by law enforcement agencies.

## **Section 11.18 Extraction Operations**

**A. Additional Materials to be Submitted for Special Use Review:** Each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of excavated material.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.
9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
  - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
  - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
  - e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
  - f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
  - h. No noxious, flammable or toxic backfill and grading materials shall be used.
  - i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

**B. The following site and developmental requirements shall apply:**

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
  - a. 100 feet from the right-of-way of any public road, private road, or highway.
  - b. 200 feet from abutting property in a Conservation or Residential District.
  - c. 75 feet from abutting property in a Commercial or Industrial District.
3. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
4. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of frontage.

5. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

**C. Special Performance Standards:**

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred foot intervals along the perimeter.
2. Where deemed necessary by the Planning Commission, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within five hundred (500) feet of any lot line.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Gratiot County Drain Commissioner and Michigan Department of Environmental Quality.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of top soil when extraction operations are completed. No topsoil shall be removed from the extraction site.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work shall extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway, as authorized by the Planning Commission in writing. Excavated areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
11. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
12. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

**D. Other conditions:** The conditions of any zoning permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

1. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
2. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
  - a. The completion of the extraction.
  - b. The Planning Commission determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Planning Commission has received notification from the owner that operations are complete.
  - d. A zoning permit for the extraction has expired.

3. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this ordinance for the issuance of a special land use permit.

**E. Existing Extraction Areas:** All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval. Existing extraction operations are subject to the provisions of Article 13, Nonconforming Lots, Uses and Structures.

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***End of Article 11***



## Article 12 OPEN SPACE COMMUNITIES (OSC)

### **Section 12.01 Purpose**

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to "Open Space Communities" (OSC) under this Article, more effectively encourage the preservation of the Township's open spaces, natural resources, sensitive environmental areas, and rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSC is proposed to be located, so that the remainder of the site can be preserved as open space, including agriculture where applicable.

### **Section 12.02 Procedures**

**A.** OSCs are classified as special land uses and authorized in the A-1, RR, and R-1 Districts only, pursuant to Table 9-1. Application for an OSC shall follow the same procedures and requirements for special land uses pursuant to Article 5 except as provided below:

1. **Recording of Approval Action and Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSC plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the OSC.
2. **Conventional Plan:** At the time the applicant submits a preliminary site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the basic lot area and width standards of the respective District. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall review the conventional plan and determine the approximate number of dwellings and lots attainable by conventional design. This information shall be used when determining the permissible number of dwelling units in the proposed OSC.
3. **Standards of Approval:** The standards of this Article shall be applied in the review and action on OSC applications, in addition to those of Section 4.05 (Site Plan Approval Standards) and Section 5.06 (General Standards for Special Land Uses).

### **Section 12.03 Design Standards**

**A. Regulatory Flexibility:** To encourage flexibility and creativity consistent with the OSC concept, departures from the regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and building height standards. Such modifications may be permitted only if the proposed OSC shall result in a higher quality of development than would be possible without the modifications, and that the proposed OSC shall be a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of the District absent OSC approval. Density standards may not be modified more than the maximum permitted under the bonus provisions of Section 12.03(B) below. All proposed modifications shall be specified in the OSC application materials.

1. **Conventional Plan:** At the time the applicant submits a preliminary site plan for the OSC, the applicant shall also submit a Conventional Plan which shall illustrate a practical and reasonable manner for developing the project parcel without the benefit of an OSC approval. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall review the Conventional Plan and determine the approximate number of dwellings and lots attainable by conventional design. This information shall be used in determining appropriate density bonuses for an OSC proposal as authorized under (B) below.

**B. Residential Density Bonus:** Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the OSC process provides that the Planning Commission may exercise discretionary powers, densities in excess of those attainable under the Conventional Plan may be permitted, provided that all other requirements of this Article are met. No residential bonus density increases shall be permitted unless a determination is made by the Planning Commission that the desired density will not adversely affect public services including, but not limited to, water and sewer services, storm water drainage, road conditions and capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area. Evaluation criteria for the approval of a bonus density shall be as follows:

1. For every ten percent (10%) of the project parcel that is set aside as dedicated open space, a ten percent (10%) increase in the number of dwellings over that attainable under the Conventional Plan shall be authorized, not to exceed a maximum increase of thirty percent (30%) in the A-1 and R-1 Districts, and sixty percent (60%) in the RR District.
2. For every one hundred (100) continuous linear feet of dedicated open space located along the public road(s) that the OSC parcel has frontage on, an additional ten percent (10%) increase in the number of dwellings over that attainable under the Conventional Plan shall be authorized, not to exceed a maximum increase of thirty percent (30%) in the A-1 and R-1 Districts, and sixty percent (60%) in the RR District. Such dedicated open space shall be a minimum of one hundred (100) feet in depth.

**C. Guarantee of Open Space:** An OSC shall establish a minimum of ten percent (10%) of the OSC parcel acreage as permanently dedicated open space. In the case where the proposed OSC site plan provides for a density increase over the Conventional Plan, an additional amount of open space shall be dedicated according to Section 12.04(B). The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited.

1. Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use or area preserved in an undeveloped state, may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.
2. Dedicated open space may include flood plain areas, but required dedicated open space shall not include required yard setback areas, roads, and public rights-of-ways.
  - a. Wetlands (as defined by the Michigan Department of Environmental Quality) and year round submerged lands may be used to meet the minimum required dedicated open space area provided such wetlands and submerged lands do not exceed fifty percent (50%) of the required open space area.
3. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from development, except as shown on an approved site plan. Such conveyance shall:
  - a. Indicate the proposed allowable use(s) of the dedicated open space.
  - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  - c. Provide standards for scheduled maintenance of the open space.
  - d. Provide for maintenance to be undertaken by the Township of Arcada in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**D. Permitted Uses:** The following uses shall be permitted within an OSC:

1. Single family and two-family dwellings.
2. Nonresidential uses may be permitted as part of an OSC provided that the applicant demonstrates that the residential uses will be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: extent to which it serves residents in the OSC compared to others who travel to or near the site; amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use. A commercial component of an OSC that is predominantly designed to serve persons other than those to reside in the OSC shall not be permitted.

**E. Utilities:**

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for storm water management law, including the construction of necessary storm water facilities.
4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**F. Access and Circulation:**

1. Access: The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSC shall gain access from an interior road within the OSC.
2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the OSC. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.
3. Vehicular Circulation: Construction of private roads as a means of providing access and circulation and increasing the rural character of the OSC project is encouraged. Private roads within an OSC must be constructed according to the private road regulations of this Ordinance.

**G. Natural Features:** The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats.

**Section 12.04 Phasing and Commencement of Construction**

**H. Scheduled Phasing:**

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
  - a. Each phase of an OSC project requires submittal and approval of a site plan.
  - b. At least seventy-five percent (75%) of all dwelling units shall be constructed prior to the commencement of construction for any approved non-residential component of such OSC.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

***End of Article 12***

## **Article 13**

# **NONCONFORMING LOTS, USES, and STRUCTURES**

### **Section 13.01 Purpose**

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed, but not to encourage their survival.

### **Section 13.02 Nonconforming Lots**

**A.** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

### **Section 13.03 Nonconforming Uses of Land**

**A.** Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, or eighteen (18) months within a three (3) year period, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.

### **Section 13.04 Nonconforming Structures**

**A.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in any way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.

2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion of a licensed building contractor, including the basis for the contractor's conclusions.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

#### **Section 13.05 Repairs and Maintenance**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. No structural alterations shall be made to bearing walls or foundations, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **Section 13.06 District Changes**

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

#### **Section 13.07 Illegal Nonconforming Uses**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

***End of Article 13***

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE TOWNSHIP OF ARCADA TO ALLOW THE CONSTRUCTION  
OR IMPROVEMENT OF STRUCTURES ON NON CONFORMING LOTS  
SUBJECT TO CERTAIN RESTRICTIONS**

**Whereas**, there are many nonconforming lots within the Township of Arcada, and

**Whereas**, some such lots have been improved by the erection of structures,

**Now therefore, the Township of Arcada ordains:**

1. Section 13.02 of the Arcada Township zoning ordinance is hereby amended to read as follows:

**Section 13.02 Nonconforming Lots**

A. In any zoning district within the Township, notwithstanding limitations imposed by other provisions of this ordinance, a dwelling, structure, or accessory building may be erected; or any existing dwelling, structure, or accessory building may be improved, on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the zoning Board of appeals.

2. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

3. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

4. Effective Date. This ordinance shall take effect and be in force 15 days from and after its enactment as provided below.

Passed and approved by the Township Board of the Township of Arcada,

Michigan, in regular session, held December 8, 2009.

We, the undersigned, Supervisor and Clerk of the Township of Arcada, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance

No. \_\_\_\_\_ of the Township of Arcada, Michigan, was introduced at a regular meeting of the Township Board, held on Dec 8, 2009

Dated at Arcada Township, Michigan, this 8th day of December, 2009.

Douglas Merchant

Douglas Merchant

Township Supervisor

Alfred Silhavy

Alfred Silhavy

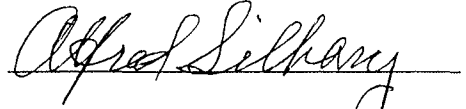
Township Clerk

I, the undersigned, Township Clerk, DO HEREBY CERTIFY that the foregoing and above Ordinance No. \_\_\_\_\_ of the Township of Arcada, Michigan, is a true and compared copy of the original ordinance, now on file in my office, and of the whole thereof; that the same was published within 10 days from its adoption in the Gratiot County Herald, circulated in the Township of Arcada, Michigan, on the 8th day of December A.D., 2009, and that the Affidavit of Publication thereof is now on file in my office and is a part of the original records pertaining to the adoption of the aforesaid ordinance.



I FURTHER CERTIFY, that in accordance with the foregoing ordinance shall take effect 15 days after its enactment as aforesaid.

Dated at Arcada Township, Michigan, this 8<sup>th</sup> day of December, 2009.

A handwritten signature in cursive script, reading "Alfred Silhavy", written over a horizontal line.

Alfred Silhavy, Township Clerk

## Article 15

### SIGNS

#### **Section 15.01 Purpose**

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

#### **Section 15.02 Definitions**

**A. Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.

**B. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.

**C. Sign, Business:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.

**D. Sign, Freestanding:** A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.

**E. Sign, Non-Commercial:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.

**F. Sign, Outdoor Advertising:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.

**G. Sign, Portable:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.

**H. Sign, Real Estate:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.

**I. Sign, Roof:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.

**J. Sign, Wall:** A sign which is attached directly to a building wall, or nonrigid fabric marquee or awning-type structure attached to a building, with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy or awning-type structure.

### **Section 15.03 General Standards**

**A. Sign Area:** The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

**B. Sign Setbacks:** Unless otherwise specified, all freestanding signs shall be setback a minimum distance from all lot lines of at least one half (1/2) the minimum setback distances for principal buildings within the said District. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or lot line.

**C. Sign Height:** The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

**D. Moving Parts:** Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs and barber poles which do not include business messages, are prohibited.

**E. Traffic Hazards:** No sign shall be erected in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the lot line of the parcel on which the sign is located.

**F. Roof Signs:** Roof signs shall not be permitted.

**G. Sign Materials and Maintenance:** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein, and shall be appropriate in appearance with the existing and intended character of their vicinity. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

**H. Lighting:** The internal lighting of signs shall be prohibited except where the Planning Commission determines that internal lighting is the only reasonable option and will not cause a nuisance to surrounding properties. All sign lighting shall comply with the provisions of Section 18.04.

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## **Section 15.04 Signs Permitted in All Districts**

- A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 15.08):
1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
  2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
  3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.
  4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
  5. Regulatory, direction, and street signs erected by a public agency.
  6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or two (2) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
  7. Residential identification signs for single family dwellings, two family dwellings, and home occupations, and residences with family home day care facilities, provided the total square footage of such signs shall not exceed four (4) square feet in area. Home occupation signs in Residential Districts shall be affixed to the wall of the dwelling.
  8. Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet.
  9. Real estate signs advertising a single lot or residence not exceeding an area of four (4) square feet. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
  10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding eighteen (18) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
  11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
  12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed twenty-five (25) square feet in area and are an integral part of the structure.
  13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
  14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
  15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than two (2) days prior to the sale, and are removed within one (1) business day of such sale.
  16. One bulletin board sign is permitted on a site in any District which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any lot line or street right-of-way.

17. Agricultural seasonal sales signs advertising the seasonal sale of agricultural products grown on the same premises as the sign, provided no year round sign exceeds three (3) square feet. One sign up to thirty-two (32) square feet is permitted provided such sign is not displayed for more than one hundred twenty (120) days within any twelve (12) month period.

### **Section 15.05 Signs in Commercial and Industrial Districts**

In addition to the signs permitted pursuant to Section 15.04, the following signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses, or other activity, located on the lot on which the sign is located. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.

#### **B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building shall not exceed one quarter (1/4) square foot for each foot in length or height of the building, whichever is greater. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting the maximum standard of one quarter (1/4) square foot for each foot in length or height of the building. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed one quarter (1/4) square foot for each foot in length or height of the building, whichever is greater, for each building facade.

#### **C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. Area: The maximum total sign area of a freestanding sign shall not exceed one half (1/2) square foot for each foot in length of the building. In the case of a business center, the maximum sign area of a freestanding sign used to identify the business center shall not exceed one (1) square foot for each foot in length of the building(s), but in no case shall such sign exceed two hundred (200) square feet in area.
3. Height: Freestanding signs shall not exceed a height of twelve (12) feet.

### **Section 15.06 Signs in Non-Commercial and Non-Industrial Districts**

In addition to the signs permitted pursuant to Section 15.04, signs for institutions, public uses and buildings, special land uses, business, excluding home occupations, and other uses and/or buildings, shall be permitted in non-Commercial and non-Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.

#### **B. Wall Signs:**

1. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Area: The maximum total sign area of all wall signs upon a building shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area.
3. Height: Wall signs shall not exceed a height of ten (10) feet.

**C. Freestanding Signs:**

1. Number: No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. Area: The maximum sign area of a freestanding sign shall be eighteen (18) square feet
3. Height: Freestanding signs shall not exceed a height of six (6) feet.

**D. Lighting:** No sign in a Conservation or Residential district for a use other than a dwelling shall be illuminated except upon a finding by the Planning Commission that such lighting shall not be a nuisance to surrounding land uses.

**Section 15.07 Outdoor Advertising Signs**

**A.** Outdoor advertising signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to this Act, and the following provisions:

1. Outdoor advertising signs shall be permitted only in the C-2 and I-1 Districts.
2. Outdoor advertising signs are required to comply with the same setback standards as other principal buildings in the District in which they are located.
3. When two (2) or more outdoor advertising signs are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face or V-type structure shall be considered a single sign.
4. The total surface area facing in the same direction of any outdoor advertising sign shall not exceed three hundred (300) square feet.
5. No outdoor advertising sign shall be erected on the roof of any building, nor have a sign above another sign.

**Section 15.08 Nonconforming Signs**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

**Section 15.09 Signs Requiring Permits**

All signs larger in area than twenty (20) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

***End of Article 15***

## Article 16 OFF-STREET PARKING and LOADING

### **Section 16.01 Purpose**

It is the purpose of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference and hazards with public use of streets and alleys, every facility customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

### **Section 16.02 General Requirements**

**A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied shall be documented in a file established for that purpose.

**C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area unless specifically permitted through the issuance of a temporary zoning permit.

**D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Planning Commission for termination of such agreement.

**F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with street traffic. The Planning Commission may increase this length to no more than one hundred fifty (150) feet where the Planning Commission feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two family dwellings.



**G. Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.08.

**H. Prohibited Vehicles in Residential Areas:**

1. No earth moving vehicles, sand and gravel hauling trucks, semi-tractors or trailers, buses or similar large commercial or industrial vehicles shall be parked overnight or otherwise stored on a lot in a Residential District. This provision shall not prohibit the parking or storing of buses for school or church use on parcels upon which the school or church is located, or the parking of construction equipment or vehicles on a parcel on which the equipment or vehicles are required for the completion of construction activities.

**I. Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building and shall be adjacent to a smooth sloping aisle surface of a minimum five (5) feet in width and not exceeding a slope of 1:20 (one foot vertical rise for each 20 feet of horizontal distance) to facilitate access from the vehicle to a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

**Section 16.03 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:**

1. In recognition that certain commercial uses generate significantly heightened demands for parking spaces do to seasonal or holiday shopping patterns, the Planning Commission may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Planning Commission may subsequently require the applicant to construct such parking spaces upon a determination by the Planning Commission that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination by the Planning Commission, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than twenty (20) parking spaces.

**B. Residential Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home.

**C. Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna baths, Judo Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. **Automobile or Machinery Sales and Service Garages:** One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.

4. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
5. **Bowling Alleys:** Three (3) spaces for each alley.

6. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
7. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. **Clinics:** Two (2) spaces for each examination or treatment room.
9. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
10. **Commercial and Institutional Recreational Facilities:** One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each three (3) beds.
12. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. **Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
17. **Laundromat:** One (1) space for every three (3) washing or drying machines.
18. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole.
19. **Motels, Hotels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. **Offices, Business and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
21. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.
22. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
23. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
24. **Restaurant, Drive-Through:** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

#### **D. Industrial Uses:**

1. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
2. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

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**E. Institutional Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** See requirements for auditoriums.
5. **Public Golf Course:** Four (4) spaces for each golf hole.
6. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospital, Sanitarium, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
8. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.

### **Section 16.04 Site Development Requirements**

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

**A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

**B. Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

**C. Surface:** All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body,. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.

**D. Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback, except for a driveway which may cross such setback area in a generally perpendicular manner.

**E. Lighting:** All parking lot lighting shall comply with the applicable provisions of Section 18.04.

**F. Screening:** See Section 17.05.

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**G. Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited except in the case of a single family or two-family dwelling. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if abutting landscaping, or abutting a sidewalk at least seven (7) feet wide.

**Section 16.05 Loading and Unloading Space Requirements**

**A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.03 and shall not be considered as supplying off-street parking space.

**B. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, seventy-five (75) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

Institutional, Commercial, and Office Uses	Spaces Required
Up to 5,000 square feet of gross floor area:	1 space if deemed necessary by the Planning Commission according to operational characteristics.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over:	4 spaces, plus 1 space per each additional 20,000 square feet.
Industrial Uses	Spaces Required
Up to 2,000 square feet of gross floor area:	1 space if deemed necessary by the Planning Commission according to operational characteristics.
2,001 to 20,000 square feet of gross floor area:	1 space.
20,001 square feet of gross floor area and over:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

**C. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

**D. Screening:** All loading and unloading areas which abut another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be adequately screened.

**E. Location:** A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard abuts a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

***End of Article 16***

## **Article 17**

# **LANDSCAPING and SCREENING**

### **Section 17.01 Purpose**

The purpose of this Article is to minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible land uses; regulate the appearance of property abutting public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community and its residential neighborhood areas.

### **Section 17.02 Application**

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article.

### **Section 17.03 Landscape Plan Required**

A detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

### **Section 17.04 Buffer Areas**

**A. Side and Rear Yard Buffer Areas:** All land uses for which a site plan is required shall include a landscape buffer area along all adjoining side and rear yard boundaries. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a landscape buffer.

1. The buffer area shall be a minimum of twenty (20) feet wide and include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. See Section 17.08 regarding requirements for walls and fences. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred fifty (150) linear feet, although such plantings need not be evenly spaced. Heights of walls shall be measured on the side of the proposed wall having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a diameter of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
2. In the case where the lot for which a buffer area is required has side or rear yards that are not adjacent to an Agricultural or Residential District, the site plan review body may lessen or waive the required number of tree plantings and the necessity for a berm, wall, or fence otherwise required by subsection (1) above upon a finding that the lessening or waiving of such buffer measures shall not undermine the compatibility of the proposed use with the existing or future development of adjacent lots or with the desired character of the District in which the proposed use is to be located.

**B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

### **Section 17.05 Parking Lot Landscaping And Screening**

**A.** Parking lots shall be landscaped and screened as follows:

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains five (5) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, a vegetative screen or fence of at least four feet in height shall be installed to fully screen views to the parking area from the neighboring District. Plant materials shall be a height of at least three (3) feet at the time of their planting.

### **Section 17.06 Minimum Standards of Landscape Elements**

**A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**C. Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed around the plant material below the outer edge of the foliage crown, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body. *Within the dripline* shall be interpreted to mean within the circular ground area extending from the base of the tree trunk to the edge of the foliage crown.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated within the crown, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

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### **Section 17.07 Installation, Maintenance And Completion**

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Township Board that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

### **Section 17.08 Fencing and Walls Construction**

**A. Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted.

**B. Walls:** Required walls shall be of masonry design and constructed to facilitate maintenance and not modify natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

### **Section 17.09 Waivers and Modifications**

**A.** Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

**B.** The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

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*End of Article 17*

## Article 18 ENVIRONMENTAL PROTECTION

### **Section 18.01 Purpose**

The purpose of this Article is to promote a healthy environment in Arcada Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

### **Section 18.02 Natural Resources**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Gratiot County Drain Commissioner.
3. Requirements of the Michigan Department of Public Health and the Gratiot County Health Department.
4. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission.

### **B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the lot from which they originate, except in the case of agricultural operations being carried out in conformance with the most current Generally Accepted Agricultural Management Practices published by the Michigan Agriculture Commission. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. Radioactive emissions shall not exceed quantities or levels established as safe by state or federal regulations.

### **C. Sensitive Lands:**

1. Where a portion of a parcel is characterized by wetlands, marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**D. Clearing, Grading, and Drainage:** In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring a zoning permit pursuant to this Ordinance.

1. **Removal of Topsoil:** No topsoil shall be removed from a lot prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.
2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon abutting properties including an abutting street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

### **Section 18.03 Potable Water And Sewage Disposal**

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Gratiot County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

### **Section 18.04 Lighting**

**A.** No lighting shall in any way impair the safe movement of traffic on any street or highway.

**B.** Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.

**C.** In addition to 18.04(A) and (B) above, outdoor lighting shall comply with the following standards except as provided for in Section 18.04(D) below:

1. Lighting shall be designed and constructed to insure that direct and reflected light, unless part of a street lighting or access road lighting program, is confined to the lot or parcel upon which the light source is located.
2. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
  - a. the light source shall not be visible and shall be so arranged to reflect light away from abutting properties.
  - b. in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.
  - c. light rays shall not be emitted by the luminaire in any direction except in a downward direction.
3. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.

- D.** Outdoor lighting which need not comply with the standards of Section 24.04(C) above shall be limited to:
1. Lawn and architectural and decorative lighting provided the light source is less than six (6) feet in height from the closest ground, pavement, or water body.
  2. Seasonal lighting associated with religious holidays, such as Christmas.
  3. Outdoor recreation and amusement areas provided the luminaries are mounted at a sufficient height, designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and are turned off during hours the facility is closed to the public.
  4. Neon lighting.

**Section 18.05 Noise**

**A.** A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

**B.** All measurements shall be made using a sound level meter which meets the requirements of the American National Standard S1.41984, "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

**C.** This Section shall not apply to agricultural operations, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

**Table 18-1**  
A-Weighted Sound Level Limits (Decibels)

Duration, as a percentage of any one hour period.	Districts		Districts	
	Conservation and Residential		Commercial and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
50% or greater:	45	50	55	65
More than 10% but less than 50%:	50	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

**Section 18.06 Vibration**

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the lot of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

**Section 18.07 Glare and Heat**

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any lot line at any time.

***End of Article 18***

## **Article 19**

# **ACCESS STANDARDS and PRIVATE ROADS**

### **Section 19.01 Purpose**

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and the potential for crash or collision or other vehicular or pedestrian accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township.

### **Section 19.02 Lots To Have Access**

All parcels or lots hereinafter created in the Township shall have frontage on a public street, shared private driveway, or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

### **Section 19.03 Curb Cuts And Driveways**

**A.** All plans for structures to be erected, altered, moved or reconstructed, including any use for which a plot plan or site plan is required according to Section 4.02, shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 4.03. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public street or approved private road. Driveways and curb cuts shall, at a minimum, meet the following standards:

1. Driveways shall enter perpendicular to the existing street or road.
2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved by the Planning Commission.
3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency vehicle access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.
5. No driveways providing access to non-residential uses or structures shall cross residentially-zoned property.
6. A residential driveway may be shared by two (2) dwellings, and only upon approval by the Zoning Administrator. No zoning permit shall be issued for a single family dwelling which relies upon the sharing of a driveway for access except where such shared driveway approval has been granted in writing. The Zoning Administrator shall approve such a request for a shared driveway upon satisfactory evidence submitted by the applicant confirming:
  - a. The location of the driveway intersection with a public road has been approved by the Gratiot County Road Commission.
  - b. The driveway shall only have direct access from a public road.
  - c. An access and maintenance easement shall be recorded in the deeds of all parcels that share the driveway providing for such shared access and maintenance responsibilities. The Zoning Administrator shall refer such documents to the Township Attorney for review and comment.
7. No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection (See Figure 19-1). No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on a any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 19-2).

## **Section 19.04 Private Roads**

**A. Private Roads Permitted:** Private roads are permitted provided they conform to the requirements of this Section.

**B. Construction and Design Standards:** The creation of a private road which is not subject to the standards of the Land Division Act shall meet the following standards:

1. **Right-of-Way:** All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current Gratiot County Road Commission's designated right-of-way width for local residential roads. While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-ways or easements.
2. **Cross Section:** All private roads shall meet or exceed the Gratiot County Road Commission's design and construction standards for roads of similar traffic levels except as follows:
  - a. Private roads need not be paved.
  - b. The drivable width of the private road shall be a minimum of twenty (20) feet.
  - c. Centerline radius of a private road shall not be less than seventy-five (75) feet.
  - d. Vertical grades shall not exceed eight percent (8%)
  - e. Private roads with only one connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than one thousand (1,000) feet.
  - f. Though not required to comply with the Gratiot County Road Commission's drainage standards, the private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Gratiot County Road Commission prior to the issuance of a zoning permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.
    - 1) Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Gratiot County Road Commission and/or Gratiot County Drain Commissioner.

**C. Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the County to avoid a duplicate of names and give approval of same.

**D. Traffic Signs:** Regulatory signs (stop, yield, etc.) shall be positioned and installed in accordance with the Michigan Manual Traffic Control Devices on all private roads where such roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

**E. Road Construction Approval Procedure:** No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. **Application:** The applicant shall submit a private road application consisting of the following:
  - a. Fifteen (15) sets of a general property development plot plan complying with the requirements of Section 4.03(A) unless the development requires a site plan pursuant to the requirements of Section 4.02 of this Ordinance. All plans as submitted for approval must show the private road easement including a legal description, and must include the grades for these roads.
  - b. Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future users.



- 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
  - 4) A notice that no public funds of the Township of Arcada are to be used to build, repair, or maintain the private road.
- c. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
- 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
  - 2) A provision that the owners of any and all of the property using 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. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
2. Application Review and Approval or Rejection:
- a. The Zoning Administrator shall review the private road application for completeness and, if complete, send the application to the Planning Commission, Township Board, Gratiot County Road Commission and Township Engineer for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment. The Zoning Administrator shall request the Road Commission and Township Attorney to respond within twenty (20) days of receipt of the materials although the Township Board need not delay action on the application if such response has not been received within such time period.
  - b. The comments and recommendations of the Gratiot County Road Commission, Planning Commission, Township Engineer, and Township Attorney shall be forwarded to the Township Board.
  - c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a private road. When approval is granted, a zoning permit authorizing construction will be issued by the Zoning Administrator. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
  - d. The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved zoning permit. Final approval of the completed private road and zoning permits for any dwellings or buildings on any parcel served by the private road shall not be issued until the developer's licensed engineer or Township engineer certifies to the Township Board that the private road was constructed according to the specifications issued by the Township.

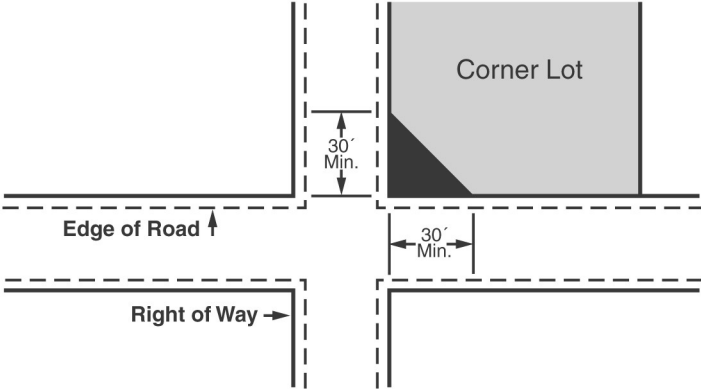
**F. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within two (2) years from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Gratiot County Road Commission, Michigan Department of Transportation, or the Township in its standards and specifications for road construction and development.

**G. Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

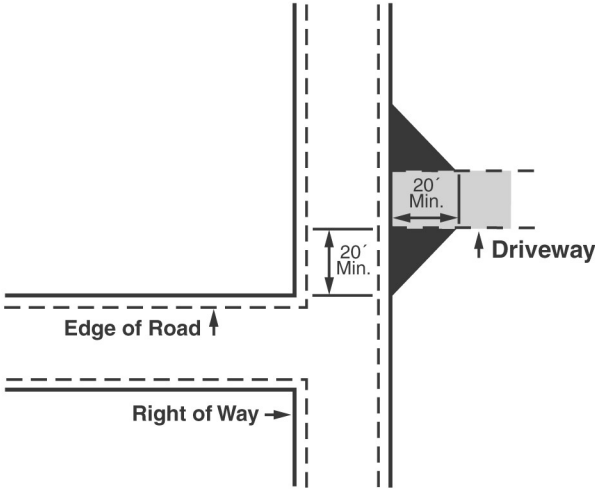
"This parcel of land has private road access across a permanent sixty six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"

**H. Fees:** Application fee for a private road is to be established by the Township Board. Before final approval, the cost of review of plans and inspection by the Township Engineer of the private road and drainage shall be paid for by the applicant/developer.

**Figure 19-1**  
**Clear Vision Area Along Road Intersections**



**Figure 19-2**  
**Clear Vision Area for Driveways**



*End of Article 19*

## Article 20 GENERAL PROVISIONS

### **Section 20.01 Purpose**

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 20.02 Keeping of Horses**

**A.** The raising and keeping of horses shall not be conducted as accessory to the principal residential use of a lot in any Residential District except in compliance with the following requirements:

1. Animals shall be owned and managed by the occupants of the premises.
2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
3. A minimum lot area of two (2) acres is required for the first horse, and an additional one half (1/2) acre is required for each additional horse, but in no case shall the animal density exceed one (1) horse per one (1) acre.
4. Newly born horses may be maintained on said parcel for up to one (1) year provided the keeping of such newly born horses on the premises does not result in a total animal density exceeding one (1) horse per one half (1/2) acre.
5. All animal facilities, including private stables, shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
6. No living quarters shall be located in any stable.

### **Section 20.03 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

### **Section 20.04 Garage Sales**

**A.** Garage sales (rummage sales, yard sales, moving sales, and similar activities) shall be considered temporary accessory uses within any residential zoning district. Such sales shall not require a zoning permit but shall comply with the following:

- a. Any single garage sale shall be allowed for a period not to exceed four (4) days.
- b. In no instance shall more than four (4) garage sales be held in any one location within any twelve (12) month period.
- c. All signs advertising a garage sale shall not be erected or displayed prior to two (2) days before the day of the sale, and shall be removed no later than one (1) day following the sale.

### **Section 20.05 Temporary Dwellings**

**A.** The Zoning Administrator may issue a temporary zoning permit for a temporary dwelling consisting of a mobile home or recreational vehicle, subject to (1), (2), and (3) below. A performance guarantee, the amount to be established by the Township Board, shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the temporary dwelling at termination of the permit.

1. New Construction: When a permanent dwelling is to be constructed upon a lot, a temporary zoning permit may be issued to allow a temporary dwelling be placed on the property, to be used for residential purposes by the landowner during the time which the permanent dwelling is being constructed. Said permit shall be in effect for six (6) months, and a single six (6) month extension may be granted by the Zoning Administrator. Such temporary dwelling shall comply with all setback requirements for principal buildings. No such dwelling shall be located within a front yard except where the Zoning Administrator finds there is no other reasonable alternative.

2. Emergency Housing: When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary zoning permit may be issued to allow a temporary dwelling be placed on the property, to be used for residential purposes by the landowner while the permanent dwelling is being repaired. Said permit shall be in effect for six (6) months, and a single six (6) month extension may be granted by the Zoning Administrator.
3. Medical Reasons: A person(s) may make application to the Zoning Administrator to occupy a temporary dwelling as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating in writing the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Administrator finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. Said permit shall be in effect for six (6) months, and no more than two (2) six-month extensions may be granted by the Zoning Administrator. Such temporary dwelling shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision and shall comply with all setback requirements for principal buildings.

**B.** A temporary zoning permit for a mobile home shall not be granted, for any reason, unless the Zoning Administrator finds:

1. Proposed water supply and sanitary facilities have been approved by the County Health Department where necessary.
2. The temporary dwelling complies with all setback requirements of the District for principal buildings and is not located within a front yard, unless a variance is obtained from the Zoning Board of Appeals.

### **Section 20.06 Accessory Uses, Buildings, and Structures**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:** Accessory buildings and structures shall be set back a minimum of five (5) feet from all front, side and rear yard setbacks, but in no case shall an accessory building or structure be placed in a front yard in a Residential District. On parcels of less than one (1) acres, the above referenced five (5) foot minimum setback shall be increased to ten (10) feet for accessory buildings and structures in excess of eight (8) feet but less than eighteen (18) feet in height, and increased to fifteen (15) feet for accessory buildings and structures of eighteen (18) feet or greater in height.

**D. Height:** No detached accessory structures shall exceed twenty-five (25) feet in height, except that detached accessory structures in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said districts.

**E. Not Permitted Prior to a Principal Structure:** No accessory buildings, structures, or uses shall be erected on a lot or parcel in a Residential District unless there is a principal building, structure or use already being constructed or already established on the same parcel of land. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

**F. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.

### **Section 20.07 One Single-Family Dwelling to a Lot**

No more than one (1) dwelling unit may be permanently established on a lot or parcel unless specifically provided for elsewhere in this Ordinance.

### **Section 20.08 Moving Buildings**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

### **Section 20.09 Flag Lots**

Where there is no other way to gain access to undeveloped land due to limited street frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public road, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 21-2).

### **Section 20.10 Height Requirement Exceptions**

The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

- A.** Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
- B.** Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
- C.** Public utility structures, but not including communication towers, except upon receipt of a zoning permit.

### **Section 20.11 Home Occupation**

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 21 of this Ordinance, shall satisfy the following conditions:

- A.** The area within a dwelling or accessory building devoted to a home occupation shall not occupy an area greater than thirty percent (30%) of the total floor area of the dwelling.
- B.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C.** The home occupation shall not employ more than one (1) person not residing in the home.
- D.** All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
- E.** There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than a permitted sign.
- F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.

**G.** No article or goods shall be sold or offered for sale on the premises except those that are strictly incidental to the principal service offered by the home occupation. However, no such sales on the premises shall cause greater traffic volumes than would normally be expected in a residential neighborhood. (see (F) above)

**H.** The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.

**I.** A zoning permit is required. It shall be issued by the Zoning Administrator upon a finding that the proposed home occupation shall conform to the above requirements and the required fee has been paid. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

### **Section 20.12 Conditional Approvals**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. 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.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning 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.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**E. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

### **Section 20.13 Condominium Subdivisions**

The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

**A. Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

**B. Utilities:** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**C. Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Gratiot County Road Commission or, in the case of a private road, shall conform to the provisions and standards of this Ordinance.

**D. Review and Approval Procedures:**

1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit. The issuance of a zoning permit shall require the submittal and approval of a final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body.
2. Sketch Plan Approval Required: The applicant shall submit a sketch plan pursuant to Section 4.06(A) and the Planning Commission shall act upon the sketch plan pursuant to Section 4.05(B). Upon approval of the sketch plan, the applicant shall submit the approved sketch plan to those outside review agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies may include but not be limited to:
  - a. County Road Commission.
  - b. County Drain Commission.
  - c. County Health Department.
  - d. Michigan Department of Transportation.
  - e. Michigan Department of Natural Resources and Department of Environmental Quality.

The Planning Commission may conclude that any such agency that has not submitted comments to the Planning Commission within thirty (30) days of receipt of such sketch plan has waived its right to do so.

The Zoning Administrator shall request the Road Commission and Township Attorney to respond within twenty (20) days of receipt of the materials although the Township Board need not delay action on the application if such response has not been received within such time period.

3. Site Plan Approval Required: Following submittal of the sketch plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a site plan. The applicant shall submit a site plan which shall be acted upon pursuant to Article 4. The site plan shall include:
  - a. all information required by Section 4.03(B).
  - b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Mater Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
5. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.

**E. Building Permit:** No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

**F. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is submitted to the Township Clerk according to Section 3.07, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township engineer.

**G. Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 51 of 1997, the Land Division Act, as amended.

#### **Section 20.14 Earth Sheltered Homes**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

#### **Section 20.15 Single Family Dwellings**

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

**A.** Single family dwellings shall comply with the minimum floor area requirements of Section 20.17, and shall have a minimum width across every section of sixteen (16) feet. Single family dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.

**B.** All dwellings shall comply with all pertinent building and fire codes, and shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

**C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

**D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.

**E.** All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.

**F.** No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure.



**Section 20.16 Minimum Floor Area for Dwellings**

A. The floor area per dwelling unit erected on any lot or parcel shall not be less than that established by the following table 20.16-1 below. In determining floor area, only area used for living quarters shall be counted. Utility rooms, garages, carports, non-walled and non-roofed porches, laundry areas, heater-rooms, and basements shall be excluded for such calculations.

**Table 20.16-1**

Bedrooms in Dwelling Unit	Minimum Floor Area in Dwelling Unit
Not more than 2 bedrooms	840 square feet (first floor)
3 bedrooms or more	840 sq. ft., plus 120 sq. ft. for each additional bedroom in excess of two.

**Section 20.17 Maintenance of Junk Prohibited**

It shall be unlawful to have, possess, or maintain junk except in the case of junkyard for which a permit has been issued pursuant to this Ordinance.

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***End of Article 20***

## Article 21 DEFINITIONS

### **Section 21.01 Construction of Language**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and both include any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. 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," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Arcada in the County of Gratiot, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

### **Section 21.02 DEFINITIONS**

**Accessory Building or Structure:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Agricultural Service Establishments:** Establishments which engage in performing agricultural, 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 shelling; 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; veterinary services; and facilities used in the research and testing of farm products and techniques.

**Agriculture:** The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

## ARCADA TOWNSHIP ZONING ORDINANCE

**Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

**Arcade:** Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

**Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists or travelers, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

**Building Height:** In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (*see Figure 21-3 at end of this Section*). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.

**Building Inspector:** An individual hired by Gratiot County to administer the local, county and state building codes.

**Cemetery:** Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the county and state building codes.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**Composting Center:** An establishment principally involved in the biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat, and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

**Concentrated Livestock Operations:** An operation where live animals or poultry are concentrated or restricted to an area more limited than to natural feeding habitats and containing one or more of the following:

- a. A total of three hundred fifty (350) dairy cattle (all classes), five hundred (500) slaughter or feeder cattle, one thousand two hundred fifty (1,250) swine each weighing fifty five (55) pounds or more, two hundred fifty (250) horses, five thousand (5,000) sheep or lambs, twenty seven thousand five hundred (27,500) turkeys, fifty thousand (50,000) laying hens or broilers (with continuous overflow feeding), fifteen thousand (15,000) laying hens or broilers (with a liquid manure system), twenty five hundred (2,500) ducks, or a combination of the above equal to or exceeding 500 animal units; or
- b. A population per acre of at least three (3) dairy cattle, four (4) slaughter or feeder cattle, ten (10) swine (55 pounds or more), four hundred (400) laying hens or broilers, forty (40) sheep or lambs, two hundred (200) turkeys, two (2) horses, or a combination of the above equal to or exceeding four (4) animal units per acre.

For the purpose of this Ordinance, one (1) animal unit shall be equivalent to approximately one thousand (1,000) pounds of live body weight.

## ARCADA TOWNSHIP ZONING ORDINANCE

- Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).
- Condominium Subdivision ("Site Condo"):** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.
- Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.
- Condominium Unit:** That portion of a condominium project or condominium subdivision which is 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, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.
- Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:
- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
  - b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".
- Drive-in Establishment:** A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Gratiot County Road Commission or State of Michigan.
- Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a permanent residential dwelling.
- Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.
- Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.
- Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.
- Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

## ARCADA TOWNSHIP ZONING ORDINANCE

**Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Towers, including wireless communication facilities, shall not be interpreted as essential services.

**Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.

**Extraction Operation:** The removal, extraction, or mining of oil, natural gas, sand, gravel, or other naturally occurring mineral where such material is taken off of the parcel from which it was extracted.

### **Family:**

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Family Day-Care Home:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children 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. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

**Farm:** Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the 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 for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Foster Care Facility (also referred to as State Licensed Residential Facilities):** A structure constructed for residential purposes that is licensed by the state pursuant to P.A. 287 of 1972, as amended, which provides resident services for persons under twenty-four (24) - hour care for persons in need of that supervision or care. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

- a. Family Home: A facility which provides foster care to six (6) or fewer persons.
- b. Group Home: A facility which provides foster care to seven (7) or more persons.

## ARCADA TOWNSHIP ZONING ORDINANCE

**Frontage:** The total continuous length of the line separating said lot from the public or private right-of-way, and frequently identical to the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Group Day Care Home:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (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. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

**Home Occupation:** An occupation or profession conducted entirely within a dwelling or accessory building which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling or residential lot, and meets all applicable provisions of this Ordinance.

**Hospital:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

**Hotel:** See "Motel."

**Hunt Club:** An area where wildlife are maintained for hunting by club members.

**Junk Yard:** Any land use which involves the storage, dismantling, processing or sale of motor vehicles, farm equipment, construction equipment, machinery, tools, household appliances, or any parts of any of the foregoing; scrap metal or any other item or material including cast-off items and excess building materials; which items are damaged, defective, decrepit, incomplete or in any way unfit for sale and use as is for their originally intended purpose.

**Kennel:** A lot or premises on which three (3) or more dogs, or three (3) or more cats, or three (3) or more similar animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer.

**Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. *(see Figure 21-1 at end of this Section)*.

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way adjoining any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.

**Lot, Corner:** Any lot having at least two (2) contiguous sides adjoining upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. *(see Figure 21-1 at end of this Section)*.

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. *(see Figure 21-2 at end of this Section)*

**Lot, Flag:** A lot whose access to a public or private road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. *(see Figures 21-1 and 21-2 at end of this Section)*

## ARCADA TOWNSHIP ZONING ORDINANCE

**Lot Lines:** The lines bounding a lot or parcel (*see Figure 21-2 at end of this Section*).

- a. **Lot Line, Front:** In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (*see Figure 21-2 at end of this Section*).
- b. **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 at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 21-2 at end of this Section*).
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 21-2 at end of this Section*).

**Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Gratiot County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Gratiot County Register of Deeds prior to the adoption or amendment of this Ordinance.

**Lot, Through:** A lot having frontage on two (2) roads other than a corner lot (*see Figure 21-1 at end of this Section*). **Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (*see Figure 21-2 at end of this Section*).

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Mobile Home Park or Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which 3 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient\_automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.



ARCADA TOWNSHIP ZONING ORDINANCE

**Nonconforming Building or Structure:** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Outdoor Commercial Recreation:** Recreation activities typically carried out outdoors and for which a fee or other remuneration is paid including, but not necessarily limited to campgrounds, golf courses and country clubs; sports fields, shooting ranges and hunt clubs.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**Person Aggrieved:** A person aggrieved shall be any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages" as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1967, as amended, or a prior statute.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

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

**Restaurant, Drive-In:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-in restaurant may or may not also have indoor seating, and may also be referred to as a drive-through restaurant.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and adjoining land.

## ARCADA TOWNSHIP ZONING ORDINANCE

**Road:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to adjoining property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. The term "road" also includes the term "street."

**Road, Private:** A private way or means of approach, not dedicated for general public use, and meets the requirements of this Ordinance.

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Gratiot County Road Commission, State of Michigan, or federal government.

**Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

**Service Station, Multiple Use:** A place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

**Setback:** The distance between the road right-of-way or the side or rear lot line and the nearest supporting member of a structure on the lot.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of bow and arrow or firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 15: Signs, for additional definitions pertaining to signs.*)

**Site Plan:** A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration and does not meet all of the definition requirements of a private stable, as defined in this Ordinance. That aspect of a farm where horses are bred or reared shall not be interpreted as a commercial stable.

**Stable, Private:** An accessory structure and/or land use that meets all of the following conditions:

- a. horses are kept either for private use by the occupants of the parcel or are bred, reared, trained and/or boarded for remuneration;
- b. horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers are not part of the operations or activities of such structure or use; and
- c. no more than twenty (20) horses are maintained on the lot or parcel at any single time nor do such animals exceed the maximum animal density requirements of Section 20.02.

That aspect of a farm where horses are bred or reared shall not be interpreted as a private stable.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Street:** See "Road."

## ARCADA TOWNSHIP ZONING ORDINANCE

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

**Truck Terminal:** A structure or unenclosed area to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be or divided for delivery in larger or smaller units to other points, or for distribution or division involving transfer to other modes of transportation. A truck terminal may include servicing and repairing of trucks provided such activities are clearly incidental to the principal purpose of the terminal.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty.

**Vehicle Repair Shop:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and vehicle painting.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories, testing services, and offices.

**Yard:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-2 at end of this Section*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

Figure 21-1  
LOT TYPES

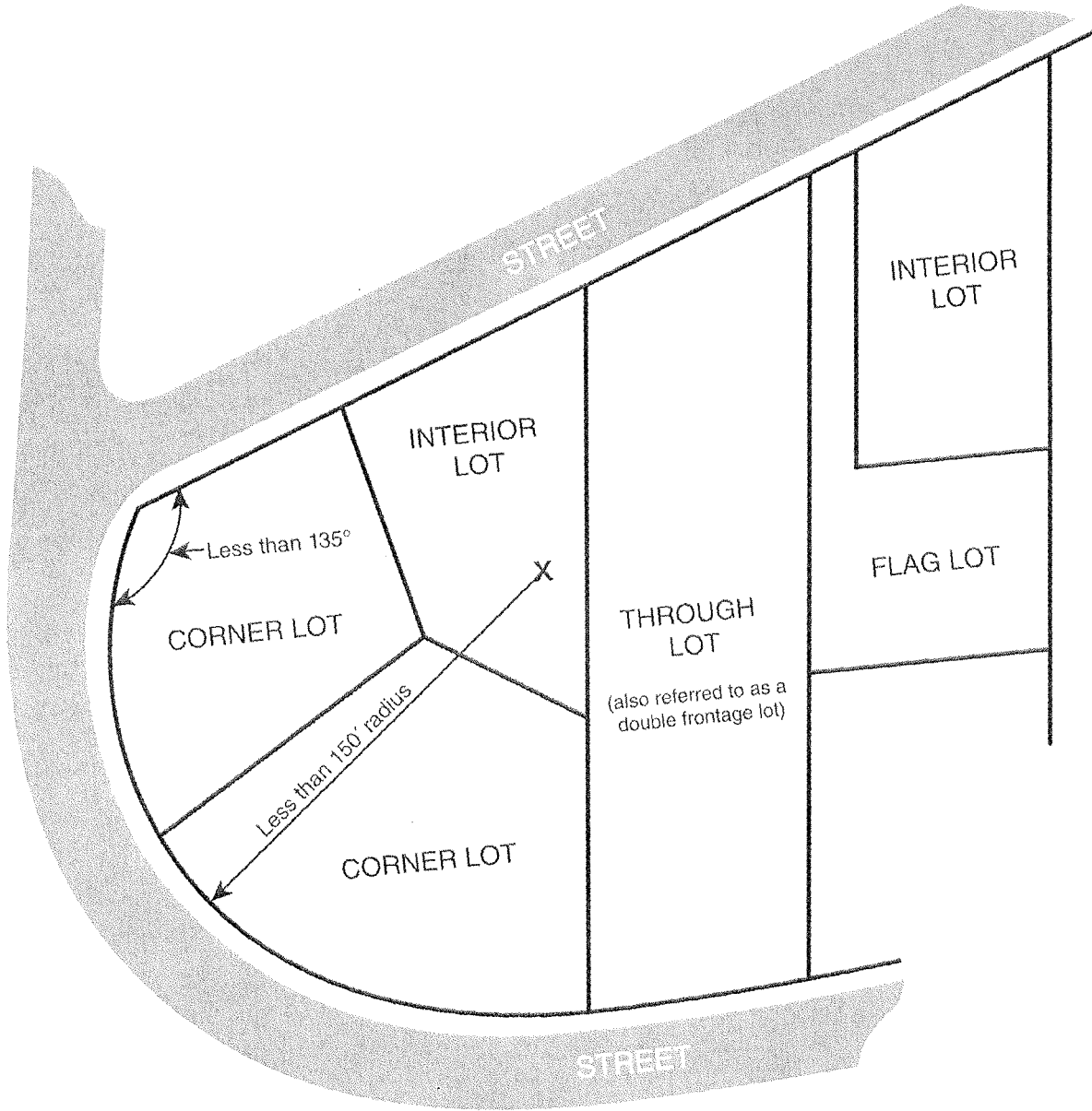
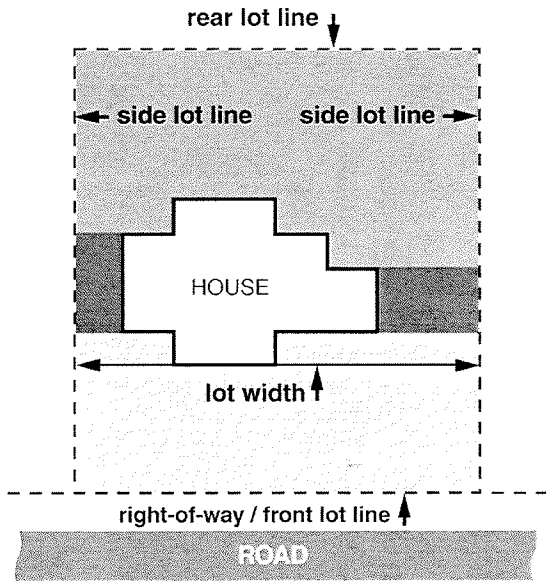
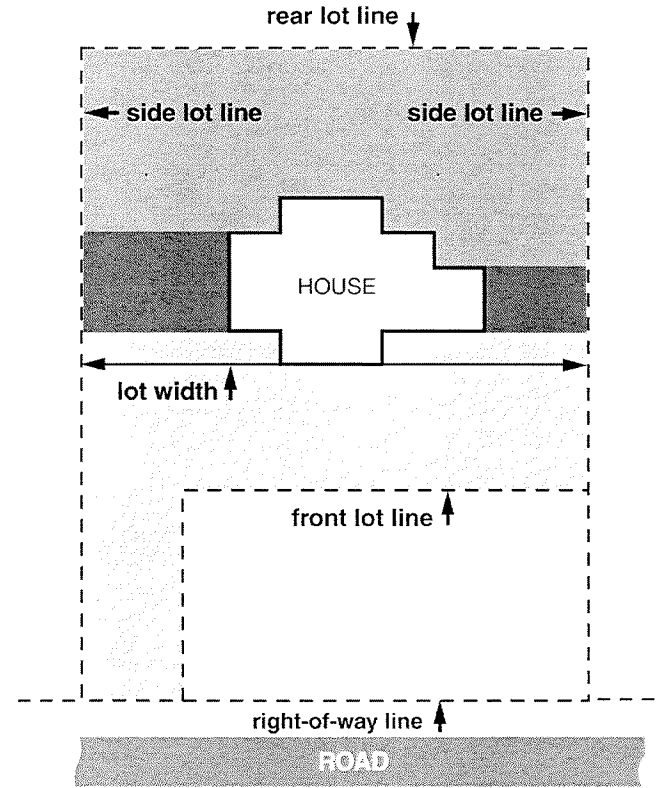
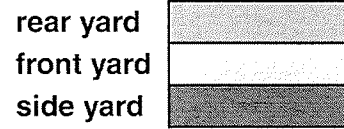


Figure 21-2  
LOT LINES and YARDS

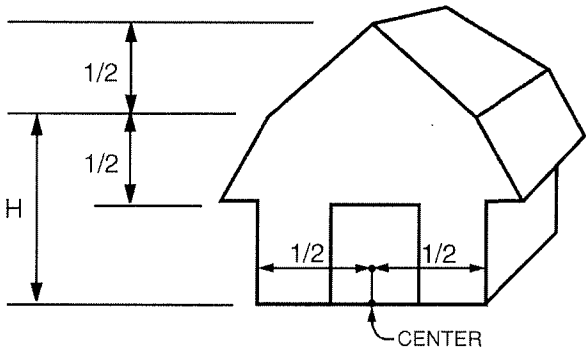


TYPICAL LOT / PARCEL

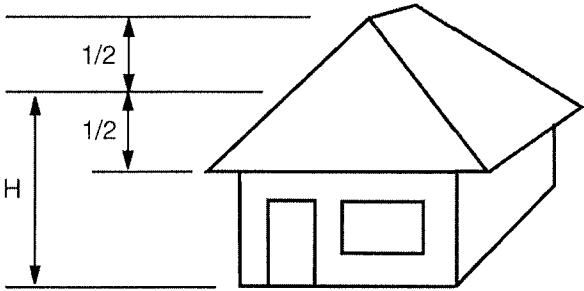


FLAG LOT / PARCEL

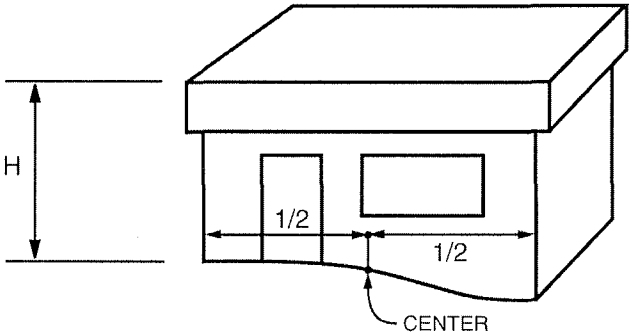
Figure 21-3  
BUILDING HEIGHTS



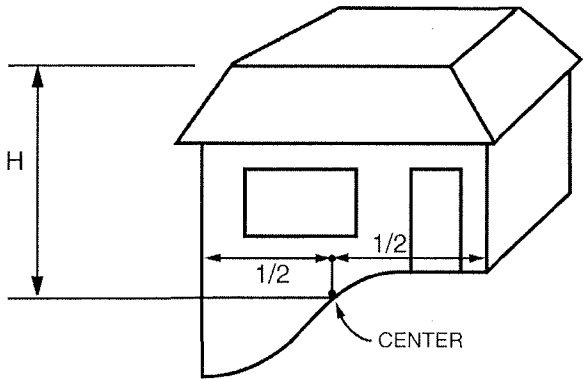
GAMBREL ROOF



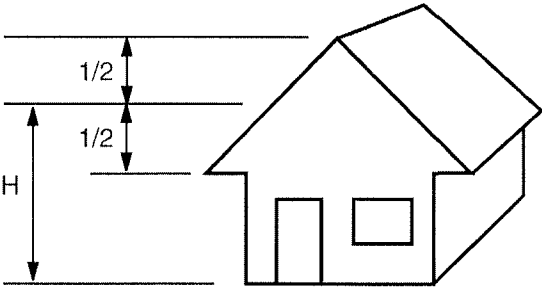
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

End of Article 21

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP  
OF ARCADA TO PROVIDE FOR THE SITING, CONSTRUCTION AND  
OPERATION OF WIND ENERGY FACILITIES AS A SPECIAL USE**

The township of Arcada ordains:

1. Section \_\_\_ of the zoning ordinance is hereby amended by the addition of the following definitions:

**SECTION \_\_\_: WIND ENERGY FACILITY SPECIAL USE DEFINITIONS**

**Alternative Energy** – Renewable energy sources, such as wind, flowing water, solar energy and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.

**Ambient** – Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

**ANSI** – American National Standards Institute.

**Legislative Body**– The township board of the township of Arcada.

**db(A)** – The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel** – The unit of measure used to express the magnitude of sound pressure and sound intensity.

**FAA** – The Federal Aviation Administration.

**Hub Height** – When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub.

Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

**IEC** – International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**Wind Energy Conversion Facility, (WECF) or Wind Energy Facility** – An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

**Wind Energy Facility Site Permit** – A permit issued upon compliance with the standards enunciated in this Section

**Wind Energy Overlay District** – Districts created by the legislative body upon receiving a recommendation from the Planning Commission, by identifying specific areas within the County best situated for development of wind energy facilities. This District will be defined by the township of Arcada Wind Energy Overlay District Map, as approved by the Planning Commission.

**Wind Energy Overlay District Map** – This will be a Map showing the areas that are considered to be acceptable siting locations for Wind Energy Facilities. This overlay Map will be created and approved by the Planning Commission. This Map will also include exclusionary zones that are considered to be unsuitable for location of these facilities.

**Wind Energy System** – A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**Wind Site Assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.



e. Anticipated construction date and anticipated completion date

f. The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgement is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an "Acknowledgement Letter" that documents this understanding and has been signed by the lessor.

2. *Application Material.* The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility.

a. Applicant shall show evidence of compliance with applicable statutes and County ordinances including, but not limited to:

- i. Part 31 Water Resources Protection (M.C.L.324.3101 et seq.),
- ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.), and the corresponding County ordinance.
- iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
- iv. Part 303 Wetlands (M.C.L. 324.30301 et seq.),
- v. All other applicable laws and rules in force at the time of Application
- vi. Gratiot Community Airport Zoning Ordinance

b. *Visual Appearance, Lighting, Power lines.* The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

i. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc).

ii. Wind turbines and meteorological towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

4. *Compliance with Wind Energy Site Permit:* Following the completion of constructions, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit. (GIS overlay)

5. *Wind Turbine/Tower Height:* The applicant shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and local airport zoning as part of the approval process.

6. *Noise:* Wind Energy Facilities shall not exceed 55 db(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

7. *Minimum Ground Clearance:* The blade tip of any Wind turbine shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.

8. *Signal Interference:* No large scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

9. *Safety*

a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

b. Wind turbine towers shall not be climbable on the exterior.

c. All access doors to wind turbine towers and electrical equipment shall be lockable.

d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

e. Appropriate signage for emergency contact information shall be located at the wind turbine tower.

10. *Transportation:* Submit a copy of a proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction;

provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to the Zoning Ordinance.

### **2.3 Overlay District**

After designation as a Wind Energy Overlay District, new uses within the “overlay” area shall be limited to those uses identified within the applicable zoning district and Wind Energy Facilities, subject to any additional standards of this Section.

## **3. APPLICABILITY**

The requirements in this ordinance shall apply to all Wind Energy Conversion Facilities, which shall be permitted as a special use in a Wind Energy Facility’s Overlay District. Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a wind energy facility.

## **4. CERTIFICATION**

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices. Applicant shall provide as-built GIS shape file, electronic file, and paper site plan.

## **5. INSPECTIONS**

The applicant’s maintenance and inspection records shall be generated annually and are subject to audit by the township. Inspection Reports shall contain current contact information and be updated whenever the contact information changes.

## **6. DECOMMISSIONING**

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance

  
\_\_\_\_\_

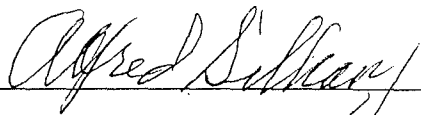
Alfred Silhavy:

Clerk

I, the undersigned, Township Clerk, DO HEREBY CERTIFY that the foregoing and above Ordinance No. \_\_\_\_\_ of the Township of Arcada, Michigan, is a true and compared copy of the original ordinance, now on file in my office, and of the whole thereof; that the same was published within 10 days from its adoption in the Gratiot County Herald, circulated in the Township of Arcada, Michigan, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_, and that the Affidavit of Publication thereof is now on file in my office and is a part of the original records pertaining to the adoption of the aforesaid ordinance.

I FURTHER CERTIFY, that in accordance with the foregoing ordinance shall take effect 15 days after its enactment as aforesaid.

Dated at Arcada Township, Michigan, this 8th day of December, 2009.

  
\_\_\_\_\_

Alfred Silhavy, Township Clerk