

**ZONING ORDINANCE  
TOWNSHIP OF ARCADIA  
LAPEER COUNTY, MICHIGAN**

**Ordinance No. 100**

**A ZONING ORDINANCE** to regulate the use of land and buildings by dividing the Township into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, agriculture, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of housing; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended.

**THE TOWNSHIP OF ARCADIA ORDAINS:**

**ARTICLE I  
SCOPE OF ORDINANCE**

Section 1.01. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

## **ARTICLE II ADMINISTRATION**

### Section 2.01. OVERVIEW.

The Township Board or its duly appointed representative as specified in this Article is hereby charged with the duty of enforcing the provisions of the Ordinance. Accordingly, the administration of this Ordinance is hereby given to the following township entities:

- A. Township Board of Trustees
- B. Township Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Administrator

The purpose of this Article is to set forth the responsibilities and scope of authority of these entities.

### Section 2.02. TOWNSHIP BOARD OF TRUSTEES.

- A. Adoption of Zoning Ordinance and Amendments

Pursuant to the authority granted by the Zoning Enabling Act, Public Act 110 of 2006, as may be amended, the Township Board shall have the authority to adopt this Ordinance, as well as any amendments to this Ordinance previously reviewed by the Planning Commission at a public hearing or as decreed by a court of jurisdiction.

- B. Review and Approval of Subdivision Plats

Pursuant to the authority granted by the Subdivision Control Act, Public Act 288 of 1967, as may be amended, the Township Board shall review and approve all preliminary and final subdivision plats after review and recommendation by the Planning Commission.

- C. Waivers

The Township Board shall have the right to provide a waiver to any section of this Ordinance that specifically grants this authority.

- D. Fees and/or Deposits

Pursuant to Public Act 110 of 2006, as may be amended, the Township Board shall have the authority to set all fees related to permits, applications, and any other requests for action as set forth in this Ordinance. In the event the Township Board has not set a fee for a specific permit, application, or action, the Zoning Administrator shall assess the appropriate fee based on the estimated cost of processing and reviewing the permit, application or action.

- E. Approval of Planning Commission Members

In accordance with Public Act 110 of 2006, as may be amended, members of the Planning Commission shall be appointed by the Township Supervisor and approved by the Township Board.

F. Approval of the Zoning Board of Appeals

In accordance with Public Act 110 of 2006, as may be amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor and approved by the Township Board.

G. Other Duties as Assigned

The Township Board shall fulfill other duties and responsibilities as are delegated to it by Township Ordinances and any state statutes.

Section 2.03. PLANNING COMMISSION.

A. Establishment

Pursuant to Public Act 110 of 2006, as may be amended, the Planning Commission of Arcadia Township shall be established and given authority to exercise jurisdiction over the unincorporated area of Arcadia Township as outlined in the Act.

B. Membership

1. The Planning Commission shall consist of seven members. One member may be a member of the Township Board. That member shall not be an elected officer of the Township Board or an employee of the legislative body.
2. Members of the Commission shall be electors of the Township who are representative of the community.
3. Each member shall be appointed by the Township Supervisor and approved by the Township Board.
4. Terms of membership shall be three years, except if the Township board member's appointment to the Township Board expires prior to completing their three-year term.
5. Vacancies will be filled in the same manner as allowed by this section for the remainder of the uncompleted term.
6. Members who have more than three unexcused absences within a calendar year will be expected to resign from the Commission. An unexcused absence is defined as missing a scheduled Planning Commission meeting without prior notification to either the Planning Commission Chair or Secretary.
7. Members may be removed by the Township Supervisor, with the approval of the Township Board, after a public hearing.

C. Operation

1. Officers

- (a) Planning Commission shall elect a Chairman, Vice Chairman, and Secretary in accordance with public Act 110 of 2006, as may be amended.
- (b) The officers shall be elected by the membership of the Planning Commission at the regular January meeting of the Commission.
- (c) Each officer shall serve for one year or until his successor shall take office.
- (d) The Township Board member who serves on the Planning Commission shall not be eligible to serve as an officer.

2. Meetings

- (a) Meeting dates for the Planning Commission shall be adopted at the last regularly scheduled meeting of the previous year.
- (b) Pursuant to Public Act 110 of 2006, as may be amended, at least two meetings a year shall be required. These meetings shall be designated the annual meeting at which any person may be heard on any matter relating to zoning or planning in the Township.
- (c) A majority of the members must be present to constitute a quorum for any meeting.
- (d) A special meeting may be called by the chairman, by any two members of the Commission who submit a written request, or by any petitioner. Any petitioner who requests a special meeting shall be liable for the full costs of the meeting.
- (e) All meetings are subject to the Open Meetings Act, Public Act 267 of 1976, and the Freedom of Information Act, Public Act 442 of 1976, as may be amended.

D. Jurisdiction

1. Formulation of Zoning Ordinance and Amendments

The Planning commission shall be responsible for the formulation of the Zoning Ordinance to include the official Arcadia Township Zoning Map, review of amendments to either the Zoning Ordinance or Map and hold a public hearing on any proposed Zoning Ordinance or amendments to the Ordinance or Map. A report outlining any findings and the Planning Commission's recommendation shall be forwarded to the Township Board.

2. Site Plan Review

The Planning Commission shall be responsible for the review and approval of certain site plans as outlined in this Ordinance. The Commission shall grant or deny final approval for such site plans. Modifications may be required to the site plan before final approval is granted.

3. Special Approval Land Use Review

The Planning Commission shall be responsible for holding a public hearing and reviewing all applications for Special Approval Uses as outlined in this Ordinance and in accordance with Public Act 110 of 2006, as may be amended. The Planning commission may attach reasonable conditions to any approvals granted.

4. Subdivision Plats

The Planning Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification, or denial of such plat proposals to the Township Board.

5. Formulation of a Basic Plan

The Planning Commission shall be responsible for the formulation and adoption of a basic plan (i.e., Arcadia Township Master Land Use Plan) as a guide for the development of the Township, in accordance with the Township Planning Act, Public Act 263 of 2002, as may be amended.

6. Report on the Operation of the Zoning Ordinance

Pursuant to Public Act 110 of 2006, as may be amended, the Planning Commission shall prepare a report for the Township Board at least once per year on the administration and enforcement of the Zoning Ordinance, as well as any recommendations for amendments or supplements to the Ordinance.

7. Other Duties as Assigned

The Planning Commission shall fulfill other duties and responsibilities as are delegated to it by the Township Board, Township Ordinances, and any state statutes.

#### Section 2.04. ZONING BOARD OF APPEALS

E. Establishment

Pursuant to Public Act 110 of 2006, as may be amended, the Arcadia Township Zoning Board of Appeals shall be established and given authority to exercise jurisdiction over the unincorporated area of Arcadia Township as outlined in the Act.

F. Membership

1. The Zoning Board of Appeals shall consist of five members. One member may be a member of the Township Board and one member may be a member of the Planning Commission. The three remaining members shall be electors of the Township who are not employees or contractors of the Township but are representative of the community.
2. Each member shall be appointed by the Township Supervisor and approved by the Township Board.
3. Terms of membership shall be three years, except if the Township Board or Planning Commission member's appointment to the Board or Commission expires prior to completing their three-year term.
4. Vacancies will be filled in the same manner as allowed by this section for the remainder of the uncompleted term.
5. Members who have more than three unexcused absences will be expected to resign from the Zoning Board of Appeals.
6. Members may be removed by the Township Supervisor, with the approval of the Township Board, after a hearing.

G. Operation

1. Officers
  - (a) The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary.
  - (b) The officers shall be elected yearly by the membership of the Zoning Board of Appeals.
  - (c) The Township Board member who serves on the Zoning Board of Appeals shall not be eligible to serve as an officer.
  - (d) The Township Board may appoint two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member 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 or more consecutive meetings of the Zoning Board of Appeals or is absent from 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 as 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. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting right as a regular member of the Zoning Board of Appeals. (Ord. No. 101 eff. 01-19-94).

## 2. Meetings

- (a) Meeting shall be held at the call of the chairperson.
- (b) The majority of the members must be present to constitute a quorum for any meeting.
- (c) All meetings are subject to the Open Meetings Act, Public Act 267 of 1976, and the Freedom of Information Act, Public Act 442 of 1976, as may be amended.

## H. Powers

The Zoning Board of Appeals shall have the power to vary or modify any ordinance provision whenever there are practical difficulties imposed on the property owner if the strict letter of the Ordinance is carried out. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

## I. Appeals

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal any ordinance provision or any final decision of the Zoning Administrator or the Planning Commission. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall also give notice to property owners and occupants of all structures within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail or personal delivery and shall be sent to the property owners as shown on the latest tax assessment roll. Notice shall be given at least fifteen (15) days prior to the hearing in accordance with Public Act 110 of 2006, as may be amended.

## J. Decisions

The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making the decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. No variance may be granted or decision overruled unless at least three (3) members vote in favor thereof. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance. The Zoning Board of Appeals shall state the grounds of each decision, which shall be based on the following:

- 1. That compliance with the Ordinance creates a practical difficulty.
- 2. That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district.
- 3. That the problem is not self-inflicted.
- 4. That the variance is the minimum necessary to permit reasonable use of the property.
- 5. That the variance, if granted, would not compromise the public health, safety, and welfare.

K. Conditions of Approval

Any conditions of approval imposed by the Zoning Board of Appeals shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing 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 ensure compliance with those standards.

Section 2.05. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 2.06. ZONING COMPLIANCE PERMITS. A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change in the use of any land, structure, or building is undertaken within the Township.

A. Application

A zoning compliance permit shall be applied for in writing on an application form provided by the Township.

B. Issuance

A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

C. Private Covenants

The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.

D. Invalid Permits

Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be invalid and void.

E. Fees

The amount of any fees charged for zoning compliance permits or inspections shall be established by the Township Board.

(Ord. No. 114 eff. 12-19-06)



## **ARTICLE III ZONING DISTRICTS**

Section 3.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AR	Agricultural Residential
R-1	Single-Family Residential
RM	Multiple-Family Residential
RMH	Mobile Home Park Residential
REC	Recreational
C	Commercial
I	Industrial

Section 3.02. ZONING MAP. The boundaries of the zoning districts are those shown on the zoning map which is attached to and made a part of this Ordinance.

Section 3.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as “principal uses permitted” are prohibited in that district, unless they are listed as “uses permitted after special approval in the district.”

Section 3.04. USES PERMITTED AFTER SPECIAL APPROVAL. All uses of land or structures listed as “uses permitted after special approval” are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article XIV.

## **ARTICLE IV**

### **AR, AGRICULTURAL RESIDENTIAL DISTRICT**

#### Section 4.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses.
- B. Single-family detached dwellings (subject to Section 11.06).
- C. Keeping of livestock (subject to the limitation of Section 11.16).
- D. Township government buildings and uses.
- E. Family day care homes and adult foster care homes caring for six (6) or fewer persons.
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.

#### Section 4.02. USES PERMITTED AFTER SPECIAL APPROVAL.

A. Home Occupations. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to all of the following conditions:

- 1. Not more than one (1) person outside of the family residing at the location shall be engaged in such operation.
- 2. The Home Occupation shall be clearly incidental and subordinate to the residential use.
  - (a) No home occupation shall have an electrical service that exceeds 200 amps or is fused at greater than 200 amps for the purpose of the home occupation.
- 3. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto. Not more than twenty five percent (25%) of the area of the dwelling unit may be used for purposes of the home occupation. Accessory structures may be used for purposes of the home occupation.
- 4. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation except for signage as discussed in Section 9 below. There shall be no external or internal alterations to the dwelling not customary in residential areas.
- 5. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- 6. Traffic generated by a home occupation shall not be greater in volume than that normally expected for such a residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in *ARTICLE 13.01 – OFF-STREET PARKING AND LOADING REGULATIONS* and provided the parking spaces shall not be located in the required front yard.

7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.

9. Any signage associated with the home occupation, with the exception of medical marijuana, must meet the requirements of Arcadia Township Sign Ordinance No. 701.

10. Must have a potable water supply and wastewater disposal system approved by the Lapeer County Health Department and that meets current State of Michigan wastewater disposal standards.

11. Examples of Home Occupations permitted, but not limited to, are:

- a) Tailoring
- b) Sculpturing and painting
- c) Writing
- d) Telephone Answering
- e) Computer Programming
- f) Home Crafts
- g) Income Tax Assistance
- h) Music Lessons
- i) Repair and rebuilding of lawnmowers and repair of small engines and motors.
- j) Barber Shops and Beauty Shops.
- k) Licensed childcare in the home
- l) Woodworking
- m) Medical Marijuana, specified below

12. Examples NOT considered Home Occupations, but which may be considered as a special land use in allowed zoning districts are:

- a) Automotive Repair, Paint Shops, or Detailing Establishments
- b) Commercial Child Care Centers
- c) Dog Grooming Services or Kennels
- d) Medical Laboratories
- e) Outdoor Repair of large equipment
- f) Real Estate Office

13. Medical Marijuana Home Occupation shall mean the medical use of marijuana conducted (1) in compliance with the Michigan Medical Marijuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. and the provisions of this section; and (2) at a dwelling unit by a single primary caregiver who is also an owner AND resident of the dwelling unit as an accessory use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

- a) In the event that a court with jurisdiction declares some or all of this article invalid, then the township of Arcadia may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.

- b) The Township of Arcadia may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, or the terms of the special use permit are not met.
- c) Marijuana establishments prohibited
  - 1. Any and all types of a “marijuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marijuana Act, are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.
  - 2. Any and all types of “marijuana facilities” as described in Act 281 of 2016, the Medical Marijuana Facilities Licensing Act are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.
  - 3. Nothing in this Section 14.02 shall limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan Medical Marijuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
- d) Medical marijuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- e) All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
- f) Minimum Lot Size and setbacks. A minimum lot size of two acres shall apply to all Medical Marijuana Home Occupation sites. A minimum yard distance from lot lines shall be 50 feet from the rear and side yards and a front setback of 100 feet for any structure used for marijuana production. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines.
- g) Indoor Production and Processing. In the Agricultural Residential district, marijuana production shall be located entirely within one completely enclosed accessory building, with no more than 1200 square feet of dedicated grown area. In the Agricultural Residential district, marijuana processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.

- h) Lighting. Lighting shall be regulated as follows:
  - 1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
  - 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
- i) Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
  - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  - 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
  - 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
  - 4. Negative air pressure shall be maintained inside the building.
  - 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - 6. An alternative odor control system is permitted if the special use permit applicant submits, and the municipality accepts, a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- j) Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- k) The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.
- l) A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marijuana is taking place on the

premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

- m) Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marijuana.
- n) Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
- o) No one under the age of 18 years shall have access to medical marijuana.
- p) A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or used onsite. SDS sheets shall be provided for all chemicals stored or used onsite. An inventory of the chemicals, including quantity and location, shall be provided.
- q) No more than one caregiver per residence will be accepted.
- r) A caregiver cultivating marijuana for medical use in the Township must submit proof (as part of the Zoning Permit application) that he or she is a properly licensed caregiver with the State of Michigan.
- s) A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
- t) The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit that is renewable on a biannual basis, and payment of a reasonable biannual application fee set by the Township.
- u) Reside/resident. The place that you live in as your permanent residence and if absent intent to return. It shall be the address that appears on your driver's license or Michigan Identification Card, as well as on your voter registration card. Vacation homes, seasonal homes, and income property are not considered where you reside.

14. Any proposed Home Occupation may be approved, approved with conditions, or denied by the Township Planning Commission based on the criteria established for Home Occupation use. The request will be considered upon completion of an information sheet, provided to the prospective operator, requiring a written description of the proposed business activity and then presented to the Township Planning Commission at a regularly scheduled meeting.

15. A Home Occupation shall terminate (i) when the original operator discontinues or changes the nature of the business; (ii) when the original operator no longer owns the subject

property; or (iii) upon a finding by the Township that the provisions of the special use standards in this section, all other applicable provisions of the zoning ordinance, or the terms of the special use permit are not met.

16. The property, accessory building, dwelling and all enclosed, locked facilities shall be available for inspection and approval to ensure compliance with all applicable requirements and laws, upon request by the Township Supervisor or his or her designee at any time between 9am and 5pm Monday through Friday. (Adopted July 7, 2021)

## B. Dog Kennels

Dog kennels may be allowed as special land uses in the AR Agricultural-Residential zoning district, pursuant to Article 16, subject to the following requirements:

### 1. Definitions

- a) Kennel, Commercial: Any lot or premises used for the keeping, breeding, sale, boarding, or treatment of more than ten (10) adult dogs.
- b) Kennel, Hobby: Any lot or premises used for the keeping or breeding of more than three (3) but less than eleven (11) adult dogs for non-commercial purposes.
- c) Dog, Adult: Any dog which is more than four (4) months old.

### 2. Site Requirements

- a) A hobby kennel shall be located on a lot with a minimum size of five (5) acres.
- b) Commercial kennels shall be located on a lot at least four hundred (400) feet in width and shall have a minimum lot size of five (5) acres for the first ten (10) dogs and an additional one-third (1/3) acre for each additional dog.
- c) Buildings where dogs are kept, runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential lot line or any adjacent building used by the general public and shall not be located in any required front or side yard setback areas.

### 3. Performance Standards

- a) All kennels shall be operated in conformance with all applicable county, state, and federal regulations. All dogs shall be licensed.
- b) Hobby kennels shall only house dogs owned by the occupant of a dwelling on the site.
- c) Any kennel building used to house dogs shall be insulated in such a manner that animal noises are minimized.
- d) Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.

- e) Exercise yards, when provided for training or exercising shall not be used between the hours of 8:00 p.m. and 7:00 a.m.
- f) During the hours between 7:00 a.m. and 10:00 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.
- g) The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
- h) The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link cyclone fencing at sufficient height or completely covered on sides and top to prevent the escape of dogs.
- i) Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
- j) The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies and spread of disease or offensive odor. Odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- k) Dust and drainage from the kennel shall not be allowed to create a nuisance or hazard to adjoining property.

(Ord. No. 107 eff. 01-24-01)

C. Excavation of Soil, Sand, Clay, Gravel, or Similar Materials for Removal from the Property

- 1. Each application for special approval shall contain the following:
  - a) Names and addresses of property owners and proposed operators of the premises.
  - b) Legal description of the premises.
  - c) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
  - d) Detailed statement as to the type of deposit proposed for extraction.
  - e) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operation are complete.



2. Operational Requirements.

a) Pit Operations.

- (1) In operations involving deep excavations, the operator shall provide adequate safeguards to protect the public safety. These safeguards may include fencing, locked gates, and warning signs.
- (2) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.
- (3) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
- (4) No cut or excavation shall be made closer than two hundred (200) feet from the centerline of the nearest road right-of-way nor nearer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.

3. Surety Bond.

- a) The Planning Commission shall, to ensure strict compliance with any regulations or required conditions of a permit for quarrying, require the permittee to furnish a bond in an amount determined by the Planning Commission to be reasonably necessary to insure compliance.
- b) In fixing the amount of such surety bond, the Planning Commission shall take into account the size and scope of the proposed quarry, probable cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by Court decree, and such other factors and conditions as might be relevant.

D. Two-Family Dwellings

1. Any dwelling proposed for use as a duplex must have been constructed for and occupied as a single-family dwelling prior to the adoption of this Ordinance.
2. Each dwelling unit within the remodeled dwelling must contain the minimum number of square feet required for a single-family dwelling.

E. Schools, Churches, and Cemeteries

A minimum site size of five acres shall be required and the site must be located on a paved road.

F. Aircraft landing areas for agricultural or personal use.

G. Governmental buildings and facilities.

#### H. Group Day Care Homes

1. The group day care home shall have a fenced play area for the children containing not less than five thousand (5,000) square feet. In no event less than one hundred fifty (150) square feet of outdoor play area shall be available for each child.
2. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood, which may include landscaping or screening in the discretion of the Planning Commission.
3. The group day care home shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period. The Township Planning Commission may place limits on the operation of the day care home between the hours of 10:00 p.m. and 6:00 a.m. but may not totally prohibit operations during said hours.
4. The group day care home may have only one sign, the size of which shall not exceed nine (9) square feet in area.
5. The group day care home must provide adequate off-street parking for employees and for persons bringing children to the facility.

#### I. Golf Courses

1. The site shall be so planned as to provide all ingress and egress directly onto a paved road.
2. All buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.

#### J. Open Space Preservation

1. Open Space Defined. Land qualifying as open space shall be land set aside for recreational, conservation or agricultural uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road rights-of-way, county drain easements or residential yard areas. Use of preserved open space lands for any purpose other than recreation, conservation or agricultural activities shall be prohibited.
2. Minimum Site Size. The clustering of single-family dwellings shall only be permitted on parcels of land containing at least twenty (20) acres.
3. Open Space Minimum. A single-family cluster development must preserve open space equal to a minimum of fifty (50%) percent of the total area of the parcel on which the cluster housing is constructed. At least twenty (20%) percent of the total preserved area must be upland area, upland area being defined as any area not permanently submerged.
4. Features to be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
  - a) Natural stands of large trees.

- b) Natural habitat for wildlife.
- c) Unusual topographic features.
- d) Productive farmland.
- e) Water or wetland areas.

The developer must submit a complete inventory of the parcel's natural features to the Planning Commission.

5. Maximum Number of Dwelling Units Allowed and Minimum Lot Area. Within an open space preservation development, the Planning Commission may allow a dwelling unit density within the developed area, greater than otherwise would be permitted in the AR zoning district. The maximum number of dwelling units which may be allowed shall be the number of dwelling units which would ordinarily be allowed, based on the total land area of the parcel, including the area to be preserved, but excluding permanently submerged areas. The minimum lot area for each detached dwelling unit within the development may be reduced by the Planning Commission to no less than one (1) acre.
6. Minimum Setbacks and Lot Width. In areas approved for open space preservation development, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following minimums:
  - a) The minimum side yard and rear yard setbacks shall be at least twenty (20) feet.
  - b) The minimum lot width shall be at least one hundred (100) feet.
7. Attached Dwelling Units. The Planning Commission may permit attached dwelling units within a cluster housing development, subject to the following limitations:
  - a) The maximum number of dwelling units which can be attached shall not exceed four (4).
  - b) All attached dwelling units shall be so situated as to have one side of the building abutting onto a preserved open space.
  - c) Distance between any dwelling unit structures shall be at least twenty (20) feet, measured between the nearest point of the structures.
8. Road Access. All dwelling units within an open space preservation development shall enter only onto a private road or a new public road constructed within the development.
9. Preserved Areas Owned in Common. Any land intended to be used as a common area by homeowners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be permanently preserved by deed restrictions or protective easements running with the land. The restrictions or easements shall be reviewed and approved as to wording by the Township Attorney to assure the following:

- a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
  - b) That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
  - c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
  - d) That the restrictions could be enforced by all property owners and by the Township.
10. Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be permanently preserved by deed restrictions or protective easements running with the land. The restrictions or easements shall be reviewed and approved as to wording by the Township Attorney to assure the following:
- a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
  - b) That the proposed restrictions would be sufficient to assure the permanent preservation of the open space and the natural features and adequately regulate the use of the open land.
  - c) That the restrictions could be enforced by all property owners and by the Township.

(Ord. No. 105 eff. 11-17-99, Ord. No. 109 eff. 04-13-03, Ord. No. 111 eff. 02-15-04)  
(Ord. No. 112, eff. 12-14-10) (Ord. No. 113, eff. 7-7-21)

## **ARTICLE V**

### **R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### Section 5.01. PRINCIPAL USES PERMITTED.

- A. Single-family detached dwellings (subject to Section 11.06).
- B. Crop production.
- C. Township buildings and uses.
- D. Family day care homes and adult foster care homes caring for six (6) or fewer persons.
- E. Buildings, structures, and uses which are accessory to any of the above permitted uses.

#### Section 5.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two-Family Dwellings
  - 1. Each dwelling unit shall contain the minimum floor area required for single-family dwellings.
  - 2. Each dwelling unit shall have a garage containing at least four hundred (400) square feet.
  - 3. Each dwelling shall have a roof with no less than a 3-12 pitch. (Ord. No. 103 eff. 01-19-94)
- B. Rooming houses, boarding houses, and tourist homes.
- C. Hospitals and convalescent homes.
- D. Nursery schools and day care centers.
- E. Private clubs or lodges.
- F. State-licensed adult foster care homes.
- G. Group Day Care Homes
  - 1. The group day care home shall have a fenced play area for the children containing not less than five thousand (5,000) square feet. In no event less than one hundred fifty (150) square feet of outdoor play area shall be available for each child.
  - 2. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood, which may include landscaping or screening in the discretion of the Planning Commission.
  - 3. The group day care home shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period. The Township Planning Commission may place limits on the operation of the day care home between the hours of 10:00 p.m. and 6:00 a.m. but may not totally prohibit operations during said hours.

4. The group day care home may have only one sign, the size of which shall not exceed nine (9) square feet in area.
5. The group day care home must provide adequate off-street parking for employee and for persons bring children to the facility.

#### H. Home Occupations

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

1. Not more than one (1) person outside of the family residing at the location shall be engaged in such operation.
2. The Home Occupation shall be clearly incidental and subordinate to the residential use.
3. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto. Not more than twenty five percent (25%) of the area of the dwelling unit may be used for purposes of the home occupation. Accessory structures may be used for purposes of the home occupation.
4. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation except for signage as discussed in Section 9 below. There shall be no external or internal alterations to the dwelling not customary in residential areas.
5. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
6. Traffic generated by a home occupation shall not be greater in volume than that normally expected for such a residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in *ARTICLE 13.01 – OFF-STREET PARKING AND LOADING REGULATIONS* and provided the parking spaces shall not be located in the required front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
9. Any signage associated with the home occupation must meet the requirements of Arcadia Township Sign Ordinance No. 701.
10. Must have a potable water supply and wastewater disposal system approved by the Lapeer County Health Department.

All home occupations must meet sections 1-10 above.

11. Examples of Home Occupations permitted, but not limited to, are:

- a) Tailoring
- b) Sculpturing and painting
- c) Writing
- d) Telephone Answering
- e) Computer Programming
- f) Home Crafts
- g) Income Tax Assistance
- h) Music Lessons
- i) Repair and rebuilding of lawnmowers and repair of small engines and motors.
- j) Barber Shops and Beauty Shops.
- k) Licensed childcare in the home
- l) Woodworking

12. Examples NOT considered Home Occupations, but which may be considered as a special land use in allowed zoning districts are:

- a) Automotive Repair, Paint Shops, or Detailing Establishments
- b) Commercial Child Care Centers
- c) Dog Grooming Services or Kennels
- d) Medical Laboratories
- e) Outdoor Repair of large equipment
- f) Real Estate Office

13. Any proposed Home Occupation may be approved, approved with conditions, or denied by the Township Planning Commission based on the criteria established for Home Occupation use. The request will be considered upon completion of an information sheet, provided to the prospective operator, requiring a written description of the proposed business activity, and then presented to the Township Planning Commission at a regularly scheduled meeting.

14. A Home Occupation shall terminate if the original operator discontinues or changes the nature of the business.

15. VIOLATIONS AND REMEDIES

- a) A violation of this ordinance shall be deemed a municipal civil infraction punishable under Arcadia Township Ordinance No. 2100.
- b) A violation of this ordinance shall also be deemed a nuisance *per se* that is subject to abatement.

I. Schools, churches, and cemeteries.

J. Governmental buildings and facilities.

(Ord. No. 100, eff. 12-14-10)

## **ARTICLE VI**

### **RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

#### Section 6.01. PRINCIPAL USES PERMITTED.

- A. All Principal Uses Permitted in the R-1 District.
- B. Two-family dwellings.
- C. Multiple-family dwellings.
- D. Family day care homes and adult foster care homes caring for six (6) or fewer persons.
- E. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

#### Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Hospitals.
- B. Convalescent homes, nursing homes, and adult foster care homes.
- C. Group Day Care Homes
  - 1. The group day care home shall have a fenced play area for the children containing not less than five thousand (5,000) square feet. In no event less than one hundred fifty (150) square feet of outdoor play area shall be available for each child.
  - 2. The property shall be maintained in a manner consistent with the visible characteristics of the neighborhood, which may include landscaping or screening in the discretion of the Planning Commission.
  - 3. The group day care home shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period. The Township Planning Commission may place limits on the operation of the day care home between the hours of 10:00 p.m. and 6:00 a.m. but may not totally prohibit operations during said hours.
  - 4. The group day care home may have only one sign, the size of which shall not exceed nine (9) square feet in area.
  - 5. The group day care home must provide adequate off-street parking for employees and for persons bringing children to the facility.



## **ARTICLE VII**

### **RMH, MOBILE HOME PARK RESIDENTIAL DISTRICT**

#### Section 7.01. PRINCIPAL USES PERMITTED.

- A. All principal uses permitted in the R-1 District.
- B. Mobile homes.
- C. Mobile home parks, subject to the requirements as established and regulated by state statute.
- D. Public, parochial or other private elementary, intermediate, or high schools.
- E. Family day care homes and adult foster care homes for six (6) or fewer persons.

#### Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Public utility buildings and structures.
- B. Nursery schools and group day care homes (not including dormitories); provided that the total outdoor play area shall not be less than five thousand (5,000) square feet and shall be screened from any adjoining residential lots.
- C. Churches.

## **ARTICLE VIII REC, RECREATIONAL DISTRICT**

### Section 8.01. PRINCIPAL USES PERMITTED.

- A. Boat launching facilities, docking and berthing space and supporting facilities to store boats and motors.
- B. Public and private parks, playgrounds, picnic areas, and beaches.  
(Ord. No. 110 eff. 02-15-04)
- C. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, health clubs, ice skating rinks, or roller-skating rinks.
- D. Archery ranges and country clubs.
- E. Wilderness areas, nature preserves, arboretums, or botanical gardens.  
(Ord. No. 110 eff. 02-15-04)
- F. Establishments selling or leasing boats, campers, snowmobiles, bait, fishing and hunting equipment, or recreation-oriented merchandise.
- G. Incidental uses to the above permitted principal uses.

### Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Single family dwellings
- B. Lodges and resorts which provide overnight accommodations
- C. Hunting Preserves
- D. Campgrounds.
  - 1. The minimum site size shall be forty (40) acres and shall be located on a paved road. There shall be a maximum of two hundred fifty (250) campsites in any campground.
  - 2. Each site shall be at least twenty (20) feet wide with a minimum of fifteen hundred (1,500) square feet of area. Each site shall be set back from any road right-of-way or property line at least seventy-five (75) feet.
  - 3. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
  - 4. Each lot shall provide a dust-free vehicle parking area for site occupant and guest parking.
  - 5. No commercial enterprises shall be permitted to operate in the campground, except that a convenience goods shopping building, a maximum of five thousand (5,000) square feet may be provided in a campground containing not less than eighty (80) sites.

(Ord. No. 103 eff. 02-19-97)

- E. Skeet shooting ranges, gun clubs and archery ranges.
- F. Kennels for hunting dogs.
- G. Riding stables or riding academies with a minimum site size of forty (40) acres.
- H. Golf courses and country clubs.
  - 1. The site shall have all ingress and egress directly onto paved roads.
  - 2. All buildings shall be at least two hundred (200) feet from any property line of abutting residentially zoned lands.
- I. Zoological facilities.
- J. Amphitheaters, for musical or theatrical performances.
  - 1. Site size shall be a minimum of ten (10) acres.
  - 2. All ingress and egress shall be directly onto a paved road.
  - 3. All facilities shall be located at least three hundred (300) feet from any property line of abutting residentially zoned lands.
- K. Institutional camps. Camps operated by governmental units, religious organizations and non-profit corporations for purposes of instruction, education, behavioral correction or similar purposes may be permitted subject to the following requirements:
  - 1. Minimum site size shall be forty (40) acres if there are no more than forty (40) camp residents and staff. In the event there are more than forty (40) camp residents and staff, the Planning Commission may require proportionately larger acreage.
  - 2. The property on which the camp facility is located shall have direct access onto a paved road.
  - 3. Any camp buildings or facilities shall be located at least one thousand (1,000) feet from the nearest occupied residence, not including residences located on the camp property itself.
  - 4. In the case of a camp which houses persons who have been referenced for camp attendance by the Michigan Court system, the camp property shall be completely surrounded by a chain link fence at least eight feet in height. The camp shall be provided with sufficient security precautions and security officers to ensure that the residents stay within the camp boundaries.
- L. Boat launching facilities, docking and berthing space for boats, and supporting facilities to store boats and motors.

(Ord. No. 110 eff. 02-15-04)

Section 8.03. SITE PLAN REVIEW. For all uses permitted in the REC Recreation District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Article XV of this Ordinance.

(Ord. No. 110 eff. 2-15-04)

## **ARTICLE IX C, COMMERCIAL DISTRICT**

### **Section 9.01. PRINCIPAL USES PERMITTED.**

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry-cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture, and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes, mortuaries, and cemeteries.
- G. Indoor recreation establishments.
- H. Hotels, motels, lodge halls, private clubs, and auditoriums.
- I. Schools, churches, and publicly owned buildings or facilities.
- J. Buildings, structures and uses which are accessory to any of the above permitted uses.

### **Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.**

- A. Open-air businesses such as drive-in theaters, racetracks, used car sales, farm machinery, sales, fruit markets, recreational facilities, or any retail business activities which are conducted outside of an enclosed building.
- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Adult Entertainment Facilities

Adult entertainment facilities may be permitted subject to the following requirements:

1. Purpose. It is the purpose of this ordinance to establish reasonable and uniform regulations governing adult entertainment facilities in order to promote the health, safety, and general welfare of the citizens of the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent, nor effect, of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

## 2. Definitions

- a) Specified Anatomical Areas means:
  - (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - (2) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
- b) Specified Anatomical Areas means:
  - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - (2) Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
  - (3) Excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.
- c) An Adult Book Store is a use which has a display containing books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to substantial segment or section devoted to the sale or display of such material. Retail establishments which display, sell, distribute, provide, or rent such material within an enclosed area not greater than five (5) percent of the total usable retail space, which is limited to persons eighteen (18) years of age or older, shall not be included in this definition. "Usable Retail Space" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The portion of the floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Retail Space."
- d) An Adult Cabaret is a nightclub, theater, or other establishment which feature live performances by one or more topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
- e) An Adult Mini-Motion Picture Theatre is an enclosed building with a capacity for less than fifty (50) persons used for presenting motion picture films, video cassettes or tapes, cable television, or other visual display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
- f) An Adult Model Studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are

provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institutions.

- g) An Adult Model is a model wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- h) An Adult Motion Picture Arcade is any place to which the public is permitted or invited wherein credit card or other payment method, or coin operated or electronically or mechanically controlled still or motion picture machines, projectors, video machines, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
- i) An Adult Motion Picture Theatre is an enclosed building with the capacity of fifty (50) or more persons used for presenting motion picture films, videotapes or cassettes, cable television, or other visual display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- j) An Adult Novelty Business is any establishment that offers for sale devices that stimulate human genitals or devices designed for sexual stimulation. In addition, any novelties that are sexual in nature or are characterized by an emphasis on depicting or describing specific sexual conduct.
- k) An Adult Personal Service Establishment is any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or displaying "Specified Anatomical Areas" as defined herein. These establishments may include, but are not limited to escort services, exotic rubs, modeling, body painting studios, wrestling studios, baths, and theatrical performances.
- l) An Adult Physical Culture Establishment is any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
  - (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional.

- (2) Electrolysis treatment by a licensed operator of electrolysis equipment.
  - (3) Continuing instruction in martial or performing arts or in organized athletic activities.
  - (4) Hospitals, nursing homes, medical clinics, or medical offices; and,
  - (5) Barbershops or beauty parlors, health spas and/or salons that offer massage to the scalp, face, the neck, or shoulders only.
- m) An Adult Sexual Encounter Center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
  - n) A Restricted Adult Business is any of the defined adult entertainment uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

### 3. Regulations

- a) Uses subject to the conditions contained herein shall be referred to as regulated land uses. Regulated land uses shall include all adult entertainment facilities defined in Section 2 above.
- b) Locational Requirements: Regulated land uses shall be permitted by special use permit in the Commercial District subject to the following locational requirements. Further, no more than one (1) regulated land use shall be permitted in a single structure.
  - (1) No regulated land use shall be established within five hundred (500) feet of any residential dwelling that is zoned AR, Agricultural Residential or RMH, Residential Mobile Home Park. The required separation distance shall be measured from the property line of the regulated use to the protected residential dwelling, using the closest points along the property line and the residential dwelling involved.
  - (2) No regulated land use shall be established within one thousand five hundred (1,500) feet of a public or private school, childcare facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
  - (3) No regulated land use shall be established within five hundred (500) feet of another regulated land use nor within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission for an on-premise retail license (i.e., restaurants, hotels, bars or clubs). The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.

- c) Application: Because regulated land uses possess unique characteristics and because minors are excluded from such facilities by virtue of age, these facilities shall be permitted only upon approval of the Planning Commission, after a public hearing and review of the proposed site plan by the Planning Commission, subject to the procedure as specified in Article XV, Site Plan Review and Article XVI, Special Land Uses.
- d) Approval Criteria: Prior to granting approval to any regulated land use, the Planning Commission may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated land use as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Planning Commission may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled. No regulated land use shall be approved by the Planning Commission unless all the following criteria are fulfilled:
  - (1) The establishment, location, maintenance, and operation of the regulated land use will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
  - (2) The regulated land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
  - (3) The establishment of the regulated land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
  - (4) The regulated land use will not be conducted in any manner that permits the observation of any material depicting or describing “specified sexual activities” and “specified anatomical areas” from any public right-of-way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and
  - (5) The regulated land use will conform to all other requirements of the zoning district.



D. Residences

E. Body Art Facilities

Body Art Facilities may be permitted subject to the following requirements:

1. Body Art Facilities are defined as an establishment whose principal business activity is the practice of one or more of the following:
  - a) Placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substance that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
  - b) The act of penetrating the skin to make, generally permanent in nature, a mole, mark, or scar. This does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
2. No body art facilities shall be located within one thousand (1,000) feet of another body art establishment, public or private school, childcare facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
3. No body art facilities shall be established within five hundred (500) feet of any residential dwelling that is zoned AR, Agricultural Residential or RMH, Residential Mobile Home Park. The required separation distance shall be measured from the property line of the regulated use to the protected residential dwelling, using the closest points along the property line and the residential dwelling involved.
4. All proper state and local licenses must be in place prior to approval.

(Ord. No. 100, eff. 6/8/2010)

# **ARTICLE X**

## **I, INDUSTRIAL DISTRICT**

### **Section 10.01. PRINCIPAL USES PERMITTED.**

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Removal, quarrying, or processing of sand, gravel, or similar materials under the conditions required by Section 4.02(C).
- F. Automobile or machinery repair facilities.
- G. Buildings, structures, and uses which are accessory to any of the above permitted uses.

### **Section 10.02. USES PERMITTED AFTER SPECIAL APPROVAL.**

- A. Junk yards completely enclosed by an obscuring wall or fence.
- B. Sanitary landfills, garbage incineration plants, or sewage treatment plants.
  - 1. Must comply with regulations of the State of Michigan.
  - 2. Must be completely enclosed by an obscuring wall, fence, or dense greenbelt.
  - 3. No excavation may occur within two hundred (200) feet of the center of any road nor within fifty (50) feet of any property line.
- C. Slaughterhouses.
- D. Industries involving the processing, treatment, use, or storage of explosives, toxic chemicals, or radioactive materials.
- E. Residences.

## **ARTICLE XI GENERAL PROVISIONS**

Section 11.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 11.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a lot or parcel which shall front upon a public road or upon a private road constructed to the specifications of Section 11.20, Private Roads. Each lot or parcel to be used as a dwelling site shall not have less continuous road frontage than the minimum lot width required by Section 14.02 of this Ordinance. Private drives which comply with the specifications of Section 11.20, Private Roads the Township Private Road Ordinance may be utilized in lieu of road frontage.

Section 11.03. MOVING OF BUILDINGS OR STRUCTURES. Any building or structure shall not be moved upon any premises in the Township until a zoning compliance permit shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. No building or structure shall be moved to any site within the Township until the owner has posted a cash deposit in an amount specified by resolution of the Township Board, guaranteeing full compliance with the Township ordinances. The site from which a building or structure has been moved shall be graded level and all debris shall be cleared away.

Section 11.04. PUBLIC UTILITIES. Facilities provided by any public utility company or by the Township government shall be permitted in all zoning districts. Facilities permitted by this Section shall include transmission lines, sewers, mains, pumping stations, substations, towers, poles, and related equipment. Any buildings erected shall be subject to the site plan review requirements. Any office, warehouse, manufacturing, or sales buildings must be located in a zoning district permitting that use.

Section 11.05. OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, barns, pole barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings. No commercial or industrial buildings shall be occupied for dwelling purposes.

Section 11.06. SINGLE-FAMILY DWELLING REQUIREMENTS. Any single-family dwelling shall comply with the following minimum standards:

- A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in Section 14.02, prior to any alterations or additions.
- B. Minimum Width. Each dwelling shall be at least twenty-four (24) feet in width for at least fifty (50) percent of its length.
- C. Foundation. Each dwelling must be provided with adequate foundation supports. Each dwelling shall be securely anchored to the foundation.
- D. Roof. Each dwelling shall have a roof with no less than a 3 – 12 pitch.

- E. Storage Facilities. Each dwelling shall have either a basement, garage, or storage building containing at least four hundred (400) square feet of storage area constructed at the same time as the dwelling.
- F. Construction Code. Each dwelling and dwelling addition shall comply with current construction code requirements.

Section 11.07. RECREATIONAL VEHICLE OCCUPANCY AND STORAGE. The owner or renter of any property may permit the temporary occupancy of not more than one recreational vehicle for a period not-to-exceed a total of three (3) months in any calendar year. No recreational vehicle shall be stored on any property for more than three (3) months in any calendar year unless the parcel contains a permanent residence.

Section 11.08. SWIMMING POOLS. No swimming pool shall be placed within any side or rear yard setback, except on nonconforming lots. Any swimming pool placed within a side or rear yard setback on a nonconforming lot shall be shielded from view by a solid fence at least six (6) feet in height. No swimming pool shall be placed within any front yard setback. A building permit shall be required for any pool in excess of twenty-four (24) inches in depth.

Section 11.09. PONDS. Ponds may be excavated in the Agricultural Residential, Single-Family Residential, Multiple-Family Residential, or Mobile Home Park Districts for non-commercial purposes in compliance with the following requirements:

- A. The issuance of a zoning permit by the Zoning Administrator after review and approval of a plot plan.
- B. There shall be a minimum setback of at least fifty (50) feet from the edge of the pond excavation line (see definition) to all property lines and sewage disposal systems; eighty-three (83) feet from center of the roadway. Setbacks from property lines may be reduced by the Planning Commission with the written consent of the adjacent property owner.  
(Ord. No. 103 eff. 02-19-97)
- C. All approved ponds shall be completed within six (6) months of issuance of a permit. The Zoning Administrator may grant a six (6) month extension of the permit for just cause.

Section 11.10. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted with grass, shrubs, or landscaping materials, except for the portion developed for use as a parking area or driveway. No less than a ten (10) foot width of planted area shall be provided.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained.
- C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No site plan shall be considered as having been complied with until the landscaping features have been completed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

- E. All greenbelts required by this Ordinance or by any approved site plan shall be continuously maintained. Any part of a greenbelt which dies or is otherwise damaged shall be replaced within six (6) months. (Ord. No. 101 eff. 1-19-94)
- F. Any greenbelt required by this Ordinance or by any site plan shall be fully planted and completed within eighteen (18) months of the date on which the building permit for the project is issued. If no building permit is required, the completion shall be done within eighteen (18) months of the date on which the site plan is approved. (Ord. No. 101 eff. 01-19-94)

#### Section 11.11. TEMPORARY MOBILE HOMES.

- A. The Planning Commission may grant approval for a temporary mobile home, which does not comply with the single-family dwelling requirements of Section 11.06, to be occupied during the time that a permanent dwelling is being constructed. A site drawing showing all existing and proposed structures and driveways on the property and on adjoining properties within two hundred (200) feet of the property lines must be submitted to the Planning Commission. A temporary mobile home permit may be issued or renewed for a one (1) year period if the following requirements are complied with:
  - 1. A building permit for the temporary mobile home and for the permanent dwelling must be acquired before the temporary mobile home is placed on the premises.
  - 2. A water well and septic tank shall be installed prior to placement of the mobile home as approved by the Health Department.
  - 3. A smoke detector shall be installed in the temporary mobile home.
  - 4. The temporary mobile home shall pass a Township safety inspection.
  - 5. The permanent dwelling must be completed, and the temporary mobile home removed from the property before the expiration of the temporary mobile home permit.
  - 6. The applicant must post a cash deposit of one thousand (1,000) dollars with the Township Treasurer and execute an affidavit guaranteeing that the temporary mobile home will be removed from the premises at the expiration of the permit period. The affidavit shall be filed with the Township Clerk.
  - 7. A temporary mobile home permit may be renewed only if reasonable progress has been made on the construction of the permanent dwelling.
- B. Variances to permit the occupancy of temporary mobile homes within the Township may also be granted by the Board of Zoning Appeals. Such variances for temporary mobile home occupancy may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any temporary mobile home approved pursuant to this Section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. The temporary mobile home must be removed from the premises once the purpose for which it was granted has ceased to exist.
- C. The Zoning Administrator may grant emergency approval for a temporary mobile home in case of fire, flood, or other disaster destroying a residence and necessitating an immediate replacement. Such emergency approval shall only be valid until such time as

the Board of Appeals can take action on a variance pursuant to Section 11.11.B or the Planning Commission pursuant to Section 11.11.A.

Section 11.12. ONE SINGLE-FAMILY DWELLING PER MINIMUM SITE SIZE. No more than one (1), single-family dwelling may be placed on a parcel of land unless each dwelling is situated in such a manner that all setback, frontage, and size requirements could be met if the dwellings were to be sold separately. (Ord. No. 103 eff. 02-19-97)

Section 11.13. MINIMUM OPEN AREAS. No space, yard, setback, or other open area which has been calculated to comply with the minimum requirements for any single-family dwelling or other main structure on a parcel of land shall be reduced by subsequent division of the property or construction of additional dwellings or main structures.

Section 11.14. ACCESSORY BUILDINGS. In districts zoned AR, R-1, RM, or RMH, no residential accessory building shall be constructed within any required front yard setback. No detached accessory building shall be closer than ten (10) feet to the dwelling or any side or rear property line. No accessory building within the R-1, RM, and RMH zoning districts shall exceed fourteen (14) feet in height.

Section 11.15. FILLING OPERATIONS. No land shall be filled, and no material shall be deposited upon any land unless approval has been obtained from the Township Board. This restriction shall not apply to agricultural operations or any filling with dirt which is in its natural state.

Section 11.16. LIVESTOCK.

- A. No large livestock, such as cattle and horses, shall be maintained on any parcel of land containing less than three (3) contiguous acres. One (1) head of large livestock shall be permitted on the first three (3) acres and one (1) additional head per each additional contiguous acre. (Ord. No. 103 eff. 02-19-97)
- B. In the case of small livestock such as sheep or goats, two (2) head shall be permitted on the first two (2) acres and one (1) additional acre shall be required for each additional two (2) head.
- C. The above limitations shall not apply to contiguous parcels of land containing at least forty (40) acres.
- D. Livestock used for 4-H or FFA projects may be permitted by the Planning Commission on parcels smaller than those required by this section, providing that proof of compliance with the following conditions is provided:
  - 1. The applicant must be an active member of 4-H or FFA.
  - 2. The livestock to be placed on the property must be part of a current 4-H or FFA project.
  - 3. Written notice of the Planning Commission meeting to consider the request shall be provided to the occupants of any residences located on property adjacent to the land on which the livestock is to be kept.
  - 4. Manure shall be stored and disposed of in a sanitary manner.
  - 5. Authorization to keep livestock pursuant to this section shall be valid for one (1) year from the date the Planning Commission determines that these requirements

have been complied with. Approval may be renewed in subsequent years providing all conditions are complied with for each such additional year.

(Ord. No. 101 eff. 01-19-94)

#### Section 11.17. REGULATION OF CONDOMINIUM DEVELOPMENTS.

The following regulations shall apply to all condominium developments within Arcadia Township. Condominium developments may be permitted in any zoning district but may include only those uses permitted within that zoning district. The intent of these requirements is to ensure that all condominium projects are developed in compliance with standards applicable to similar forms of development under Township ordinances.

- A. Review Process for New Projects. Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article XV of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- B. Review Process for Expandable or Convertible Projects. Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article XV of this Ordinance.
- C. Submission Requirements. Concurrently with notice required to be given Arcadia Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development shall provide the following information:
  - 1. The name, address, and telephone number of:
    - a) All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
    - b) All professional consultants associated with the project, including engineers, attorneys, architects, and registered land surveyors.
    - c) The developer or property owner of the condominium development.
  - 2. The legal description of the land on which the condominium will be developed together with appropriate tax identification numbers.
  - 3. A survey of the condominium site in addition to the acreage content of the land.
  - 4. A plan delineating all-natural features on the site including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas.
  - 5. The location, size, shape, area and width of all condominium units, and the location of all proposed streets.
  - 6. The use of the development (for example, residential, commercial, industrial, etc.).

7. Approximate number of condominium units to be developed on the subject parcel.
  8. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair, and maintenance of utilities.
  9. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
  10. A street construction, paving, and maintenance plan for all streets within the proposed condominium development plan in accordance with Section 11.20, Private Roads.
- D. Information to be Kept Current. The information shall be furnished to the Township Clerk and shall be kept updated until such time as a Certificate of Occupancy has been issued.
- E. District Requirements. The development of all condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district where such project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
- F. Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished. The condominium developer or property owner shall furnish the Township Clerk with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built survey." The Master Deed and all restrictive covenants shall be reviewed by the Township Attorney and the "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for these reviews shall be established by resolution of the Township Board of Trustees.
- G. Monuments Required. All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.



3. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
  4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  5. All required monuments shall be placed flush with the ground where practicable.
  6. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
  7. The Township Board of Trustees may waive the placing of any of the required monuments and markers for a reasonable time, not-to-exceed one (1) year, on the condition that the property owner deposits with the Township Treasurer cash or a certified check, or irrevocable bank letter of credit to the Township of Arcadia, whichever the property owner selects in an amount to be established by the Township Board of Trustees, by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the property owner upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- H. Compliance with Federal, State, and Local Law. All condominium developments shall comply with federal and state statutes and local Township ordinances.
- I. Condominium Design. The design of condominium projects shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance:
1. Location, Arrangement, and Design of Streets.
    - a) Whenever possible, the street layout shall provide for the continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided.
    - b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
    - c) Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
    - d) The minimum street grade shall not be less than 0.5 percent. The maximum street grade shall be 5.0 percent, except that the Planning Commission may modify this standard on the recommendation of the Township Engineer.
    - e) Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.

- f) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- g) The maximum length for residential cul-de-sac streets shall generally be five hundred (500) feet; however, the Planning Commission may approve a distance of up to one thousand (1,000) feet.
- h) All private drives shall meet the requirements of Section 11.20, Private Roads.

## 2. Condominium Units.

- a) Condominium units situated on corners in residential developments shall be at least fifteen (15) feet wider than the minimum width permitted by the Zoning Ordinance.
- b) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- c) Every condominium unit shall front or abut on a private drive and in no case shall access to public rights-of-way be granted to individual lots within the development.
- d) Side condominium unit lines shall be at right angles or radial to the street lines.
- e) Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage, or with side condominium unit lines parallel to the major traffic streets.
- f) Condominium units shall have a front-to-front relationship across all streets where possible.
- g) Where condominium units' border upon bodies of water, the Planning Commission may allow the front yard to be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
- h) The area, depth, and width of condominium units shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the development is proposed.
- i) Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the development is proposed. Minimum setbacks shall be measured from the boundary lines of the limited common elements or general common elements as designated for each building site on the Condominium Subdivision Plan.

## 3. Natural Features.

The natural features and character of lands must be preserved unless waived by the Planning Commission upon site plan approval. Due regard must be shown

for all-natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the property owner and the dedication and provision of adequate barriers, where appropriate, shall be required.

4. Sidewalks.

Sidewalks shall be installed in condominium developments within the R-1, RM, and RMH Districts. Such sidewalks shall be a minimum of four (4) feet in width along both sides of internal private drive and five (5) feet in width along any public rights-of-way.

Access to general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive this requirement if it would not serve the purpose of providing adequate pedestrian circulation.

5. Landscaping.

- a) All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks, and similar site features may be allowed.
- b) Street trees shall be provided in the ratio of at least one (1) per dwelling unit, shall be placed along the right-of-way, and shall not be less than six (6) feet in height.
- c) For reverse frontage lots a uniform screening device along the yard fronting the public right-of-way shall be required. The Planning Commission shall determine the most appropriate screening device based on the proposed development and the existing land uses in the area. Screening devices may include a solid decorative fence, a landscape screen, berm, or other such device or combination thereof.

6. Utilities.

- a) An adequate storm drainage system including any necessary storm sewers, catch basins, manholes, culverts, etc., shall be required in all developments per the requirements of the Lapeer County Drain Commission.
- b) A sanitary sewer and water supply system shall be required as regulated by the Lapeer County Health Department and the State of Michigan.
- c) The applicant shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways.
- d) All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

- e) All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the property owner. Such utility easements must be shown on the condominium development plan.

7. Other Improvements.

All other improvements including, but not limited to, street signs and fire hydrants shall be provided by the applicant as required by the governing body of the Township and in accordance with all applicable local, county and state standards and specifications.

J. Single-Family Attached Condominiums. The Planning Commission may permit attached dwelling units subject to the following limitations:

1. Attached condominium developments shall only be permitted within the RM District.
2. Design of a single-family attached condominium project shall meet the requirements of Section 14.02 for the RM District.
3. The maximum number of dwelling units which can be attached shall not exceed four (4).
4. The minimum distance between any dwelling unit structures shall be at least twenty-five (25) feet, measured between the nearest point of the structures.

K. Final Documents to be Provided. After submittal of the condominium plan and by-laws as part of the Master Deed, the applicant shall furnish to the Township a copy of the site plan on a mylar sheet of at least 13" x 16" with an image not to exceed 10-12" x 14".  
(Ord. No. 113 eff. 04-18-06)

Section 11.18 FENCES AND WALLS. Any fences or walls erected in the Township shall comply with the following requirements for the zoning districts indicated:

- A. In all zoning districts, no fence or wall which obstructs traffic visibility shall be erected on any corner lot for a distance twenty-five (25) feet back, along the right-of-way lines, from the point at which the right-of-way lines of the two streets intersect.
- B. In the R-1 Single-family Residential District and the R-M Multiple-Family Residential District, as well as on parcels of less than three (3) acres, located in the AR Agricultural Residential District, no fence or wall in excess of six (6) feet in height shall be erected.
- C. No solid or other completely obscuring fence over three (3) feet in height shall be placed in any required front yard.
- D. No barbed wire or electric fences shall be erected in the R-1 Single-Family Residential District or the RM Multiple-Family Residential District. In the AR Agricultural Residential District, barbed wire or electric fences may only be erected on parcels of land at least two (2) acres in size and only for the purpose of livestock containment.

- E. For any land use for which a site plan is required, any proposed fencing or wall shall be shown on the site plan. The Planning Commission may determine the type and height of fence or wall permissible as part of such site plans.
- F. Any masonry walls shall be erected on a concrete foundation in compliance with the Building Code.  
(Ord. No. 102 eff. 12-21-94, Ord. No. 108 eff. 5-26-02)

Section 11.19. COMMUNICATION TOWERS. Communication antennas and related facilities belonging to homeowners and used for personal communication shall be exempt from the requirements of this section and shall be allowed as a permitted use in all residential zoning districts. All other communication towers, which shall include transmission towers, relay, or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 16, subject to the following requirements:

- A. The applicant shall submit a written statement regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, vegetation, or property in the area. The applicant shall also submit a written explanation of the design characteristics and ability of the tower and attendant facilities to withstand winds, ice, and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information required by this subsection A shall be provided upon request of the Township.
- B. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
- C. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
- D. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area.
- E. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers are not allowed, unless absolutely necessary for structural reasons.
- F. All tower bases and related equipment shall be screened from view and shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height.
- G. No tower shall be located within three (3) miles of any existing tower.
- H. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
- I. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:

1. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  2. The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  3. Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  4. The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
- J. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections I (1), (2), and (3) are met.
- K. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one hundred eighty (180) days or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official.
- L. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: 1) cash bond; 2) irrevocable bank letter of credit for the term of lease; or, 3) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.
- (Ord. No. 106 eff. 02-21-01)

#### Section 11.20. PRIVATE ROADS.

##### A. PRIVATE ROADS AND PRIVATE DRIVES.

1. This Ordinance regulates the review, approval, design, construction, inspection, and maintenance of private roads within Arcadia Township.
2. Within Arcadia Township, no lot or parcel of property may be sold that does not front upon a public road, an approved private road, will be combined with a parcel that has such frontage, or is on a private drive as permitted in Subsection C below.
3. A private drive may be utilized in lieu of frontage on a public or private road, for residential parcels of five (5) or more acres provided the following conditions are met:
  - a) The private drive connects directly onto a public road.

- b) The private drive is located on a legally valid and recorded easement which is attached to the residential lot or parcel.
  - c) The width of the easement on which the private drive is located is at least sixty-six (66) feet.
  - d) The private drive does not serve more than two dwellings which do not have frontage on a public road or approved private road. One dwelling which does have such road frontage may also utilize the private drive.
  - e) A maintenance agreement shall be provided to the Township for approval and shall be recorded prior to issuing a private drive permit.
  - f) No more than one driveway easement shall be allowed per three hundred (300) feet of public road frontage.
  - g) The private drive shall be constructed to the standards specified in the Driveway Ordinance No. 405.
4. No lot or parcel of property served by a private road or private drive may be sold and building permits shall not be issued for any structure located on any private road until there is full compliance with the provisions of this Ordinance, the actual road construction has been inspected and approved by the Township, and a maintenance agreement for the private road has been recorded.

## B. DEFINITIONS

Private Driveway shall mean any piece of privately owned and maintained property which is used for access by vehicular traffic to a single parcel of private property but is not open or normally used by the public.

Private Road, shall mean a privately owned and maintained road, allowing access to more than one residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as "Residents Only," or the like shall not be deemed to remove any roadway from the requirements of this Ordinance where said roadway is deemed to come within this Ordinance by the Arcadia Township Zoning Administrator or his designee.

Road, shall mean a thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley or private driveway.

## C. PROHIBITIONS

1. Construction of Private Roads. No persons shall construct a private road within the Township of Arcadia except in accordance with the requirements and standards of this Ordinance.
2. Sale of Parcels of Land. No person shall divide or sell any parcel of land within the Township of Arcadia unless said parcel of land fronts upon a public street which is dedicated to the public, unless said parcel of land fronts upon a private road which meets the standards as herein set forth, unless said parcel of land is serviced by a private drive which meets the standards as herein set forth, or

unless said contract, deed or other conveyance of sale contains the following language:

“This parcel is not a buildable site for the reason that said parcel does not front on an acceptable ingress and egress in accordance with the standards as set forth by the Zoning Ordinance and Private Road Ordinance of the Township of Arcadia.”

3. Building Permits. No building permit shall be issued by the authorized agent of Arcadia Township or any official therein, or any other official of the Township of Arcadia for any structure unless said structure fronts on a public street or highway which is dedicated to the public, unless said structure fronts on a private road which meets the standards as herein set forth, or unless said parcel of land is serviced by a private drive which meets the standards as herein set forth. Nothing in this section shall be deemed to waive any of the frontage, depth, or like requirements as set forth in the Arcadia Township Zoning Ordinance.

#### D. CONVEYANCE OF INTEREST IN LAND ABUTTING PRIVATE ROAD

At the time of the conveyance of any interest in any parcel that abuts a private road, which conveyance shall be deemed to include the acceptance of an offer to purchase, the grantor of such interest shall advise the grantee that said parcel abuts a private road, and that the maintenance, care, and other responsibilities concerning said private road rest with the abutting land owners and are not the responsibility of the Township of Arcadia, the County of Lapeer, or the State of Michigan.

#### E. PERMIT REQUIRED

No construction shall begin on any private road until a permit has been issued by the authorized agent of Arcadia Township following compliance with such requirements as set forth in this Ordinance.

#### F. APPLICATION REQUIREMENTS

Application for the construction of new, extended or upgraded private roads shall include the following:

1. A completed Private Road Application form.
2. A true accurate survey, including both a drawing to scale and full legal description of the parent parcel, all parcels which would result from the proposed division of the parent parcel, and the private road easement for ingress, egress, road drainage and public utility purposes. The survey shall include the following:
  - a) All adjoining property within one hundred (100) feet of the parent parcel or parent tract including features.
  - b) All dimensions of existing and proposed property lines and easements.
  - c) Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines.
  - d) Wetland delineation shall not be required unless said private road shall infringe on existing wetland boundaries.



- e) The size (in square feet and acres) of each resulting parcel.
  - f) The proposed location and type of access to each resulting parcel.
  - g) Setbacks from property lines to all proposed buildings, drives, easements, wells and septic systems.
3. Engineering plans of the proposed roadway construction.
  4. A copy of the roadway maintenance agreement that will be recorded with the deed or land contract for each lot or parcel to be served by the private road.
  5. Application fee and Township Engineer review fee, as established by resolution of the Township Board.

#### G. ROADWAY DESCRIPTION AND MAINTENANCE AGREEMENT

1. All private roads shall have a minimum right-of-way easement of sixty-six (66) feet in width for ingress-egress, drainage, and public utilities.
2. All private roads shall have a minimum private easement for public utilities of twelve (12) feet adjacent to said ingress-egress easement.
3. All private roads shall have appropriate width easements for drainage purposes.
4. The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.
5. A legal description describing the land being served by and having access to said private road shall be included with the maintenance agreement.
6. A Private Road Maintenance Agreement, in a form approved by the Arcadia Township Board, shall be recorded as part of the deed or land contract for every parcel of property to which the road provides access. The Maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for and actual, regular maintenance of the private road by all benefiting property owners. Neither Arcadia Township nor the Lapeer County Road Commission have any responsibility or legal authority to maintain private roads.

#### H. STANDARDS FOR CONSTRUCTION PLANS

The design and construction of all private roads shall be in conformance with the following design standards. Overall site plan drawn to a minimum scale of 1" = 100' and plan and profile of proposed private road drawn to a minimum scale of 1" = 50' and prepared by a Professional Civil Engineer or Professional Land Surveyor shall be submitted to the Township which demonstrate conformance with the specifications of this Ordinance, and shall include the following:

1. A legal description of the entire parcel(s), all proposed divisions (splits), all proposed utility easements, and the proposed road easement.
2. A minimum private road easement width of sixty-six (66) feet.

3. All dead-end roads shall terminate in a cul-de-sac turn-around with a minimum diameter of one hundred fifty (150) feet with a minimum radius of fifty-four (54) feet for the roadway surface.
4. Soil borings shall be taken by an independent testing laboratory or qualified professional at intervals not to exceed five hundred (500) feet. Additional borings may be required where the USDA Soil Survey of Lapeer County or on-site inspection indicates unstable soil may be present.
5. The applicant shall remove all unsuitable soil including muck, peat and marl, as well as brush, trees, tree stumps, and similar materials from the area between the ditch centerlines. These areas shall then be backfilled with suitable material to provide a stable subgrade for the roadway construction.
6. A cross-section of the road showing the proposed aggregate surfacing, granular subbase, and the shoulder and swale profile in conformance with the attached Arcadia Township Private Road Typical Cross Section minimum standards.
7. The plans shall show existing and proposed grades and the location of all existing and proposed drainage facilities and structures. Elevations shall be based on USGS datum.
8. The intersection of roads shall be as close to ninety (90) degrees as possible with a variation of no more than ten (10) degrees.
9. Road grades shall not exceed six percent (6%) or be less than four-tenths percent (0.4%) unless a waiver is approved by the Township Board upon the review and recommendation of the Township's consulting engineers. At the intersection of two roadways, however, the maximum grade shall be three percent (3%) for a distance of one hundred (100) feet from the point of intersection.
10. The minimum centerline radius for all private roads shall be designed in accordance with AASHTO design requirements for thirty-five (35) mph.
11. Sight distances at intersections shall equal current Lapeer County Road Commission guidelines.
12. The applicant shall obtain a soil erosion control permit from Lapeer County and shall install and maintain all erosion devices throughout the construction period. All soil erosion control measures shall be shown on the construction plans.
13. The Township's consulting Engineer shall review the plans and the consulting Engineer shall inspect construction of all private roads. The cost of the plan review and construction inspections shall be paid for by the applicant.
14. Construction permits from the Lapeer County Road Commission are required for connections to county roads.
15. All private roads created hereunder shall be named, with said name to be approved by the Lapeer County Road Commission. All required name signs and signposts shall be erected in accordance with standards and specifications of the Lapeer County Road Commission at the expense of the applicant.

16. Private road signing shall be provided in accordance with the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and maintenance of said signs shall be the responsibility of the association.
17. All required permits and inspection fees shall be provided to the Township prior to construction.
18. There shall be a minimum of one hundred twenty (120) feet of road frontage measured along the right-of-way for all parcels of property to be located on a private road cul-de-sac.
19. The private road engineering plans shall include a schedule showing driveway culvert sizes and the method used to determine driveway culvert sizes for each proposed lot, in conformance with applicable standards of the Lapeer County Road Commission. In no instance shall any driveway culvert be smaller than twelve (12) inches in diameter and twenty-four (24) feet in length.
20. All parcels abutting the private road shall access the private road exclusively.
21. The proposed site shall be limited to a storm water discharge rate equal to the pre-developed discharge rate. Whenever the fully developed storm discharge rate exceeds the pre-developed discharge rate, a detention system designed to accommodate runoff from a 10-year storm event, or a retention system designed to accommodate runoff from a 100-year event shall be provided on-site. Storm water run-off calculations shall be shown on the construction plans.

#### I. REVIEW AND APPROVAL PROCEDURES

Ten (10) copies of the complete application, plans, proposed maintenance agreement and the layout of all proposed lots or parcels to be served by the private road, shall be submitted to the Township Clerk. The complete application, including all necessary submittals and attachments, must be submitted at least thirty (30) days prior to a regular meeting of the Planning Commission in order to be placed on the agenda. The Township Clerk shall forward the complete application packet to the Planning Commission and Township Engineer. The Planning Commission shall review the application at their next regularly scheduled meeting following submittal of a complete application.

#### J. INSPECTIONS AND APPROVAL

1. All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements may not be approved.
2. At least one week prior to the start of construction, the applicant shall schedule a pre-job meeting between the owner/contractor and the Township Engineer to discuss the scheduling, inspections and conduct of the work.
3. Inspections shall be made:
  - a) Upon completion of stripping operations.
  - b) Upon completion of clay grade and ditch excavation.
  - c) Upon completion of the sand sub-base.

- d) Upon completion of the aggregate base.
- e) During and following completion of each course of paving.
- f) After completion of fine grading, topsoil, seeding and mulching. Seeding and mulching shall be done in accordance with MDOT roadside specifications.

The contractor shall notify the Township Engineer forty-eight (48) hours before the conclusion of each step in the road construction so that the required inspections can be completed without delay to the contractor. The applicant is responsible for ensuring that all required inspections are requested and scheduled.

- 4. The applicant shall provide weigh slips which certify the weight and class of material used for subbase and aggregate used for the road and shoulder surfaces.
- 5. Inspections will be certified by the Township Engineer so that a complete record of the private road construction can be made available to the Lapeer County Road Commission in the event that the private road owners choose to upgrade and/or dedicate the road to the County as a public road, if possible.

#### K. PERFORMANCE BOND

The applicant shall file with the Township Treasurer prior to any construction a cash deposit, certified check or irrevocable bank letter of credit to the Township sufficient to cover twenty-five percent (25%) of the total cost of the required improvements. A total project cost estimate signed and sealed by a Professional Surveyor or Professional Engineer shall be submitted with the performance bond prior to any construction. When the work is completed, inspected, and approved by the Township, the entire bond will be released to the applicant.

#### L. EXTENDING EXISTING PRIVATE ROADS

In those cases where the applicant wishes to extend an existing private road, such extension shall be granted only if the existing private road is brought into compliance with the standards in this Ordinance. All standards in this Ordinance shall apply to both the proposed extension and the existing private road. Further, such applicant shall obtain consents from all those persons who own any interest in the existing right of way or have the right of access to their property therefrom, which consent shall be in writing and shall be filed with the Township along with the filing of the application for permit hereunder. Such consent shall provide:

- 1. That the consenting party consents to the extension of the roadway pursuant to the application, and
- 2. That the consenting party consents to the upgrading of their existing roadway to the standards as set forth herein, and where applicable, will agree to deed such easements or right-of-way as are necessary to the requirements of this Ordinance. The Township Board shall not vary this requirement as it concerns consents.

M. EXISTING PRIVATE ROADS NOT MEETING STANDARDS OF ORDINANCE

1. In those instances where a property division is being sought for a lot or parcel which has access to an existing private road, which does not meet the standards of this Ordinance, said private road shall be improved in conformance with the standards of this Ordinance prior to approval of property divisions or issuance of any building permits.
2. The applicant may request a waiver of this requirement from the Township Board who may, after review and recommendation by the Township engineering and planning consultants, and findings of unique circumstances and practical difficulties, grant a partial or complete waiver of this requirement. The Township Board shall not grant any waivers from this provision where the applicant is creating new lots or parcels by division of one or more of the existing lots or parcels of record.

N. DEDICATION

All rights-of-way shall be dedicated to the adjoining property owner who gains access of said right-of-way. If a parcel adjoining said right-of-way is not to be served by said right-of-way, then the landowner dedicating such right-of-way shall specifically provide for that exclusion and said adjoining property owner shall not share in the ownership of the right-of-way.

O. VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more part, sections, subsections, phrases, sentences, or clauses be declared invalid.

P. RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule, or regulation, the more restrictive regulations or those which impose higher standards shall govern.

Q. REPEAL OF CONFLICTING ORDINANCES

The previous Private Road Ordinances 401 and 402 are hereby repealed in its entirety.

(Ord. No. 113 eff. April 18, 2006)

## Section 11.21 WIND TURBINE ORDINANCE

### A. DEFINITIONS

1. Ambient Noise is defined as the sound pressure level exceeded 90% of the time or L90. It is primarily the result of human activity and wind.
2. ANSI: American National Standards Institute.
3. 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 response of the human ear.
4. International Electro technical Commission (IEC). The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic, and related technologies.
5. International Organization for Standardization (ISO): ISO is a network of the national standards institutes of 156 countries.
6. Rotor: An element of a wind energy conversion system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
7. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
8. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy conversion system casting shadows, e.g., on a dwelling window.
9. Sound Pressure Level: The sound pressure mapped to a logarithmic scale ( $\log_{10}$ ) and reported in decibels (dB).
10. Wind Energy Conversion System, Grid-Linked: A wind energy conversion system that has a rated capacity of more than 100 kilowatts (kW) that is intended to produce utility power for sale over the commercial power grid.
11. Wind Energy Conversion System, On-Site: A wind energy conversion system that has a rated capacity of equal to or less than 100 kilowatts (kW) that is intended to produce utility power primarily for use on the site where the system is located.

### B. ON-SITE WIND ENERGY CONVERSION SYSTEMS

On-site Wind Energy Conversion Systems, as defined in this ordinance, may be allowed as an accessory use in all Districts, subject to the following.

1. This section applies only to on-site wind energy conversion systems, as defined in Article XIX of this Ordinance. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

2. The minimum lot size for an on-site WECS in any zoning district shall be one (1) acre. Building mounted systems may be permitted on any size lot, provided the setbacks of section 11.21 are met.
3. No more than one (1) on-site WECS shall be located on any property in the R-1, RM, or RMH zoning districts.
4. Property Setbacks: The distance between an on-site WECS tower and any property line, public or private road right-of-way, or overhead utility right-of-way shall be not less than 150% of the total height of the WECS with the blade in its vertical position.
5. Temporary Anemometer Towers can be constructed for the purpose of evaluating a location for possible installation of a WECS. Such towers must be removed within 18 months of their construction. Construction techniques may include the use of guyed structures provided that the tower meets the requirements of section 2 above and the guy anchors are all 50 feet or more from property lines.

Failure to remove the temporary anemometer tower and all related facilities within eighteen (18) months shall be grounds to remove the temporary anemometer tower at the owner's expense. The Township may place a lien on the property to cover costs for the removal of the temporary anemometer tower. A lien on the property shall be superior to all other liens except taxes.

6. On-Site Wind Energy Conversion System Construction:
  - (a) Building mounted WECS must comply with all related building codes for the structures on which they are attached.
  - (b) Only towers of the monopole or monotube design are allowed. Use of lattice towers as well as guy wires or similar secondary support is prohibited.
  - (c) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Appropriate warning signs and owner identification may be allowed on buildings or other structures associated with an on-site WECS.
  - (d) The WECS shall be finished in a single, non-obtrusive, non-reflective matte color.
  - (e) No illumination of the turbine or tower shall be allowed.
  - (f) Any climbing foot pegs or rungs below twelve (12) feet of a freestanding tower shall be removed to prevent unauthorized climbing.
  - (g) Maximum height: On-site WECSs shall be limited to a height of one hundred (100) feet.
  - (h) An on-site WECS shall not be so tall that it requires collision avoidance lighting or any other lighting. The WECS shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal

Regulations.

7. Safety Standards:
  - (a) An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
  - (b) An on-site WECS shall be equipped with lightning protection.
  - (c) The minimum vertical blade tip clearance from grade shall be thirty (30) feet for an on-site WECS employing a horizontal axis rotor.
8. Sound Pressure Level Standard: An on-site WECS shall not exceed 40 dBA Leq over any ten (10) minute period at the property line closest to the on-site WECS or any occupied structure. Methods in IEC 61400-11 shall be used for all sound measurements.
9. Construction Codes and Interconnection Standards
  - (a) An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
  - (b) WECS equipment and installation specifications must be approved/certified by the American Wind Energy Association (AWEA) and/or the U.S. Department of Energy.
  - (c) If the on-site WECS will be connected to the local utility distribution system, the interconnection and operation shall meet the requirements of the local electric utility in addition to the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
10. Abandonment: An on-site WECS that has not been operated for a continuous period exceeding twenty-four (24) months shall be considered abandoned.
  - (a) The property owner or lessee shall remove the on-site WECS tower and all related facilities no later than six (6) months of it being abandoned or being notified by the Township that it has been deemed abandoned.
  - (b) Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds for the Township to remove the WECS at the owner's expense. The Township may place a lien on the property in an amount equal to the costs and expenses that the Township incurs for removal of the on-site WECS. A lien on the property shall be superior to all other liens except taxes.
11. An on-site WECS found by the Township to be unsafe shall:
  - (a) Be repaired by the owner to meet local, state, and federal safety standards within one-hundred eighty (180) days of being notified by the Township of such need for repair.
  - (b) Failure to repair the on-site WECS within one-hundred eighty (180) days of receipt of notice from the Township shall be grounds for the Township to remove the on-site WECS at the owner's expense as



provided in subsection 10 above.

12. Systems shall comply with all applicable State construction and electrical codes and Township building permit requirements. Building and electrical permit applications for WECS shall, at a minimum, be accompanied by the following:
  - (a) Standard drawings of the wind turbine structure, including the support structure, base and footings. An engineering analysis of the support structure showing compliance with the Michigan Building Code and certified by a licensed Professional Engineer (PE) shall be submitted.
  - (b) A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code.
  - (c) Scale drawing showing the location of proposed turbine towers, underground and overhead wiring, access roads, proposed structures, and all new infrastructure related to the project.

#### Section 11.22 GRID-LINKED WIND ENERGY CONVERSION SYSTEM

Grid-Linked wind energy conversion systems are allowed only in the Agricultural/Residential (AR) zoning district following application and approval of a Special Land Use Permit by the Arcadia Township Planning Commission. The application must include:

- A. Application form for special land use.
  1. The following site plan and operational requirements must be addressed for approval:
    - (a) Copy of the property lease if the property owner is not the applicant.
    - (b) Proof of the applicant's public liability insurance.
    - (c) The site plan shall include scaled drawings/maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.
    - (d) Monopole/monotube towers are the only type of construction allowed.
      - 1) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Appropriate warning signs and owner identification may be allowed on buildings or other structures associated with a grid linked WECS.
      - 2) The WECS shall be finished in a single, non-obtrusive, non-reflective matte color.
      - 3) No illumination of the turbine or tower shall be allowed.

- (e) **Property Set-back:** The distance between a tower in a grid-linked wind energy conversion system and the owner/lessee' property lines, public or private road rights-of-way, or an occupied building shall be at least 1640 feet for turbines less than 500 feet in height including the top of the blade in its vertical position. The set-back shall be 3.28 horizontal feet for each vertical foot for turbines taller than 500 feet.
- (f) The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. No part of the wind energy system structure may extend closer than fifty feet to the owner/lessee's property lines.
- (g) The minimum separation between wind energy conversion system towers shall be 1000 feet and consistent with subsection (2)(e) above.
- (h) Unredacted operation and safety manuals for all equipment that may be installed on the site.
- (i) A decommissioning plan for the wind energy conversion system that includes an assessment of the cost of complete removal of the system including all infrastructure components, including wiring, and restoration to the virgin condition of the land. This signed assessment will be prepared by a licensed professional engineer (PE) from the State of Michigan and submitted under his/her seal. This assessment must be updated every five years or whenever modifications are made to the generation system.
- (j) An irrevocable financial instrument acceptable to Arcadia Township and equal to the amount of the professional assessment in subsection (2)(i) above shall be provided upon approval of the site plan and prior to any construction activity.
- (k) This irrevocable financial instrument must be adjusted to match the assessment in subsection (2)(i) any time changes are made.
- (l) **Complaint resolution process:** This shall include the process, timeline, and method of documenting the resolution of all complaints. Binding arbitration processes are not to be used in reaching a resolution. Copies of all complaints shall be provided to Arcadia Township within thirty days of their receipt and documents evidencing the ultimate resolution of all complaints shall be provided to Arcadia Township in a timely manner.  
  
The complaint resolution process shall not preclude Arcadia Township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- (m) **Sound Pressure Level:** On Site wind energy systems shall not exceed 40 dB(A) Leq over any 10-minute period at the property line closest to the wind energy system or any occupied structure.

Measurements shall be made using the latest ASTM and IEC guidance.

- (n) Documentation that sounds pressure levels, construction code, tower, interconnection, and all safety requirements have been met shall be provided in writing to Arcadia Township prior to the commencement of commercial operation.
- (o) All aircraft anti-collision lighting shall be in compliance with the latest FAA requirements for Aircraft Detection Lighting Systems (ADLS). Continuously on or flashing lighting of any type is prohibited unless required by law. Grid-linked wind energy conversion systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and any local jurisdiction airport overlay zone regulations.
- (p) Construction Codes, Towers, & Interconnection Standards: Grid-linked wind energy conversion systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. An interconnected grid-linked wind energy conversion system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- (q) Safety: A grid-linked wind energy conversion system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be one hundred (100) feet for a grid-linked wind energy conversion system employing a horizontal axis rotor.
- (r) Certifications: Certification that the applicant has complied with all applicable state and federal laws and regulations.
- (s) Shadow Flicker: Copy of the Shadow Flicker analysis showing no shadow flicker at the property line or on occupied structures.
- (t) Manufacturers' Safety Data Sheets: Documentation shall be maintained at the Arcadia Township Offices that includes the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (u) An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the Township. This schedule shall be based on the cost of the application review and may be adjusted from time to time. This fee will include the cost of planners, essential consultants, and attorneys.
- (v) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Grid-Linked wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Grid-Linked wind

energy system, sound pressure level measurements shall be conducted by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18 and IEC 61400. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Arcadia Township within 60 days of the commercial operation of the project.

- (w) A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
  - (x) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. This analysis will also assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures, acceptable to Arcadia Township, to minimize, eliminate or mitigate adverse impacts identified in the analysis.
  - (y) The applicant shall be responsible for establishing a secure staging area for construction with commercial driveway entrance(s) and for making repairs to any public roads damaged by the construction of the grid-linked wind energy conversion system. Assessment of road damage shall be determined by the Lapeer County Road Engineer.
  - (z) Electromagnetic Interference: No grid-linked wind energy conversion system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system.
3. Special land use granted on leased property will expire with the expiration of the land lease.
  4. Expiration or other nullification of a lease will require decommissioning as described in subsection (2)(i) above to begin within six (6) months and to be completed within twenty-four (24) months of expiration or nullification of the lease.
  5. All requirements for granting the special land use permit must be maintained during operation of the Grid-Linked WECS.
  6. Special land use approval shall terminate, without notice, (i) upon the institution by or against the applicant or owner of insolvency, receivership or bankruptcy proceedings or any other proceedings for the settlement of the applicant or

owner's debts, (ii) upon the applicant or owner making an assignment for the benefit of creditors, (iii) upon the applicant or owner's dissolution or ceasing to do business, or (iv) upon any sale, transfer, or assignment of the applicant or owner's rights and responsibilities hereunder to any third party without the Township's written consent.

(Ord. No. 100, eff. 08-12-2019)

## Section 11.23 SOLAR ENERGY SYSTEMS (SES)

### **PURPOSE.**

The township desires to promote the effective and efficient use of solar energy systems (SES) subject to reasonable regulations. It is the intent of the township to permit these systems under certain circumstances by regulating the siting, design and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems.

### **DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ARRAY.** Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

**BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS.** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof, wall or the facade, and which does not alter the relief of the roof.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system that is installed directly in the ground and is not attached or affixed to an existing building or similar structure.

**ONSITE SOLAR SYSTEM.** A solar energy system mounted on a building or on the ground and located on a parcel containing a principal use. An onsite solar system is considered an accessory use of the parcel and provides its electricity or heat only to uses on the parcel.

**PHOTOVOLTAIC (TV) SYSTEMS.** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.

**ROOFTOP SOLAR SYSTEM.** A solar energy system in which solar panels are mounted on top of a roof, either as a flush-mounted system or as modules fixed to frames which can be tilted.

**SOLAR ACCESS.** The right of a property owner to have sunlight shine onto the property owner's land.

**SOLAR COLLECTOR.** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SOLAR ENERGY SYSTEM (SES).** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar. This definition does not include small devices or equipment such as solar

powered lawn or building lights which house both the solar energy generation system and the system which uses that energy to operate.

**SOLAR FARM.** A solar energy system which is the principal use of a parcel and which is designed and constructed to produce electrical energy for sale back into an electrical energy grid system and not consumed on site.

**SOLAR PANEL.** A device for the direct conversion of solar energy into electricity.

**SOLAR-THERMAL SYSTEMS.** A system, which through the use of sunlight, heats water or other liquids for such purposes as space heating and cooling, domestic hot water or heating pool water.

**WALL-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system that is installed flush to the surface of the wall of a permanent building.

## **GENERAL REQUIREMENTS FOR SOLAR ENERGY SYSTEMS.**

(A) This section applies to solar energy systems to be installed and constructed after the effective date of this section.

(B) Lawful solar energy systems constructed prior to the effective date of this section shall not be required to meet the requirements of this section; provided that any structural change, upgrade or modification to an existing solar energy system that materially alters the size, location or placement of such system shall comply with the provisions of this section.

(C) The granting of any permit for a solar energy system does not constitute solar access rights.

(D) A solar energy system shall be constructed and placed so it does not create a glare for persons off site.

(E) A solar energy system shall be properly maintained at all times. Such maintenance shall include measures to maintain the original appearance of each structure, ensuring that the solar panels do not leak and that the ground cover beneath the panels does not become a visual nuisance.

(F) Solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the township prior to installation.

(G) Solar energy systems, and the installation and use thereof, shall comply with the state and township Building Codes and the landowner shall obtain all applicable county, state and federal permits.

(H) Any SES that is not operated for a continuous period of six months as determined by the township shall be considered abandoned or non-functional and subject for removal. Upon a determination by the township that a SES should be decommissioned and within 90 days of receipt of written notification from the township, the owner/operator shall begin to remove the

SES from the site and proceed promptly toward completion in accordance with the approved decommissioning plan.

## **REQUIREMENTS FOR ROOFTOP AND WALL MOUNTED SES.**

(A) Roof and wall mounted SES are a permitted use in all zoning districts and are subject to review and approval by the Zoning Administrator. Applicants shall submit an accurate sketch plan to the Zoning Administrator providing the location of the building, location of the SES, the height of the SES including a data sheet and installation instructions from the equipment manufacturer and other information as requested by the Zoning Administrator. The applicant shall provide information on the type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.

(B) A roof mounted SES shall not project more than five feet above the highest point of the roof, and in any case, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

(C) Each roof and wall mounted SES shall be securely and safely attached to a building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Zoning Administrator prior to installation along with information that the roof is capable of supporting the equipment. Such proof shall be subject to the Zoning Administrator's approval.

(D) Each wall-mounted SES shall not exceed the height of the building wall to which it is attached.

(E) Each wall-mounted SES shall not be mounted on a building wall that faces upon a public or private street.

## **LEVEL 1 ONSITE GROUND MOUNTED SES.**

A Level 1 Onsite Ground Mounted Solar Energy System is allowed in all zoning districts as a permitted accessory use subject to review and approval by the Zoning Administrator according to the following requirements.

(A) *Occupancy.* A Level 1 Onsite Ground Mounted Solar Energy System shall not occupy an area greater than 5,000 square feet in size for the entire parcel.

(B) *Sketch plan.*

(1) Applicants shall submit an accurate sketch plan to the Zoning Administrator illustrating property lines of the parcel, buildings on the parcel, the proposed setbacks and height of the SES including a data sheet from the equipment manufacturer and other information as requested by the Zoning Administrator. Information on the visual impact of the proposed solar unit using photos or computer-generated images of the project on the site to demonstrate the appearance of the project from off site.

(2) The applicant shall also provide information on the type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.



(C) *Setbacks.* A ground mounted solar energy system shall only be located in the side and rear yards and shall meet set backs set forth by section 14.02 and fifteen feet from any structure.

(D) *Height.* The height of a SES shall not exceed ten feet above natural grade at the time of project approval, as depicted on the sketch plan. The height shall be measured from the highest point of the panel when oriented at its maximum tilt to the ground immediately below the panel.

(E) Applicant must provide approval from the appropriate utility company.

## **LEVEL 2 ONSITE GROUND MOUNTED SES.**

A Level 2 Onsite Ground Mounted Solar Energy System (SES) occupies an area greater than a Level 1 Onsite Solar Energy System and is allowed in all zoning districts as an accessory use subject to review and approval of a Special Use Permit by the Planning Commission and the following requirements.

(A) *Occupancy.* A Level 2 Ground Mounted SES shall not occupy an area greater than one acre in size for the entire parcel.

(B) *Setbacks.* A ground mounted solar energy system shall only be located in the side and rear yards and shall comply with the setback requirements for principal buildings for the zoning district in which the SES is located and shall be fifteen feet from any structure. On a corner lot, the SES shall comply with the setback requirements for accessory buildings and shall be fifteen feet from any structure.

(C) *Height.* A ground mounted SES shall not exceed a height of 14 feet above natural grade at the time of project approval, as depicted on the site plan. The height shall be measured from the highest point of the panel when oriented at its maximum tilt to the ground immediately below the panel.

(D) *Visual impact.* Information on the visual impact of the proposed solar farm using photos or computer-generated images of the project on the site to demonstrate the appearance of the project from off site.

(E) *Electrical interconnections.* All electrical interconnection or distribution lines shall comply with all applicable codes. The applicant shall provide evidence to the township of approval from the applicable utility company.

(F) *Pavement.* The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.

(G) *Plantings.* Plantings shall be installed around the perimeter of the parcel or parcels containing the SES. One deciduous or conifer tree for every 20 feet of property line length is required. The Planning Commission may modify the landscaping requirement depending upon the location of existing plant material on the site or if additional plantings are needed to buffer existing land uses. Trees shall be a minimum of eight feet tall when planted and remain in good condition for the life of the project.

(H) *Above ground transmission lines.* Use of above ground transmission lines for the SES shall be prohibited within the site.

(I) *Type of panel.* The applicant shall provide information on the type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage.

(J) *Decommissioning plan.* A decommissioning plan shall be provided as required by subsection.

(K) *Kept and maintained in good repair and condition.* Every SES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard. The applicant shall provide a written description of the maintenance program to be used to maintain the SES. For Level 2 SES, the applicant shall keep a record of all maintenance performed and repairs made to and replacement of equipment and parts. On or about the anniversary date of the approval by the Planning Commission of the Special Land Use permit, the applicant shall provide a summary of this maintenance record to the township's Zoning Administrator.

(L) *Special Land Use Renewal.* Special land use permits for level 2 SES expire five years from the anniversary of special use approval. It is the responsibility of the land owner to renew the special land use or decommission the SES.

(M) *Removal cost guarantee.* The cost of removal and site restoration is the full responsibility of the landowner and the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the solar energy system and to restore the site, the following steps shall be followed for Level 2 SES:

(1) For each solar energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission may require independent verification of the adequacy of this amount;

(2) Such removal and site restoration obligation shall be secured by the land owner and/or the applicant filing with the township a surety bond, letter of credit, or cash deposit with language and terms acceptable to the township; and

(3) The removal cost guarantee amount shall be valid throughout the lifetime of the system, and it shall be adjusted by the applicant/land owner every five years. The Planning Commission may require independent verification of the adequacy of this amount. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two years from the annual anniversary of special use approval.

(N) *Transfer of ownership.* Prior to a change in the ownership or operation of a solar energy system, including but not limited to the sale or lease of that system or the underlying property, the current land owner or operator shall provide written notice to the township at least sixty days prior to that change becoming effective. This notice shall inform the township of the intended transfer of control of the solar energy system or the underlying property, and shall include a copy of the instrument or agreement effectuating that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the solar energy collector system or the underlying property shall not be permitted to operate that system until compliance with the

terms of this chapter, including requirements for continuing security and escrow funds, has been established.

(O) Applicant must provide approval from appropriate utility company.

## **SOLAR FARMS.**

(A) Solar farms are only allowed in the AR and industrial zoning districts subject to review and approval of a special use permit by the Planning Commission and the following requirements.

(B) *Lot size.* The minimum lot size for a solar farm shall be 20 acres. A parcel containing a solar farm shall not require frontage on a public street.

(C) *Application Requirements.* In addition to the site plan required by, the applicant shall provide all of the following information to the township:

(1) Proof of a lease, deed or purchase agreement for the parcel for the proposed solar farm;

(2) Type of solar panel to be used and any hazardous chemicals contained in the solar panels and measures to prevent leakage;

(3) Name and address of the manufacturer, and model of the solar panels;

(4) Expected energy output and anticipated useful life of the system, development phases, likely markets for the generated energy, and possible future expansions;

(5) Information on the visual impact of the proposed solar farm using photos or computer-generated images of the project on the site to demonstrate the appearance of the project from off site.

(6) *Maintenance and construction schedule.* The applicant shall provide a written description of the maintenance program to be used to maintain the SES, and the anticipated construction schedule;

(7) Digital versions of all planning and construction documents required pursuant to the Site Plan Review. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format;

(8) A decommissioning plan as required by division (D) of this section;

(9) Distance from the proposed solar farm to the nearest habitable dwelling unit on a parcel which does not contain the solar farm;

(10) A security plan detailing on-site security provisions which may include fencing, security guards, video surveillance, and similar measures;

(11) A landscaping plan illustrating the number, size, type and spacing of trees proposed to screen the solar farm from nearby roadways;

(12) Additional information as required by this section, or as may be required by the Planning Commission; and

(13) The Planning Commission may waive or modify some of the above requirements at the request of the applicant if the Commission determines that those items would not be needed to properly review the project.

(D) *Decommissioning*: The applicant shall submit a decommissioning plan to the township which shall address all of the following:

(1) Defined conditions upon which decommissioning will be initiated (such as, end of land lease, no power production for nine months, obsolete equipment and similar circumstances);

(2) A description as to how the useful life of the system will be determined and who will make this determination;

(3) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three feet below grade;

(4) Restoration of property to the condition prior to development of the solar farm including measures to ensure that soils are not contaminated during decommissioning;

(5) The timeframe for completion of decommissioning activities;

(6) An engineer's cost estimate for all aspects of the decommissioning plan;

(7) Description of any agreement with the landowner regarding decommissioning;

(8) Provisions for updating the decommissioning plan;

(9) A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the special land use permit upon cessation of use; and

(10) The Planning Commission will require that the owner or operator provide a financial guarantee to cover the costs of decommissioning the site in accordance with division (G) of this section.

(E) *Additional requirements for solar farms.*

(1) *Safety/access.* A security fence shall be placed around the perimeter of the solar farm with a locked gate. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. An eight foot fence shall be installed with the material of the fence being approved by the Planning Commission depending upon the location of the facility.

(2) The facility shall be designed for interconnection to a public utility electrical power grid, and shall be operated with such interconnection. All electrical interconnection or distribution lines shall comply with all applicable codes. The applicant shall provide evidence to the township of approval from the applicable utility company. Use of above-ground transmission lines for the SES shall be prohibited within the site.

(3) The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.

(4) Plantings shall be installed around the perimeter of the parcel or parcels containing the solar farm. One deciduous or conifer tree for every 20 feet of property line length is required. The Planning Commission may modify the landscaping requirement depending upon the location of existing plant material on the site or if additional plantings or berms are needed to buffer existing land uses. Trees shall be a minimum of eight feet tall when planted and remain in good condition for the life of the project.

(5) *Setbacks.* Solar panels shall be setback a minimum of 100 feet from all right of way lines and 75 feet from all other lot lines except solar panels shall not be placed closer than 100 feet from the lot line of another parcel. There shall be fifteen feet between any separate structures that comprise a solar farm.

(6) *Height.* A ground mounted SES shall not exceed a height of twelve feet above natural grade at the time of project approval, as depicted on the site plan. The height shall be measured from the highest point of the panel when oriented at its maximum tilt to the ground immediately below the panel.

(7) *Electrical Interconnections.* All electrical interconnection or distribution lines shall comply with all applicable codes. The applicant shall provide evidence to the township of approval of connection from the applicable utility company.

(8) Use of above-ground transmission lines for the SES shall be prohibited within the site.

(9) *Maintenance and annual summary report.* Every solar farm must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard. The applicant shall keep a record of all maintenance performed and repairs made to and replacement of equipment and parts. On or about the anniversary date of the approval by the Planning Commission of the special land use permit, the applicant shall provide a summary of this maintenance record to the Township Planning Commission.

(F) *Administration costs initial application and ongoing.*

(1) For each solar energy system application, the applicant/owner/operator shall deposit into an escrow account with the township the amount of \$5,000. The purpose of this escrow account is:

(a) To reimburse the township for its costs incurred to hire consultants and experts as the township, at its sole discretion, deems desirable to examine, evaluate and verify the data and statements presented by the applicant/owner/operator; and

(b) For the life of each solar energy system, to cover the administrative and legal costs incurred by the township in monitoring and enforcing the owner/operator's ongoing compliance with this section.

(2) The account shall be managed as follows:

(a) Funds can be withdrawn from this account only by the signature of a township designee;

(b) If at any time the balance of this account shall fall below \$1,000, the applicant/owner/operator shall deposit additional funds to restore the account to a \$5,000 balance;

(c) If at any time the balance of this fund shall fall below \$1,000 for a continuous period of thirty days, the application shall be considered to have been withdrawn, or the Permit for the solar energy system may be terminated by the township; and

(d) A township designee shall be charged with monitoring the escrow account and giving quarterly reports to the Planning Commission. After the solar energy system has been removed and site restoration has been completed, as defined in this section, any balance remaining in this account shall be returned to the applicant.

(3) *Special Land Use Renewal.* Special land use permits for Solar farms expire five years from the anniversary of special use approval. It is the responsibility of the land owner to renew the special land use or decommission the SES.

(G) *Removal cost guarantee.* The cost of removal and site restoration is the full responsibility of the landowner and also the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the solar energy system and to restore the site, the following steps shall be followed:

(1) For each solar energy system, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission may require independent verification of the adequacy of this amount;

(2) Such removal and site restoration obligation shall be secured by the land owner and/or the applicant filing with the township a surety bond, letter of credit, or cash deposit with language and terms acceptable to the township; and

(3) The removal cost guarantee amount shall be valid throughout the lifetime of the system, and it shall be adjusted by the applicant/land owner every five years. The Planning Commission may require independent verification of the adequacy of this amount. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two years from the annual anniversary of special use approval.

(H) *Transfer of ownership.* Prior to a change in the ownership or operation of a solar energy system, including but not limited to the sale or lease of that system or the underlying property, the current land owner or operator shall provide written notice to the township at least 60 days prior to that change becoming effective. This notice shall inform the township of the intended transfer of control of the solar energy system or the underlying property, and shall include a copy of the instrument or agreement effectuating that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the solar energy collector system or the underlying property shall not be permitted to operate that system until compliance with the terms of this subchapter, including requirements for continuing security and escrow funds, has been established.

## **ARTICLE XII**

### **NONCONFORMING LOTS, USES, AND STRUCTURES**

Section 12.01. CONTINUED USE PERMITTED. Within districts established by this Ordinance there exist lots, structure, and uses of land and structures, which are lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 12.02. NONCONFORMING LOTS OF RECORD.

- A. In the AR and R-1 Zoning Districts, a single-family dwelling and related accessory structures may be erected on any lot or parcel of record at the effective date of adoption of the Zoning Ordinance. In the event the width or area is less than that required by Section 14.02 of this Ordinance, the side, rear, and front yard setbacks for any structures constructed pursuant to this provision may be reduced by up to one-third (1/3) by the Zoning Administrator in the event that it is shown that it is not possible to comply with the full setback requirements.
  - B. Approval to build on non-conforming lots or parcels which cannot meet the requirements of Section 12.02A may be granted by the Board of Zoning Appeals as a variance in appropriate circumstances. In no case shall any variance be granted permitting a side yard or rear yard setback less than five (5) feet.
  - C. In the event that contiguous non-conforming lots are under the same ownership, said contiguous lots shall be combined so that the minimum requirements of Section 14.02 of this Ordinance can be complied with.
- (Ord. No. 102 eff. 12-21-94)

Section 12.03. NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such nonconforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12.04. NONCONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists, which would not be permitted by the regulations imposed by this Ordinance the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- E. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- F. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.



## **ARTICLE XIII**

### **OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 13.01. PARKING REQUIREMENTS. In all zoning districts off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Area for Parking Space. For the purpose of this Section three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- B. Location of Parking Space for One and Two-Family Dwellings. The off-street parking facilities required for one and two-family dwelling shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- C. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- D. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- E. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- F. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
- G. Collective Provisions. Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

Section 13.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

USE	REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
1. Auditoriums, Assembly Halls, Theaters, Churches, Private Clubs, Lodge Halls	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for every two employees.
2. Automobile Service Station	1	Each gasoline pump and lubrication stall.
3. Banks; Business or Professional Offices; Libraries; Museums	1	Two hundred square feet of usable floor area. Each teller window for drive-in banks.
4. Barber Shops and Beauty Parlors	3	Each barber or beauty operator.
5. Bowling Alleys, Golf Courses	5	Each bowling lane or each hole on a golf course.
6. Furniture, Appliances, and Household Equipment Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade; Clothing and Shoe Repair; Laundry, Motor Vehicle Salesroom, Hardware Stores, Wholesale Stores, and Machinery Sales	1	Six hundred square feet of usable floor area, plus one space for each two employees.
7. Hotels, Tourist Homes, Motel, Hospitals, Convalescent Homes	1	Each guest bedroom and each two employees.
8. Industrial Establishments	1	One and one-half employees computed on the basis of the greatest number of persons employed at any one period during the day.
9. Residential-Single, Two-Family, or Multiple Dwelling or Mobile Home	2	Each dwelling unit.
10. Restaurant or Establishments in which is Conducted the Sale and Consumption on the Premises of Beverages, Food, or Refreshments	1	Fifty square feet of usable floor area, plus one space for each four employees. Minimum of forty spaces for drive-in restaurants.
11. Retail Establishments and Businesses, Except as Otherwise Specified Herein	1	One hundred square feet of usable floor space.
12. Schools	1	Two teachers, employees or administrators in addition to the requirements of the auditorium or assembly hall therein.
13. Service Garages, Auto Sales Rooms, Auto Repair, Collision, or Bumping Shops; Car Wash Establishments	1	Two hundred square feet of usable floor area, plus one space for each auto service space.
14. Warehouse and Storage Buildings	1	Each employee or one space for every 1,700 square feet of floor space, whichever is greater.

**Section 13.03. PARKING REQUIREMENTS FOR OFF-STREET LOADING.** On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by thirty (30) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

<b>Gross Floor Area in Square Feet</b>	<b>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor</b>
0 – 2,000	None
2,000 – 20,000	One space
20,000 – 100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,000 – 500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

**Section 13.04. GENERAL REQUIREMENTS.**

- A. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- B. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- C. All parking areas shall be paved or graveled in a manner sufficient to provide a solid year-around base.

## ARTICLE XIV AREA, SETBACK, AND HEIGHT

Section 14.01. APPLICABILITY. All uses of land or structures shall comply with the area, setback, and height requirements of Section 14.02, for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

### Section 14.02. TABLE OF AREA, SETBACK, AND HEIGHT REQUIREMENTS.

<b>Zoning District</b>	<b>Minimum Lot Area Per Dwelling Unit or Main Building</b>	<b>Minimum Lot Width (in feet) (b)</b>	<b>Minimum Front Yard Setback (in feet) (c)</b>	<b>Minimum Side Yard Setback (in feet) (d)</b>	<b>Minimum Rear Yard Setback (in feet) (d)</b>	<b>Minimum Floor Area Per Dwelling (in sq. ft.) (e)</b>	<b>Maximum Building Height (in feet) (f)</b>
AR	2 acres	(a)	100	20	25	850	35
R-1	30,000 sq. ft.	120	100	20	25	850	35
RM	1 acre (g)	150	100	25	50	750	35
RMH	20 acres	400	100	25	50	850	35
REC	10 acres	300	100	25	50	---	35
C or I	1 acre	150	100	25	50	---	35

- (a) Area in Acres                      Minimum Width in Feet  
       Less than 5                              200  
       5 to 10                                    250  
       More than 10                            300
- (b) Measured at the road right-of-way line.
- (c) Measured from center of road right-of-way.
- (d) In no case shall a building be constructed within one hundred (100) feet of the centerline of any public or private road right-of-way.
- (e) In the case of two-story houses, the main floor area shall contain at least six hundred fifty (650) square feet. The total floor area of tri-level and quad-level houses shall meet the minimum square footage without regard to which level the area is measured on. In no case shall basement areas be counted for purposes of minimum square footage.
- (f) Not applicable to farm structures such as barns, silos, or grain elevators.
- (g) In the RM District, there shall be no more than four dwelling units per acre.

(Ord. No. 103 eff. 02-19-97)

## **ARTICLE XV SITE PLAN REVIEW**

Section 15.01. SCOPE. A site plan shall be prepared and submitted for every construction project requiring a building permit and for every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03. SITE PLAN PREPARATION. The applicant shall prepare, or have prepared, a site plan in accordance with the following requirements. All site plans shall be drawn to the correct engineer scale, except floor plans and exterior building wall elevation drawings, which shall be drawn to the correct architect scale. All drawings shall contain all applicable information as set forth in Section 15.04 herein. Site plan submittals shall include:

- A. An existing condition drawing.
- B. A plan view drawing.
- C. Exterior building wall elevation drawings and floor plans.
- D. Detail cross section drawings, as required; and,
- E. Site engineering drawings, if required by the Township.

Section 15.04. SITE PLAN INFORMATION. All site plans submitted to the Township for review shall contain the following applicable information on uniform paper sheets not exceeding 24 inches by 36 inches in size.

- A. All sheets. All site plan drawings shall contain the following information:
  - 1. Name of the proposed development.
  - 2. Name, address, telephone and facsimile number of:
    - a) The developer.
    - b) The legal owner; and
    - c) Site plan design firm(s); and
    - d) Scale of drawing.
- B. Existing conditions drawing. An existing conditions drawing shall be prepared at an engineer scale of not less than 1/2-inch equals 50 feet, and shall include the following information:

1. The north point.
2. The designer's registration number and seal.
3. A complete legal description of the premises.
4. A vicinity sketch showing the location of the site and its surrounding area. This drawing need not be drawn to scale.
5. All buildings and/or structures existing on the site.
6. All underground and above-ground public utility easements and what they are.
7. All underground storage tanks, buried foundations, abandoned wells, etc. on site.
8. Any private easements and a reference as to where the easement is recorded.
9. Topography at two-foot intervals.
10. The outline of any wetland or woodland areas; and
11. All boundary site dimensions.

C. Plan View Drawing. A plan view drawing shall be drawn to an engineer scale of not less than 1/2-inch equals 50 feet, and shall include the following information:

1. The north point.
2. The designer's registration number and seal.
3. The location and width of all proposed in-ground and above-ground public and private utility easements.
4. The existing zoning classification of the site.
5. The existing zoning classification of abutting properties.
6. The existing land use of abutting properties.
7. All existing buildings and structures within 100 feet of the development site.
8. The location of proposed structures to be constructed on the site.
9. The dimensions of all setbacks to demonstrate compliance with Article XIV.
10. The location of all off-street parking spaces, including required handicapped parking spaces, and vehicle maneuvering lanes.
11. The location of loading and unloading facilities.
12. The location of all driveways, drives, turning lanes, acceleration, and deceleration lanes.

13. The locations of all drives, driveways, and intersections across adjacent streets from the development site.
14. The names of all adjacent streets, along with their pavement widths, center lines and projected right-of-way lines.
15. The location of all sidewalks.
16. The location of all landscape features (trees, shrubs, lawn area, ponds, etc.) existing on the site at the time of development which are to be retained.
17. The location of all new landscape planting materials proposed for the site.
18. The name of all new plant materials (common and botanical), their size (height and diameter or caliper for trees, and height and spread for shrubs), and, in the instance of a landscape screen wall, the on-center distance between planting screen materials.
19. A statement as to how all plant materials are to be watered and maintained, i.e., by an in-ground irrigation system or other means.
20. Critical site dimensions:
  - a) Along property lines.
  - b) Between all structures.
  - c) Between structures and property lines.
  - d) Between off-street parking and structures.
  - e) Between off-street parking and property lines.
  - f) Off-street parking bay length and width.
  - g) Vehicle maneuvering lane widths.
  - h) Curb radius at entrances.
  - i) Between structures or parking spaces and storm water detention or retention ponds or basins.
  - j) The location of any outdoor storage area(s).
  - k) The location of any trash receptacle(s).
  - l) The location of all peripheral screen walls or earth berm screens, including trash receptacle screen walls.
  - m) The location of any free-standing signs; and
  - n) The location of all exterior lighting fixtures, including information regarding the height of the fixture, the type of luminary to be used and its wattage.

- D. Exterior building wall elevation drawings and floor plans. Exterior building wall elevation drawings and floor plans shall be prepared at an architect's scale of not less than one-eighth of an inch equals one foot and shall include the following information. Exterior building wall elevation drawings shall be prepared for all exterior walls of the building or buildings proposed for the site, and for all accessory buildings.
1. Floor plans for all floors, including basements.
  2. Dimensions showing the height of buildings.
  3. The type and color of all exterior building wall materials to be used on each wall.
  4. The location of all wall signs. The display area of each wall sign shall be provided on the drawing in square feet; and,
  5. The location, type and wattage of all wall-mounted exterior lighting fixtures.
- E. Detail cross-section drawings. Detail cross-section drawings shall be prepared at an appropriate engineer or architectural scale and shall include detail cross-sections of:
1. All earth berm treatments, including information identifying angle (steepness) of side slopes, width of base, berm height and width of berm crest.
  2. All screen walls, including footings, type of materials to be used in the screen walls and dimensioned height.
  3. All free-standing signs, including the height of the sign and the total amount of display area in square feet for each sign.
  4. Wall signs, including the total amount of display area in square feet for each sign; and,
  5. Exterior free-standing light fixtures, including its total dimensioned height.
  6. If insufficient room is available on other site plan drawings for detail drawings, they shall be provided on a separate sheet.

Section 15.05. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulation, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.



Section 15.06. SITE PLAN AMENDMENTS. Requested amendments to an approved site plan must follow the same procedures as Section 15.02 herein.

Section 15.07. AGENCY APPROVALS. Prior to the approval of a site plan by the Arcadia Township Planning Commission, all other governmental agency approvals must be obtained, and proof of these approvals provided to the Planning Commission. These approvals may include, but are not necessarily limited to, the Lapeer County Road Commission, Lapeer County Health Department, Lapeer County Drain Commission, Lapeer County Soil and Sedimentation, Michigan Department of Environmental Quality, Michigan Department of Natural Resources, Michigan Department of Transportation, etc.

Section 15.08. BOND. A cash deposit, letter of credit, certificate of deposit, or surety bond shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of bond shall be the full construction cost for the infrastructure within the development.

Section 15.09. TIME FOR COMPLETION. Each site plan shall be valid for a period of twelve (12) months following the approval by the Planning Commission. Any site plan which is presented for re-approval by the Planning Commission or for an extension of time may be modified as a condition of such re-approval or time extension. All site plan requirements shall be fully complied with, and construction completed within eighteen (18) months of the date the building permit for the project is issued. If no building permit is required, the completion shall be done within eighteen (18) months of the date on which the site plan is approved. (Ord. No. 101 eff. 01-19-94)

## **ARTICLE XVI**

### **USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION**

Section 16.01. APPLICATION. For all uses permitted after special approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road rights-of-way.

Section 16.02. HEARING. Requests for uses permitted after special approval may be heard and decided at any regular or special meetings of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on uses permitted after special approval shall be sent to the person requesting the special approval and to owners and occupants of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the request for special approval. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than five (5) days nor more than fifteen (15) days prior to the hearing.

Section 16.03. STANDARDS. Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. The decision of the Planning Commission shall be incorporated in a statement containing the conclusion on which the decision is based, and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Section 16.05. EXPIRATION. Planning Commission permission for a Use Permitted After Special Approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

Section 16.06. REVOCATION. The Planning Commission may revoke any use granted after special approval in the event that the requirements of the Ordinance or any conditions are not complied with. Prior to any revocation, the Planning Commission shall conduct a public hearing pursuant to Section 16.02.

**ARTICLE XVII**  
(Held in Reserve)

## **ARTICLE XVIII SUBDIVISION PLATS**

Section 18.01. DIVISION OF EXISTING LOTS WITHIN A SUBDIVISION. Any lot, out lot, or other parcel in a recorded subdivision plat may be further partitioned or divided so as to total not more than four (4) parts which meet the following minimum requirements.

- A. The minimum size of any parcel of land created pursuant to this Section shall be in accordance with the minimum requirements of the Zoning Ordinance, except when the dividing of such land is for the use of such divided land in conjunction with an adjoining parcel of land.
- B. The petitioner shall submit three (3) drawings of the proposed lot split prepared by a Registered Civil Engineer or Registered Land Surveyor. The survey must show all existing structures on the lot. The petitioner shall also provide proof of ownership of the lot or lots to be split.
- C. If the division of the parcel will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in form legally sufficient for recording with the Register of Deeds and signed by all persons who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall thereafter be used only in conjunction with the adjoining parcel.
- D. Any such division shall be permitted only after a motion permitting such has been passed by the Planning Commission.

Section 18.02. PRELIMINARY SUBDIVISION PLAT.

- A. Filing
  - 1. The proprietor shall submit at least four (4) copies of the preliminary plat of the proposed subdivision to the Township Clerk at least ten (10) days before a meeting of the Planning Commission.
  - 2. The preliminary plat shall be prepared in accordance with the Subdivision Act and in accordance with the requirements of the Ordinance.
  - 3. The proprietor shall submit evidence that a copy of the preliminary plat has been delivered to the appropriate school district.
  - 4. The proprietor shall submit evidence that an on-site sewage disposal and on-site water supply system has received approval by the Lapeer County Health Department for the proposed development. (Ord. No. 103 eff. 02-19-97)
- B. Identification and Description

The following information shall be provided with the preliminary plat:

  - 1. Proposed name of subdivision.

2. Legal description.
3. Names and addresses of the proprietor and the person who designed the subdivision layout.
4. Date, north point and scale of plat 1" = 100' as minimum acceptable scale.
5. An overall area map at a scale of not less than 1" = 2,000' showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.
6. Boundary line of proposed subdivision and overall property dimensions.
7. Property lines of contiguous adjacent tracts of land are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.
8. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
9. Location and water levels of lakes and swamps, and the direction or flow of streams and surface drainage.
10. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
11. Topography drawn at contours with an interval of two (2) feet in elevation.
12. Soil types and characteristics.
13. Trees on the site shall be inventoried and sketched as to type and location.
14. Layout of proposed streets indicating street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements, and public walkways.
15. Layout, numbers and dimensions of lots, including building setback lines.
16. Parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
17. Existing and proposed use of any parcels excepted from the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted," the preliminary plat shall indicate how this property would be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
18. Location of the required underground utilities.
19. Proposed utility installations.

20. Plan of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; methods of controlling insects, water growths, and vegetation.
21. In the case where the proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout of the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow.

C. Review by Planning Commission

1. The Planning Commission shall act on the preliminary plat within sixty (60) days after the date that all necessary information is provided to the Planning Commission, unless the proprietor agrees to an extension.
2. Review fees, as established by motion of the Township Board, shall be paid to the Township Treasurer prior to Planning Commission review of the proposed plat.
3. The Township Clerk shall send a notice to the owners of land within five hundred (500) feet of the property to be platted of the presentment of the preliminary plat and the time and place of the meeting of the Planning Commission to consider said preliminary plat; said notice shall be sent not less than five (5) days before the meeting. At its discretion, the Planning Commission may also advertise the date of the public meeting by newspaper publication.
4. The Planning Commission may direct that copies of the preliminary plat be transmitted to an engineer for technical review and recommendation.
5. The Planning Commission shall review the preliminary plat as to the following:
  - (a) Zoning Ordinance compliance.
  - (b) Availability and adequacy of utilities.
  - (c) Impact on schools and public facilities.
  - (d) Land use plan compliance.
  - (e) Transportation network.
  - (f) Surrounding land uses.
  - (g) Objectives and policies of the Township.
6. The Planning Commission shall recommend approval conditionally, disapproval, or approval of the preliminary plat.

D. Review by Township Board

1. Following the receipt of Planning Commission recommendations, the Township Board shall consider the preliminary plat and shall take action within ninety (90) days of the date that all necessary information was provided to the Planning Commission unless the proprietor has requested an extension.
2. Should the Township Board approve the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the submission of the preliminary plat to the county and state agencies required in the Subdivision Act.
3. The tentative approval of the preliminary plat by the Township Board shall be effective for a period of one (1) year. Should the preliminary plat, as reviewed and approved by the required county and state agencies, not be submitted within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation to the Township Board.
4. Upon submission of the preliminary plat as reviewed and approved by the required county and state agencies, the Township Board shall consider and review the plat within twenty (20) days. If final preliminary plat approval is granted by the Township Board, such approval shall be effective for a period of two (2) years. Such approval shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.
5. No installation or construction of any improvements shall be made before the preliminary plat has been approved by the Township Board and any deposits required have been received by the Township.

(Ord. No. 113 eff. 04-18-06)

Section 18.03. FINAL SUBDIVISION PLAT.

A. Preparation

1. The final plat shall comply with the provisions of the Subdivision Act.
2. The final plat shall conform substantially to the preliminary plat as approved.

B. Final Plat Review

1. Five (5) mylar copies and three (3) paper prints of the final plat shall be filed by the proprietor with the Township Clerk and shall deposit such sums of money as the Township may require herein or by other ordinances.
2. The final plat, at the discretion of the Township Board, may be reviewed by an engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
3. The Township Board shall review the final plat for compliance with the items specified in Section 18.06.C.5 of this Ordinance.
4. The Township Board shall review all recommendations and take action on the final plat within thirty (30) days of its date of filing.
5. Upon approval of the final plat by the Township Board the subsequent approvals shall follow the procedure set forth in the Subdivision Act. The three (3) prints



shall be distributed as follows: one (1) to the Township Clerk, one (1) to the Planning Commission, and one (1) to the Building Inspector. The five (5) mylar copies shall be forwarded to the County Plat Board.

6. In lieu of the proprietor having installed improvements, the Township Board shall require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check or irrevocable bank letter of credit running to the Township for the full cost, as estimated by the Township engineer, of the improvement of public places, other than roads and streets, and the installation of any requirement monuments, corner markers, public sewer, water supply, and drainage facilities, to insure the completion of said improvements and facilities within a length of time agreed upon from the date of approval of the final plat by the Township Board. The Township shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
7. A copy of the proposed Subdivision Deed Restrictions or a statement in writing that none are proposed shall be furnished to the Township Board to be filed with the Township copy of the final plat.

#### Section 18.04. SUBDIVISION DESIGN STANDARDS.

##### A. Streets

1. The proposed subdivision streets shall conform to the Land Use Plan and shall be considered in relation to the existing and planned major thoroughfares. The proposed subdivision streets shall also conform to any county right-of-way plan which may be applicable to that location.
2. The street layout shall provide for continuation of streets in adjoining subdivisions. Where the adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
3. The street layout shall discourage the use of minor streets by through traffic.
4. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable grades.
5. Street Intersections: Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
6. Streets: All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission.

B. Easements

1. Location of utility line easements shall be provided along the rear of side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than ten (10) feet wide.
2. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
3. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width of construction or both as will be adequate for the purpose. Such easements shall meet the approval of the County Drain Commissioner and/or County Road Commission.

C. Lots

1. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
3. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.
4. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than four (4) to one (1) shall be desirable.
5. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
6. Side lot lines shall be at right angles or radial to the street lines whenever possible.
7. Residential lots abutting major streets shall be platted with reverse frontage, or with side lot lines parallel to the major traffic streets or shall be platted with extra depth to permit adequate distances between buildings and such streets.
8. Lots shall have a front-to-front relationship across all streets where possible.
9. Where lots border upon bodies of water, the front yard shall be designated as that side fronting on the street.
10. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes.
11. Where parcels of land are subdivided into unusually large lots (such as when large lots are required for septic tank operations), the parcels shall be designed,

where feasible, so as to allow for resub-division into smaller lots in a logical fashion.

D. Natural Features

The natural features and character of lands shall be preserved wherever possible. Due regard shall be shown for all-natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the dedication and provision of adequate barrier (dams, bulkheads, retaining walls, etc.) where appropriate, shall be required.

E. Topsoil

Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads or parking areas.

F. Public Sites and Open Spaces

When the proprietor is willing to provide playgrounds, school sites, parks and recreation facilities, said areas shall be provided by one of the following methods:

1. Dedication to the Township, County or School Board.
2. Reservation of land for use of property owners by deed or covenants.
3. Reservation for acquisition by the Township, County or School Board. Said reservations shall be made in such a manner as to provide for a release of the land to the proprietor in the event that the Township, County or School Board does not proceed with the acquisition.

Section 18.05. IMPROVEMENTS.

A. Minimum Standards

The improvements set forth in this Article are to be considered as the minimum acceptable standard. All improvements must meet the approval of the Township Board.

B. Bond

Prior to the undertaking of any improvements, the proprietor shall deposit with the Township Clerk a certified check, or irrevocable bank letter of credit, or a surety bond acceptable to the Township Board to insure faithful completion of all improvements within the time specified. The amount of the deposit shall be set by the Township Board.

C. Utilities

1. Underground Wiring: All local distribution lines for telephone, electric, television, and other similar services distributed by wire or cable shall be placed underground throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground services. Such wires, conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways.

2. Sewage Disposal: When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal public sewer system, sanitary sewers and other required appurtenances thereto, shall be installed in such a manner as to adequately serve all lots from the municipal system. In the event of the non-existence or non-availability of a municipal sewer system, septic tank systems shall be approved by the County Health Department.
3. Water Supply: When a proposed subdivision is located within, adjacent to or reasonably near the service area of a municipal water supply system, water mains, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-existence or non-availability of a municipal water supply system, private wells shall meet approval of the County Health Department.
4. Storm Drainage System: An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot.

D. Sidewalks

A four (4) foot wide concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision may be required. In those instances where no good purpose would be served by the provision of sidewalks, the Planning Commission may waive this requirement.

D. Street Trees

Street trees shall be provided; at least one (1) per lot or not less than one (1) tree for each one hundred (100) feet of street frontage,

Section 18.06. ENGINEERING DESIGN STANDARDS.

A. General Requirements

1. Plans submitted shall be on 24" x 36" or 22" x 36" white prints having blue or black lines and shall be neatly prepared.
2. All sewers shall be shown in plan and profile. Profiles of sewers shall indicate the size, invert and slope of the sewer and shall indicate the existing ground and proposed grade along the route of the sewer.
3. Elevations shall be on United States Geological Survey datum.
4. Finished grades of structures shall be indicated on the plan or profile for all structures.
5. All engineering plans submitted shall bear the seal of a Registered Professional Engineer.
6. One mylar copy of As-Built plans of water, sanitary sewer, roads and storm sewer system and certification from a Registered Professional Engineer that all surface grades, roads and structures are in conformance with the approved plan

shall be provided prior to acceptance of the subdivision improvements by the Township.

B. Review

For Township approval of sanitary sewer systems, storm sewers or water mains, the applicant shall furnish to the Township a detailed estimate of the cost and two sets of the plans including the general plan, for the system on which he desires approval. The Township shall collect the review fee and refer the plans to an Engineer who shall check the estimate and review plans for conformity to the standards of the Township and certify that they are consistent with the over-all utility plans of the Township. The applicant, after making any changes requested on the set of plans returned to him, shall then submit the revised plans to the Township, for final approval.

## ARTICLE XIX DEFINITIONS

Section 19.01. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

**ACCESSORY BUILDING.** A building related to and secondary to the main use of the premises. (See accessory structure illustration)

**ACCESSORY USE.** A use naturally and normally incidental and subordinate to the main use of the premises.

**ADULT ENTERTAINMENT FACILITIES.** Adult bookstores, being establishments having a substantial or significant portion of their stock in trade, books, magazines, videos, and other items which are characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas." Also, adult motion picture theaters, either enclosed or open air, used for presenting motion pictures characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" for observation by patrons. "Specified Sexual Activities" for the purpose of this Section are defined as including: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse or sodomy; or, 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast. "Anatomical Areas" are defined as less than completely covered: 1) human genitals or pubic region; 2) buttocks; and 3) female breasts below a point immediately above the top of the areola.

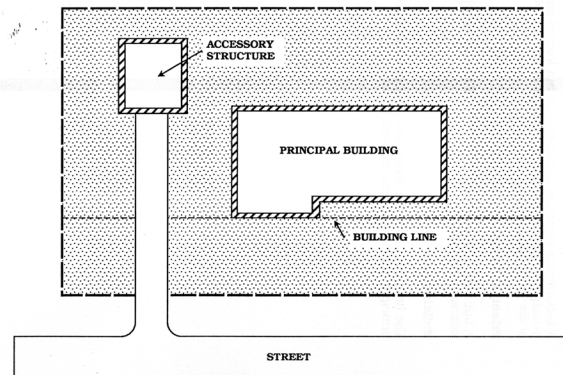
**ALTERATIONS.** Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

**BOARD OF APPEALS.** The duly appointed Board of Zoning Appeals for the Township of Arcadia.

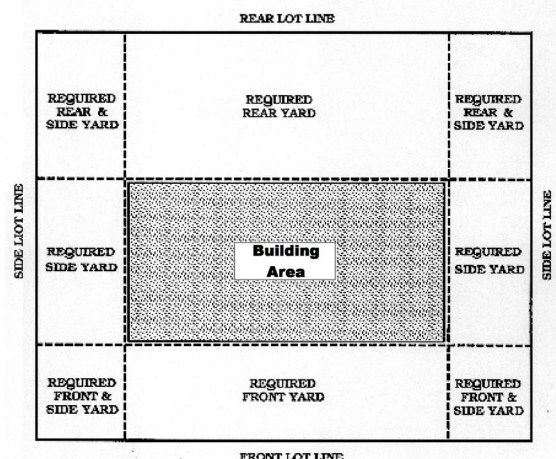
**BUILDABLE AREA.** The buildable area of a lot is the space remaining after the minimum set back requirements of this Ordinance have been complied with. (See buildable area illustration)

**BUILDING.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or personal property. This shall include tents, awnings, vehicles, trailers, or mobile homes situated on private property and used for purposes of a building.

**ACCESSORY STRUCTURE AND  
PRINCIPAL BUILDING DEFINITION**



**Building Area**



**BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs (See building height illustration). (Ord. No. 108 eff. 5-26-02)

**CONDOMINIUM SUBDIVISION PLAN.** The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirements of Section 66 of the Condominium Act.

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**CONDOMINIUM MASTER DEED.** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the site.

**CONDOMINIUM, SITE.** A condominium development consisting of single-family detached housing on either individual lots or on land held in common (also known as Detached Condominium).

**DWELLING, MULTIPLE.** A building used or designed as a residence for three (3) or more families.

**DWELLING, SINGLE-FAMILY.** A building used or designed exclusively as a residence for one (1) family.

**DWELLING, TWO-FAMILY.** A building used or designed as a residence for two (2) families.

**DWELLING UNIT.** Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

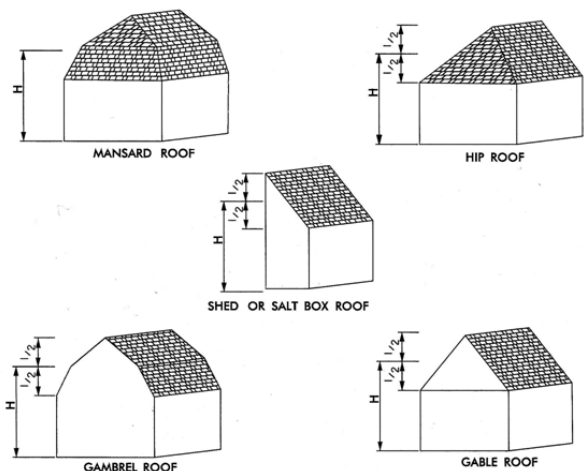
**ERECTED.** The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

**ESTABLISHED GRADE.** The finished ground level at the building foundation. In the event of sloping terrain, the established grade shall be the average ground level along the building foundation, at the front building line. (Ord. No. 108 eff. 05-26-02)

**EXCAVATING.** The removal of sand, stone, gravel or dirt from its natural location.

**FAMILY DAY CARE HOME.** A private home in which at least one (1) but less than seven (7) minor children are received for 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. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

#### BUILDING HEIGHT



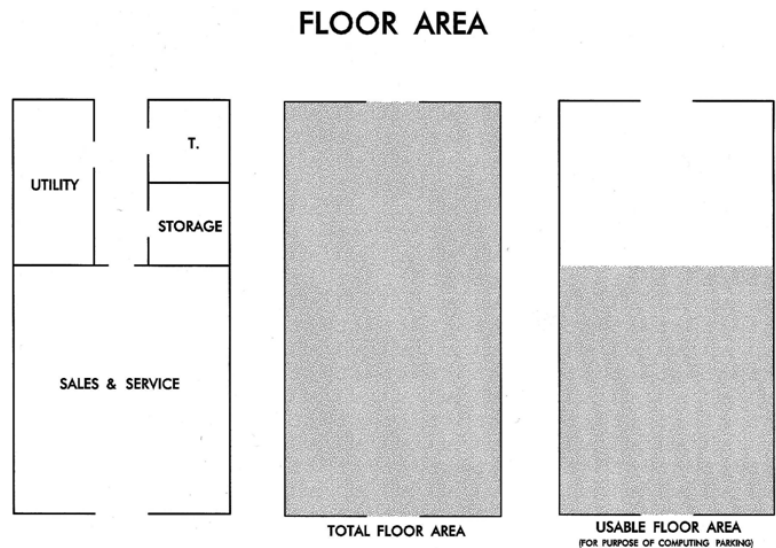
**FARM.** All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, and similar enterprises involving agricultural production.

**FARM BUILDING.** Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

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

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade. (See floor area illustration)

**GROUP DAY CARE HOME.** A private home 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. A group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.



**JUNK.** Any motor vehicles, machinery, appliances, product, merchandise, scrap metals or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

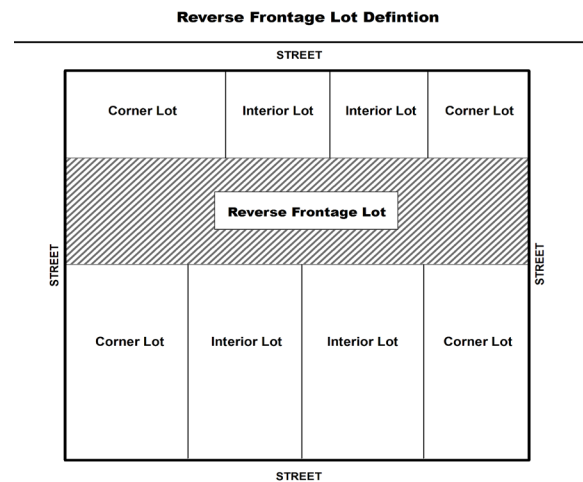
**JUNK YARD.** Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

**KENNEL.** Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.

**LIVESTOCK.** Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hooved animals.

**LOT OF RECORD.** Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Lapeer County Register of Deeds.

**LOT, REVERSE FRONTAGE.** A lot (excluding corner lots) which has two opposite sides abutting two parallel or approximately parallel streets typically where the front of the lot is interior to the development.





MOBILE HOME. (includes house trailer, trailer coach, and double-wide mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels as one or more units. This includes all units which could be licensed under the provisions of Act 300 of the Public Acts of 1949, as amended.

MOBILE HOME PARK. Any parcel of land which has been designed, improved, or used for the placement of three or more mobile homes for dwelling purposes.

PARKING SPACE. An area of not less than nine and one-half (9-1/2) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of Arcadia Township, as authorized by Michigan Public Act 110 of 2006, as may be amended. (Ord. No. 114 eff. 12-19-06)

POND EXCAVATION LINE. The point at which the natural soils are dug or excavated below the current existing grade. (Ord. No. 103 eff. 02-19-97)

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

RECREATIONAL VEHICLES. Travel trailers, motor homes, truck campers and similar vehicles not exceeding forty (40) feet in length. Mobile homes shall not be deemed to be recreational vehicles.

SETBACK. The distance between a building and the center of a road right-of-way or a property line.

SIGN. Any device designed to inform, advertise or attract attention.

SINGLE-FAMILY DETACHED CONDOMINIUM. A condominium unit which is physically separated from any other condominium unit, and which is designed and intended for occupancy by a single-family.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

SUBDIVISION ACT. The Subdivision Control Act of the State of Michigan.

SWIMMING POOL. Any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches. Ponds shall not be deemed to be swimming pools.

TEMPORARY ANEMOMETER TOWER. A structure, including all accessory facilities, temporarily erected, on which an instrument for measuring and recording the speed of the wind is mounted for the purpose of researching whether or not a site has wind resources sufficient for the operation of a wind energy conversion system.

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Arcadia.

TRAVEL TRAILERS. (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled or affixed to another vehicle and driven from one site to another without requiring a Special Transportation Permit for travel.

TRAVEL TRAILER PARK. Any parcel of land, designed, improved, or used for the placement of three (3) or more travel trailers or tents (used for recreation, camping or travel use) for overnight accommodations.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

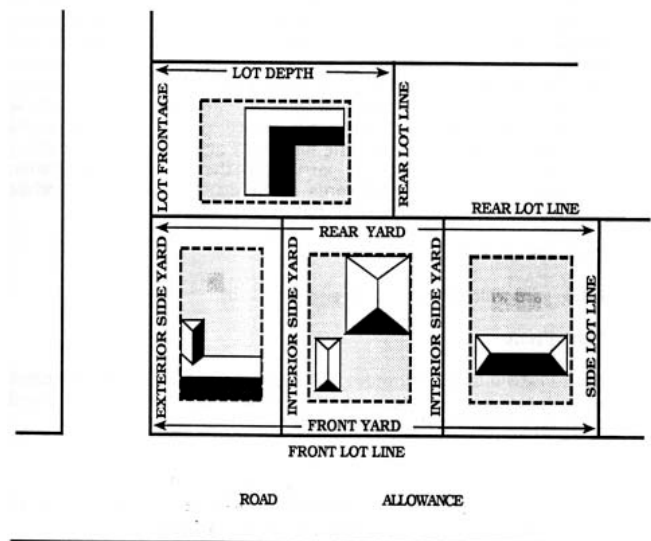
WIND ENERGY CONVERSION SYSTEM (WECS). A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower, as well as related electrical equipment. This does not include wiring to connect the wind energy system to the electrical grid.

WIND ENERGY CONVERSION SYSTEM, ON-SITE. A wind energy conversion system that has a rated capacity of not more than 100 kilowatts (kW) and which is primarily intended to reduce on-site consumption of utility power.

YARD. An open space or prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward. (See yard illustration below).

ZONING ADMINISTRATOR. An individual or organization appointed by the Township Board with the responsibility of enforcing this Ordinance and carrying out the duties specified in the Ordinance.

#### EXAMPLE OF YARD DEFINITION



## **ARTICLE XX AMENDMENTS**

Section 20.01. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as may be amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board, or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to this petition and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the Township Board with the Township at the time that the petition is filed to cover the publication and other miscellaneous costs of said change. Notice of the public hearing of the Planning Commission shall be sent to all persons owning property within five hundred (500) feet of the boundaries of the property involved in any rezoning petition. Notices shall be addressed to the owner shown on the current Township tax records. In addition, a notice shall be placed in a newspaper of general circulation at least fifteen (15) days prior to the public hearing.

(Ord. No. 114 eff. 12-19-06)

## **ARTICLE XXI VIOLATIONS**

Section 21.01. PENALTIES. Any person, firm, or corporation or anyone acting on behalf of said person, firm, or corporation who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or the conditions of the Planning Commission, Zoning Board of Appeals, or the Township Board, adopted pursuant hereto is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Arcadia Township Civil Infraction Ordinance, being Ordinance Number 2100. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 104 eff. 04-22-98)

Section 21.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed subsequent to the passage of this Ordinance and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

## **ARTICLE XXII SEVERABILITY**

Section 22.01. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

## **ARTICLE XXIII ENACTMENT AND REPEAL**

Section 23.01 ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Arcadia.

Section 23.02. EFFECTIVE DATE. This Ordinance is, therefore, ordered to be given immediate effect as of the date of its passage by the Township Board, pursuant to Section 11 of Act 184, Michigan Public Acts of 1943, as amended.

Section 23.03. REPEAL. The former Arcadia Township Zoning adopted on December 4, 1974, and Amendments 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111 are hereby repealed.