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# ARTICLE I

## Zoning Ordinance

## Arvon Township - Michigan

## Preamble (Intent)

**Section I-1**

**An ordinance to establish zoning districts for Arvon Township, Michigan and to establish regulations for those districts and to encourage and regulate the proper use of land; to provide for the administration, enforcement and penalties for violations; to provide for a Board of Appeals and for its powers and duties with the Planning Commission pursuant to the Planning Enabling Act 33 of 2008 as amended.**

**It shall incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act Public Act 110 of 2006, and to provide for resolution of conflict with any other ordinances or regulations.**

**And it shall supersede all previous documents and regulations currently in place.**

## HISTORY

**I-2**

**Act 184 - Public Act of 1943 as amended was passed to encourage the most reasonable locations and uses of structures and land for trade, industry, agriculture, forestry, residence and public and semipublic use.**

**It encompassed concepts of density of development, building height, and resource protection, and created a Board of Appeals for resolution of conflicts.**

**TITLE**

**I-3**

**This ordinance shall be known and referred to as the Arvon Township Zoning Ordinance and shall include the text as well as all maps, tables, graphics and schedules as included.**

**Effective Date**

**When and As passed by the Township Board.**

**This _____ of _____, _____**
**day month year**

**Signatures of Board**

**Supervisor _____**

**Supervision**
**Secretary_____**

**Treasurer _____**

**Trustees: _____**

**_____**

## OTHER PURPOSES (SEVERABILITY)

**I-4**

**This ordinance will not give legitimacy to activities prohibited by other jurisdictions, i.e. county, state or federal law.**

**If any part, sentence, paragraph or section (subsection) is judged invalid and unconstitutional, that part may be stricken from the ordinance without affecting the remainder of the ordinance (i.e. it is severable).**

## ADMINISTRATIVE STANDARDS AND PROCEDURES

**I-5**

**(A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the intent and purpose of this Ordinance or injurious to the surrounding neighborhood.**

**(B) Where a public hearing of the Planning Commission or the Zoning Board of Appeals is required in the administration of this Ordinance, said hearing shall be in accordance with the Zoning Enabling Act (Act 110 of 2006)**

**(C) Where a public meeting of the Planning Commission or the Zoning Board of Appeals is required in the administration of this Ordinance, said meeting shall be in accordance with the Zoning Enabling Act (Act 110 of 2006)**

## OPEN MEETING ACT

**I-6**

**Meetings of the Arvon Township Board, Planning Commission and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act PA 267 of 1976 and documents prepared for or retained associated with the Administration of this Ordinance are subject to the Freedom of Information Act, PA 442, 1976.**

## ARTICLE II - DEFINITIONS

**All words used in the present tense shall include the future; all words in the plural number include the singular number; and the word "building" includes "structure" and the word "dwelling" includes residence: the word person shall include "corporation, partnership, association", as well as individual; "shall" is mandatory, may is permissive: "Lot" includes "plot/site" or "parcel":**

**Abandoned Wells: "Abandoned water well" means any of the following:**
**a.) A well which has its use permanently discontinued.**
**b.) A well which is in such disrepair that its continued use for the purpose of obtaining groundwater is impractical.**
**c.) A well which has been left uncompleted.**
**d.) A well which is a threat to groundwater resources.**
**e.) A well which is or may be a health or safety hazard.**

**Access: A way or means of approach for vehicular or pedestrian traffic from adjoining property or a public roadway.**

**Access Point:**

**a.) The connection of a driveway at the right of way line to a road.**
**b.) A new road or shared driveway**

**Accessory: Uses or structures both subordinate to a principal use or structure.**

**a.) Building - A structure incidental to the principal building on the same lot. An accessory building shall not be used for human habitation. An accessory building shall comply in all respects with the requirements of that ordinance applicable to the principal building. (See building lines and Figure 2-1, page 33.)**

**b.) Accessory Housing Unit: A complete self contained dwelling unit within or attached to a permitted single family dwelling that provides accommodation for the parent(s) or grandparent(s) of the owner-occupier of the single family dwelling.**

**c.) Accessory Use: A use which is clearly incidental to, customarily found in connection with and located on the same lot as the principal use e.g. storage, gardening, swimming pool and emergency shelter.**

**<u>Agriculture:</u> The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.**

**<u>Alley:</u> A dedicated public way, not a street, allowing vehicular access but not intended for general traffic circulation.**

**<u>Alterations:</u> Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."**

**<u>Antennae:</u> A device used to transmit and/or receive radio or electromagnetic wave earth bound and/or orbital based structure for the purpose of communication.**

**<u>Apartment:</u> A suite of rooms in a multi family building, including bath and kitchen facilities, arranged and intended as a single family residence.**

**<u>Applicant:</u> A person who submits an application under one of the procedures set forth in this ordinance.**

**<u>Arterial Road:</u> An arterial road, or arterial thoroughfare, is a high capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads to freeways; and between urban centers at the highest level of service possible.**

**<u>Attached Dwelling:</u> A one family dwelling attached to two or more one family dwelling by common vertical walls. A townhouse is an attached dwelling. (See figure 2.2, page 33)**

**<u>Attic:</u> That part of a building that is immediately below and within the roof framing.**

**<u>Auto Repair Shop:</u> Having to do with other than body repair, i.e. mechanical work.**

**<u>Auto Body Repair Shop:</u> Having to do with repair to body/frame damage including glass.**

**<u>Backcountry Shelter:</u> A building for public use for transient shelter for people using trails**

**for recreation. It is not a single family dwelling.**

**<u>Basement:</u> That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-3, page 34). A cellar is a basement. See also definition of "story."**

**<u>Bed and Breakfast:</u> A commercial use which is subordinate to the principal use of a building as a single family dwelling unit and in which transient guests are provided a sleeping room and a meal(s) for remuneration.**

**<u>Berm:</u> A graded and landscaped mound of earth for visual and audible screening purposes.**

**<u>Blight:</u> Legal term for land that is in a dilapidated, unsafe and unsightly condition.**

**<u>Boarding stable:</u> A facility such as a barn where horses are kept for sale or boarding.**

**<u>Boarding House:</u> A commercial use subordinate to the principal use, e.g. rooms to lodgers with or without meals.**

**<u>Boiler Unit, Outside Wood Burning:</u> An accessory structure used for heating of main dwelling and related structures.**

**<u>Buffer Strip:</u> A strip of land reserved for plants, berms, walls or fencing to serve as a visual or sound barrier between properties.**

**<u>Buildable Area:</u> The portion of a lot remaining after the minimum yard and setback requirements of this ordinance have been met. See Figure 2-4, page 34.**

**<u>Building:</u> Any structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, or property of any kind or for the conduct of business. This shall include but is not limited to awnings, mobile homes, inflatable structures, fabric or membrane structures, sheds, garages, greenhouses and other similar structures. It shall also include trucks, vans, recreational vehicles or other vehicles or parts of vehicles situated on private property, and used for the purposes of a building, whether or not mounted on wheels.**

**<u>Building Addition:</u> An enclosed permanent add on building attachment to an existing permanent building.**

**<u>Building Area or Building Footprint:</u> The total horizontal area of the largest story of the**

**principal building and all accessory buildings exclusive of uncovered porches, terraces, etc. The PPBF option may allow an extension of the buildable space into any or all of the yard.**

**(PPBF = Preexisting Permanent Building Footprint). See page 25.**

**<u>Building Height:</u> The vertical distance measured from the floor of the first story to the highest point of the roof surface for flat roofs and A-frames, to the deckline of mansard roofs, and to the average height between the highest eave and the highest ridge for gable, hip and gambrel roofs (see Figure 2-5, page 35). A cupola, widow's walk, tower or parapet wall that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features.**

**<u>Building Line or Set Back Line:</u> Is a line formed by the face of the building and for this Ordinance is the same as the front setback line.**

**<u>Cabin Rental</u>: Cabins operated for gain and rented to transient tenants.**

**<u>Campground:</u> A parcel of land under the control of any person(s) whereon sites are offered for the use of the public either free of charge or for a fee for the establishment of a temporary living quarter. A campground is not a seasonal mobile home park, mobile home park, or manufactured housing community.**

**<u>Camp - Hunting:</u> A temporary use dwelling on owned or leased land for recreational purposes. It must comply with standards for water supply and waste elimination.**

**<u>Carport:</u> A shelter for one or more vehicles which is not fully enclosed by walls or doors, such structures will meet setback requirements applicable to garages.**

**<u>Change of Use:</u> Use of a building, structure or land parcel which differ from the previous uses/this ordinance.**

**<u>Church:</u> A building used for religious worship and activities usually associated with such primary purposes.**

**<u>Clinic:</u> A place where medical or dental care is provided to persons on an outpatient basis by two or more health care professionals.**

**<u>Common Land:</u> A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development or condominium project.**

**<u>Common Open Space:</u> As defined, an area preserved within a planned development for**

**use by the occupants or residents and their guests or the public.**

**<u>Community Residential Care Facilities:</u> These provide shelter and care for individuals with special needs in single family dwellings or in larger settings. All are state regulated:**

**a.) Adult Foster Care Facilities: defined in PA 218 of 1979 MCL 400.703, Section 3.**

**<u>Communication Tower:</u> A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Antennae permitted as an accessory use under Article IV of this Ordinance are excluded.**

**<u>Conditional Use:</u> A use not essentially incompatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the Arvon Township Board, in accordance with the standards set forth in this Ordinance. A conditional use is referred to as a special land use in the zoning enabling act.**

**<u>Condominium Unit:</u> That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed (it shall be interpreted as a "lot".**

**<u>Condominium Master Deed:</u> The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by laws to the condominium subdivision and the condominium subdivision plan.**

**<u>Condominium Subdivision:</u> A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Acts of 1967, Public Act 288 of 1967, as amended, also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this Ordinance, the terms below are defined as follows:**

**A. Condominium Unit: That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" or "building site," for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other**

**improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.**

**B. General Common Area: That portion of a site condominium project designed and intended for separate ownership and maintenance by the condominium association as described in the Master Deed.**

**C. Limited Common Area: The portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.**

**D. Building Envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.**

**E. Building Site: That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, regulation, "building site" shall be considered to be the equivalent of a "lot."**

**F. Limited Common Element: That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.**

**<u>Condominium Subdivision Plan:</u> The drawings attached to the master deed for a condominium subdivision which describes the size, location, area horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.**

**<u>Conservation Design Subdivision:</u> A Conservation Design Subdivision is a new form of residential development that encourages the preservation of open space and natural features incorporated into a subdivision. Under the Rural Cluster Development approach, a higher density is permitted on one-half (1/2) of the site, with the balance of the land left as open space.**

**<u>Conservation Easement:</u> An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or**

**body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.**

**A conservation easement is the grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development as provided in Section 6.12.**

**Contractor Shop: An enclosed space used for housing, operating, and maintaining, of equipment and fabrication of building-related products.**

**Contractors Yard: Outside area of lot or parcel used for storage, and maintain equipment and other materials customarily used in the trade carried on by the contractor.**

**Conveyance: An instrument or deed transferring the title to property.**

**Court: An uncovered area partially or completely surrounded by structures; or a short street that is closed at one end.**

**Day Camp: A camp providing facilities for groups of young people such as YMCA camps, Boy Scout camps, and Girl Scout camps.**

**Day Care Center: A facility other than a private home receiving preschool-aged children for care and supervision for periods of less than twenty-four hours a day and licensed as a daycare center by the Michigan Department of Social Services.**

**Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which is more than six (6) inches above the finished grade.**

**Deed Restriction: A restriction on lot use set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners.**

**District or Zone: A portion of the Township under which certain regulation or combination thereof apply/this ordinance.**

**Drive-in Establishment: Parking is provided while services are provided.**

**Drive-thru Establishment: Parking is not provided while service is provided.**

**Driveway: A means of access to or from land or buildings abutting a road.**

**Dune: A ridge of sand along Lake Superior coastline.**

**<u>Dwelling Unit:</u> Any building intended for human habitation for living (cooking and eating) and sleeping purposes.**

**a.) One family**

**b.) Two family**

**c.) Multiple family: a structure containing three or more dwelling units for residential use with or without separate kitchens or dining facilities, e.g. rooming houses exclusive of hotels/motels, hospital or nursing homes.**

**<u>ECHO:</u> Elder Cottage Housing Opportunity**

**<u>ECHO Housing:</u> ECHO housing dwelling units are permitted as a Special Land Use in the RR, R-1C Districts when in conformance with the following requirements:**

**A. An ECHO Unit must be an accessory use on a lot containing one, and only one, single-family residential structure, and there may be a maximum of one (1) ECHO dwelling unit per lot.**

**B. The ECHO Unit may be an expansion or alteration of the principal dwelling unit or garage, or if an AG District, a new separate building. If a separate building, the ECHO Unit shall comply with all setback requirements and lot coverage requirements as a principal building, and shall be located not less than ten (10) feet from the existing single-family residential structure.**

**C. The property owner may reside in either the accessory (ECHO) Dwelling Unit or the principal dwelling Unit.**

**D. Potable water and wastewater disposal shall be provided, as required by the District Health Department.**

**E. Dwellings modified in conjunction with an ECHO Dwelling Unit shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.**

**F. The ECHO Dwelling Unit shall provide adequate access for emergency vehicles.**

**G. The ECHO Dwelling Unit shall meet all applicable construction codes for a dwelling.**

**H. One (1) additional off-street parking space shall be provided.**

**I. Separate sale or ownership of the ECHO Dwelling Unit from the primary dwelling on a**

**lot or parcel is prohibited. No person who is not a relative of the property owner shall be permitted to reside in the ECHO Unit, except for a caregiver of the ECHO Unit occupant.**

**J. If the ECHO Unit is a separate removable structure like a manufactured home, the ECHO Unit must be removed from the property within six (6) months of the ECHO Use ceasing. If the ECHO Unit is an expansion or alteration of a single-family structure, upon cessation of the ECHO use, the ECHO Unit shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family structure.**

**Family: An individual or a group of two or more persons related by blood, marriage, or adoption.**

**Family Day Care: (Home) A private home in which six or less minor children are given care and supervision for periods of less than twenty-four hours a day unattended by parent or legal guardian.**

**Farm: A farm is an area of land including various structures devoted primarily to the practice of producing and managing food, (produce, grains, or livestock), fibres and increasingly fuel.**

**Fence: A structure erected in such a manner and or location as to enclose or secure, provide privacy for or mark a boundary for all or any part of a lot.**

**Floor Area: Total gross area on all floors as measured to the outside surface of exterior walls. Excludes crawl spaces, garages, carports, breezeways, attics without floors and open porches.**

**Floor Area, Usable (For the purposes of computing parking): All floor area used for the sale of merchandise or services or for use to serve patrons, clients or customers. Floor area used principally for the storage or processing merchandise, hallways or for utilities, shall be excluded for the computation of "usable Floor Area" for uses not enclosed within a building, the area used for the sale of merchandise, display or merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.**

**Floor Space: Floor area of all floors, as measured from the inside surfaces of the walls. A shared building excludes common halls, stairwells, sanitary facilities and storage areas.**

**Fore dune: The first dune landward behind the beach, that rises 10.33 feet in height. It is measured from the erosion hazard line over the crest of the dune and down its back slope (slope away from the lake) to its base or to a maximum of 100 ft. landward or whichever is less.**

**Frontage Road: A local street or private road located in front of principal building and**

**parallel to an arterial for service to abutting properties for the purposes of controlling access to the arterial road.**

**<u>Garage:</u> A fully enclosed building for the storage of motor vehicles not including sale of fuel or repair services.**

**<u>Grade: Natural:</u>**

**a.) Elevation of the ground surface in its natural state before manmade alterations.**
**b.) Finished: the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure not including window wells or basement egress.**

**<u>Golf Course:</u> A tract of land for playing golf - may include structures.**

**<u>Greenbelt:</u> For description of greenbelt, see page 58.**

**<u>Group Day Care Facility:</u> See Community Residential Care Facility:**

**<u>Hazardous Substance:</u>**

**a.) A chemical or other material which is or may become injurious to the public health, safety or welfare or environment.**

**b.) "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510.94 Stat. 2767.**

**c.) "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.**

**d.) "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d) (ii).**

**<u>Health Care Homes or Center:</u> A group home, family home, or center licensed by the State to provide nursing care, adult care, child care, day care, foster care or mental health care.**

**<u>Historic Sites:</u> A structure, natural object, place or configuration of historic, archeological, cultural or architectural significance which is so designated by federal, state, county or township.**

**<u>Home Occupations:</u> A use or occupation conducted on premises clearly incidental and secondary to residential occupancy.**

**Hotel:** **A building used or offered for transient residential occupancy. (Does not pertain to hospital and nursing homes).**

**Junk Yard:** **An open area where waste, used, recycled and second hand materials are stored, bought, sold or exchanged. It may include scrap iron and other metals, paper, rags, rubber tires and bottles. It includes automobiles in any area of more than 200 square feet for storage, but does not include uses established within enclosed buildings.**

**Kennel:** **A lot or premises on which three (3) or more dogs or cats or other household pets are boarded and/or bred and sold.**

**Livestock:** **Animals of any kind for use or pleasure including meat and dairy.**

**Lodges:** **Total building footprint with all associated buildings less than 10,000 square feet.**

**Lot:** **A parcel of land occupied or intended to be occupied, used or intended to be used.**

**Lot Area:** **The total horizontal area within the lot lines of the lot excluding any part under water.**

**Lot Nonconforming:** **A lot, the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this ordinance and which the width, depth and/or area of which does not meet the minimum dimensional requirements of the district in which it is located.**

**Lot of Record:** **A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by township officials, prior to the effective date of this Ordinance, and which actually exists as shown or described.**

**Lot Lines:** **A line marking a boundary of a lot.**

**Lot Line, Front:** **A line dividing a lot from any public highway except a limited or controlled access highway to which the lot has no access.**

**Lot Line, Rear:** **Any lot line which is not a front or side lot line and which, if extended in either direction, would not cross the lot.**

**Lot Line, Sides:** **Any lot line which meets the end of a front lot line, or any other lot line within 30 degrees of being parallel to a side lot line.**

**Lot, Through:** **A lot which is not a corner lot and with frontage on two or more streets. On a through lot all street lines shall be deemed front lines for setback purposes.**

**<u>Lot Waterfront:</u> A lot which borders on a water body.**

**<u>Manufactured Home and Manufactured Housing Community:</u> Dwelling units prefabricated in part or total which meet the HUD code (42 USC Sec 54-1), and are transported to the building site for long-term use.**

**<u>Manufactured Housing Community:</u> A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.**

**<u>Marina:</u> A facility for berthing and securing recreational craft, which may also provide supplies, provisions, services and fueling facilities and repair and storage.**

**<u>Mobile Home:</u> A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has such wheels attached at any time; whether jacked-up or skirted.**

**<u>Mobile Home Park:</u> A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.**

**<u>Mobile Home – Permanent:</u> Mobile homes shall be considered "permanent" dwellings when the unit is mounted on a continuous masonry foundation or on a foundation of solid masonry pilings spaced to meet at least the minimum manufacturer's specifications. Further, the permanent mobile home shall meet the requirements for one-family dwellings, be securely anchored to the ground pursuant to current Mobile Home Commission rules, and be taxable as real estate on the local assessment roll. When masonry piling supports are used, the mobile home shall be skirted with durable weather resistant materials as recommended by mobile home builders or as specifically manufactured for use as mobile home skirting, and all such skirting maintained in place as designed.**

**Skirting is required around permanent mobile homes not in mobile home parks; said skirting shall be of an all weather durable material and shall be vented. Louvered or similar vents shall be at a minimum of 600 square inches per 1,000 square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the mobile home and two (2) to each exposed side. An access panel of sufficient size to allow full access to**

**utility hook-ups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and be certified as such by the manufacturer.**

**Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow and rain.**

**Mobile Home – Temporary: Any unit other than a travel trailer or permanent mobile home having no foundation; but which may be equipped with wheels or other devices for transporting from place to place.**

**Motel: A series of attached, semi-detached or detached rental units intended to provide temporary overnight lodging. It shall not be considered or construed to be a multiple family dwelling.**

**Native Protection Strip: An area of land made up of several different configurations of vegetation found varying from simply grass to a combination of grass, trees and shrubs.**

**Nonconforming Building: A building lawfully existing on the effective date of the Ordinance or subsequent amendment, and which does not conform to the requirements of this Ordinance.**

**Nonconforming Lot: Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional lot requirements of this Ordinance or subsequent amendment.**

**Nonconforming Structure: Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.**

**Nonconforming Use: An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.**

**Nuisance: Any act, thing, condition, land, building or premises which annoys, injures, endangers the public health, safety, comfort, offends public decency, or render the public insecure in life or property.**

**Nursery: A space or building for the storage of live trees, shrubs, plants for retail sale on the premises including products used in gardening or landscaping.**

**Nursing Home: A structure designed for residential occupancy and providing limited medical/nursing care on site. Not to include a hospital or mental health center.**

**Open Space:** **Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.**

**Ordinary High Water Mark:** **The line between upland and bottomland which persists along the shore of Lake Superior. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Land Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Superior is 602.6 feet above sea level, international Great Lakes Datum of 1985.**

**Outdoor Furnaces:** **The words "outdoor furnace" shall mean but are not limited to any device, appliance, equipment, apparatus, or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure or dwelling; operated by burning wood or any other solid fuel including, but not limited to, coal, paper, cardboard, pellets, and agricultural products; is not located within the structure to be heated; includes but is not limited to devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.**

**Overlay District or Overlay Zones:** **A zoning district that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zones.**

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

**Parcel: See Lot:**

**Park:** **A parcel of land, building or structure used for recreational purposes including, but not limited to playgrounds, sports, fields, game courts, beaches, trails, picnicking areas.**

**Parking Space:** **A land area not less than 10 x 20 feet exclusive of driveway, and aisles to be usable for the parking of permitted vehicles.**

**Performance Guarantee:** **Proof of financial security as assurance that the project will be properly built in conformity with zoning ordinances. (Business and commercial.)**

**Permitted Use:** **Any use allowed in a zoning district and subject to applicable regulations.**

**Planned Unit Development:** **A parcel or lot, developed under single ownership or management as a separate neighborhood or community unit. It shall be based on an**

**approved site plan with flexibility of design not available under normal zoning district requirements.**

**<u>Plat:</u> A map of subdivision of land recorded with the county Register of Deeds.**

**<u>Porch:</u> A roofed open area which may be screened and with access to or from a building. It becomes a room when heated or air conditioned and when the window to wall area is less than fifty (50) percent.**

**<u>Pre-existing Permanent Building Footprint (PPBF) Size and Site location:</u>**

**a.) If available and applicable as an option in a Zoning District, the PPBF option would allow the rebuilding of a naturally or accidentally destroyed or damaged (but not self created damage or destruction) pre-existing permanent building on its original permanent foundation footprint, on either a conforming or nonconforming lot that existed. For PPBF purposes, a permanent foundation means wood, concrete, concrete block or steel support posts, columns, remnant foundation pads, a basement/crawl space and/or a ground pad (slab) partly buried in the ground.**

**b.) The original and visible outline formed by the remains of a permanent building foundation of a pre-existing building that was situated on the permanent foundation outline at the time and on the date of the adoption of this Ordinance is referred to herein as the PPBF Outline.**

**c.) The PPBF Outline has to be in reasonable evidence to the Zoning Administrator, or approved designee, at the time of permit application and site inspection; it should be measurable so that size and site location can be determined, and even if it may have to be replaced if re-building is approved, site location and measurable size must remain the same as reasonably evidenced by markers left at or identifying the location of the original corners and sides.**

**d.) The owner must be able to demonstrate to the Zoning Administrator, or approved designee, or it must be apparent or known to the Zoning Administrator, that the building was damaged or destroyed by natural causes or causes beyond the control of the owner including accidental causes (e.g., accidental fire), war, vandalism, arson, malicious acts, terrorism or acts of war.**

**e.) The PPBF Outline is not applicable nor can it be used if it is known or appears to the Zoning Administrator, or approved designee, that the damage or destruction was self created, including not taking care of the building or not performing ongoing corrective maintenance or repairs to prevent damage or destruction.**

**f.) If approved, a restored or rebuilt permanent building may be larger or smaller than the PPBF Outline of the original building as long as it complies with the present requirements of this Ordinance.**

**g.) Health Department sewage and water requirements, floodplain and environmental requirements, and any requirements of this Ordinance for new accessory buildings/structures other than those to which the PPBF size, yard and setback option apply, must be met and complied with.**

**h.) For purposes of PPBF, a mobile home in place at the time of adoption of this Ordinance is considered to be a permanent building if it was attached to or placed on the permanent foundation for support so that it could not be moved by simply putting wheels on it and towing it away.**

**i.) The PPBF option cannot be used for either an illegal lot or illegal building or illegal manner.**

**j.) Unless otherwise provided for in this Ordinance, a non-conforming building may be enlarged as long as the portion that constitutes the enlargement does not increase the nonconformity of the building and otherwise complies with the present requirements of this Ordinance.**

**k.) While PPBF is footprint based, it is also meant to allow the original building height to be rebuilt as part of providing for re-building the original building. However, PPBF is not meant to prevent or preclude rebuilding with a taller than original building height as may be elsewhere permitted by this Ordinance.**

**Premises: A lot as otherwise used in this ordinance.**

**Principal Use: The primary or predominant use of any lot or parcel of land.**

**Private Road: A road or driveway on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.**

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

**Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transit from between two levels of different elevation, including between land and water at a boat launching site.**

**Recreational Structure: A cabin, cottage, camp, mobile home or similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residence.**

**Recreational Unit:** **A tent or vehicular type structure primarily designed as temporary living quarters for recreational, camping or traveling use. It may have its own motive power, or it is mounted or drawn by another vehicle which is self powered. (It is not a "mobile home").**

**Repair:** **The reconstruction or renewal of any part of an existing building for the purpose of maintenance.**

**Resort:** **A recreational lodge, camp or facility operated for gain and which provides overnight lodging.**

**Restaurant:** **An establishment where food and/or beverages are prepared and offered for sale and when consumption is permitted on the premises whether or not entertainment offered and includes places known as bars, grills, cafes, taverns, night clubs and any fast food establishment permitting consumption on the premises.**

**Restrictive Covenant:** **It means a legal written agreement which runs with the land; it may limit or control development according to wishes of seller.**

**Riding Stable:** **A facility such as a barn or like structure where more than two horses, used for riding as a business other than agricultural operations are kept.**

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

**Road:** **A road is a thoroughfare, route, or way on land between two places, which typically has been paved or otherwise improved.**

**Road, Public:** **A road dedicated to the public, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation.**

**Roadside Stand:** **An accessory or temporary firm structure operated for the purpose of selling local agricultural products.**

**Sexually Oriented Business (SOBS):** **Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults, often of an adult entertainment character. SOBS include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business.**

**Shoreline:** **That area of shorelands where land and water meet.**

**Sight Distance:** **The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.**

**Sign:** **That which defines or denotes a business, a place, object or destination. They may be on a building, structure or piece of land. As this area is so dependent on tourism, the signage must not detract from the natural environment while at the same time assisting visitors.**

**Site Plan:** **A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether it meets the provisions of this ordinance.**

**Special Uses:** **A special use is a use that is not essentially incompatible with the uses permitted in a zoning district but possesses characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities and/or adjacent land use.**

**Storage Rentals:** **A structure or group of structures for the dead storage of a customer's residential goods and wares, recreation vehicle and related equipment.**

**Story:** **That part of a building included between the surface of one floor and the surface of the next floor, or if no floor, then the ceiling above.**

**Street:** **A public thoroughfare for vehicular traffic (not an alley).**

**Structure:** **Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.**

**Structure Height:** **For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure.**

**Subdivision:** **The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division.**

**Swimming Pool:** **Any structure, container or pool, portable or nonportable, having depth of one foot or more at any point and designed or used for swimming, wading or bathing.**

**Temporary Building or Use:** **Is a structure or use permitted by the Township Board or Zoning Administrator to exist during periods of construction for a specified period of time; or for special events.**

**Thoroughfare:** **A thoroughfare is a transportation route connecting one location to another.**

**Thoroughfare Primary:** **An arterial road or street which is intended to serve as a large volume traffic way.**

**Tourist Home:** **Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the transient public for compensation.**

**Travel Trailer and Camper:** **Any trailer, coach, motor home, tent camper, truck mountable camper or other unit designed as a vacation unit for short term occupancy and which unit is legally licensed for towing or travel over public highways.**

**Underground Storage Tank:** **A tank or combination of tanks, including underground pipes connected to the tank or tanks which is, was, or may have been used to contain hazardous substances and the volume of which including pipes is ten percent (10%) or more beneath the surface of the ground.**

**Use:** **The principal purpose or activity for which the land or a building is or may be occupied or maintained or permitted in the zoning district in which it is located.**

**Use Accessory:** **A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.**

**Use Principal:** **The main use of land or a building as distinguished from a subordinate or accessory use.**

**Useable Floor Area:** **Fully enclosed space that is available for the occupant for occupant's personnel, material, furniture, fixtures and equipment.**

**Utility Building:** **A small, uninhabitable structure, not to exceed 200 square feet, the setback of which shall be no closer than 40 feet from the water's edge. (Examples: gazebo, sauna, screen house, storage shed, workshop).**

**Vacation Rental:** **See recreation structure.**

**Variance:** **A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article XV of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty, (b) doing so would not be contrary to the public interest, (c) there are circumstances unique to the individual**

**property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.**

**<u>Waterbody:</u> Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool, located on a single lot or any seasonal body of water which is not identified by a name or number on a current USGS map with a scale of 1:24000.**

**<u>(New) Wind Energy Conversion Systems (WECS):</u> A machine that converts the kinetic energy in the wind into a useable form, commonly known as a "wind turbine, wind generator or windmill," the WECS includes all parts of the system, including, but not limited to the tower, pylon or other structure upon which any, all or some combination of these are mounted. See new Section 1502 for zoning districts, permitted uses and conditions for approval.**

**<u>WECS:</u> Shall be the approved form of abbreviation of "wind energy conversion system." The following associated definitions are all pertinent:**
**A. WECS: A combination of these:**

1. **A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and**
2. **A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and**
3. **The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and**
4. **The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.**
5. **When the term WECS is used, it includes anemometer towers used to conduct a wind site assessment.**

**B. Additional WECS definitions:**

**Ambient: The sound pressure level exceeded 90% of the time or L90.**

**Anemometer 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 which is an accessory land use to a Utility Grid Wind Energy System. Also includes the same equipment for evaluating wind characteristics in preparation of or evaluation of construction of On-Site Wind Energy System and Utility Grid Wind Energy System.**

**ANSI: The American National Standards Institute.**

**dB(A): the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.**

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

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

**ISO: The International Organization for Standardization.**

**Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation kinetic energy directly from the wind.**

**On-Site Wind Energy System: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.**

**Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.**

**Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.**

**Sound Pressure level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).**

**Utility Grid Wind Energy System: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA Tower, electric substation. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.**

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

**Wetland:** **Land characterized by the presence of water at a frequency and duration sufficient to support and that under "normal" conditions does support wetland vegetation or aquatic life. It may be referred to as a bog, swamp or marsh.**

**Wireless Communication Facilities:** **All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and public, private and commercial mobile radio service facilities.**

**Yard:** **The area between any lot line and the setback required there from.**

**Yurt:** **A round domed building constructed of a membrane on a frame.**

**Zoning Administrator:** **The Arvon Township Zoning Administrator is appointed by the Arvon Township Board for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.**

**Zoning Board of Appeals:** **The body appointed by the Township Board to hear appeals by an aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would cause unnecessary hardship to the property owner.**

**Zoning Permit:** **A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance there from, or has been granted a planned unit development approval or a Special Use Permit.**

**Zoning Variance:** **A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Ordinance would cause undue hardship owing to the individual property on which the variance is granted. A variance is not justified unless all elements are present in the case.**

**Not Defined:** **Any words requiring special interpretation and not listed in the foregoing shall be used as defined in the dictionary maintained in the office of the township, unless defined by specific action of the Zoning Board of Appeals.**

**Figure 2-1**
**ACCESSORY STRUCTURE & PRINCIPAL BUILDING RELATIVE TO BUILDING LINE**

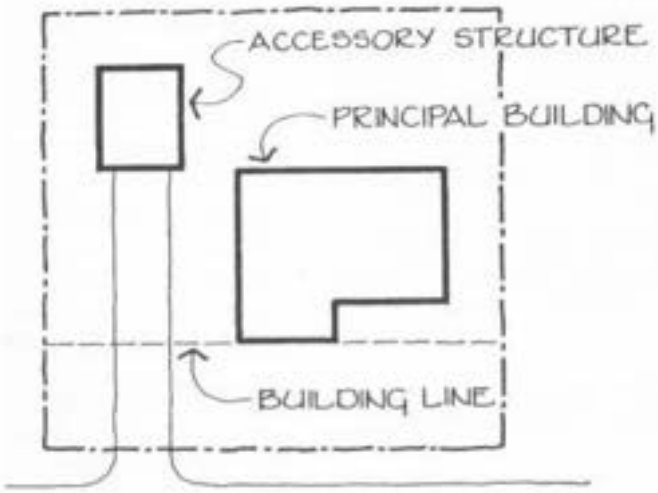



**Figure 2-2**
**DWELLING TYPES**

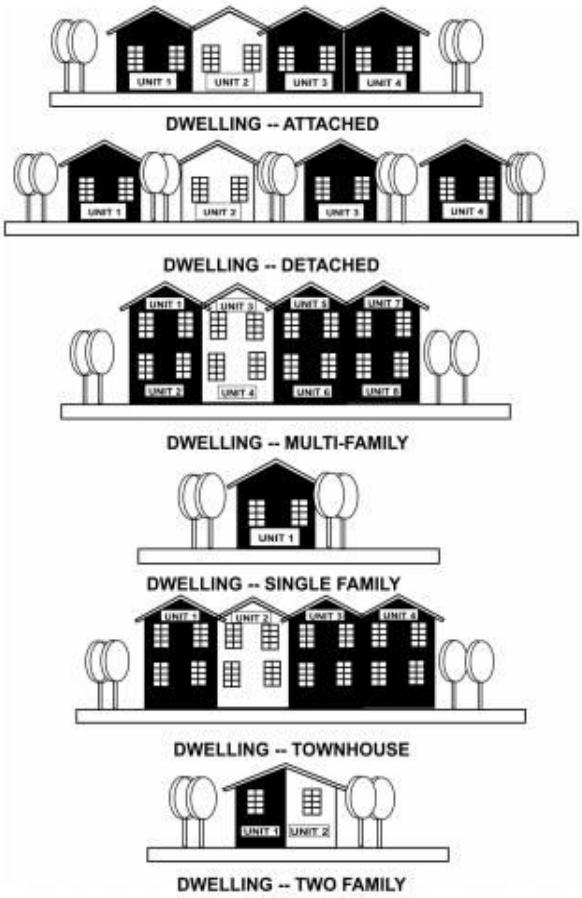


**Figure 2-3**
**BASEMENT AND STORY**

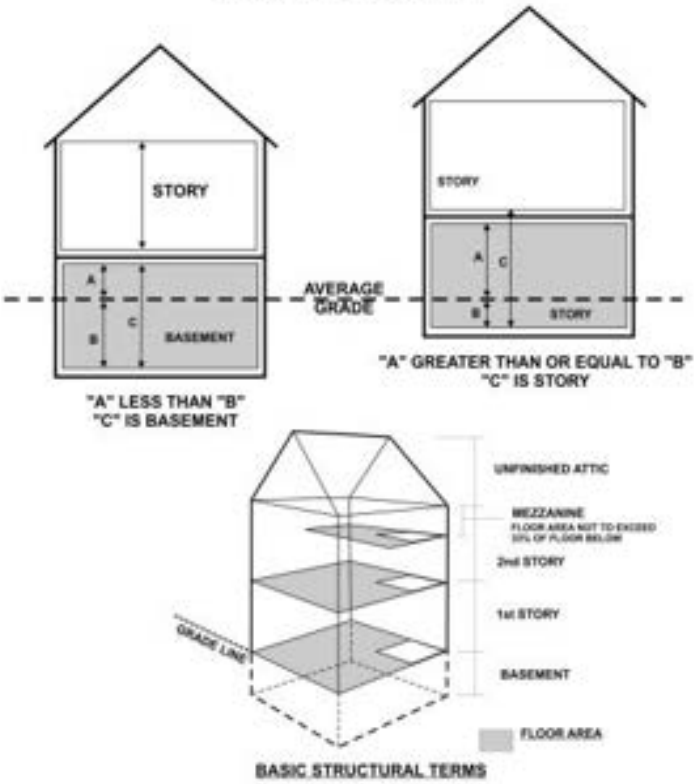



**Figure 2-4**
BUILDABLE AREA

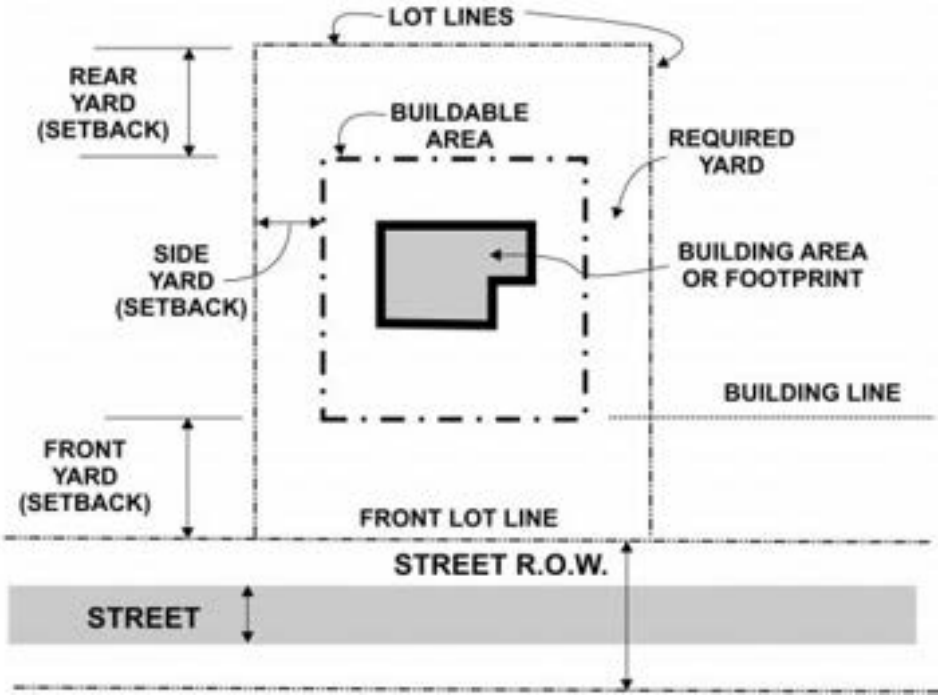


**Figure 2-5**
BUILDING HEIGHT

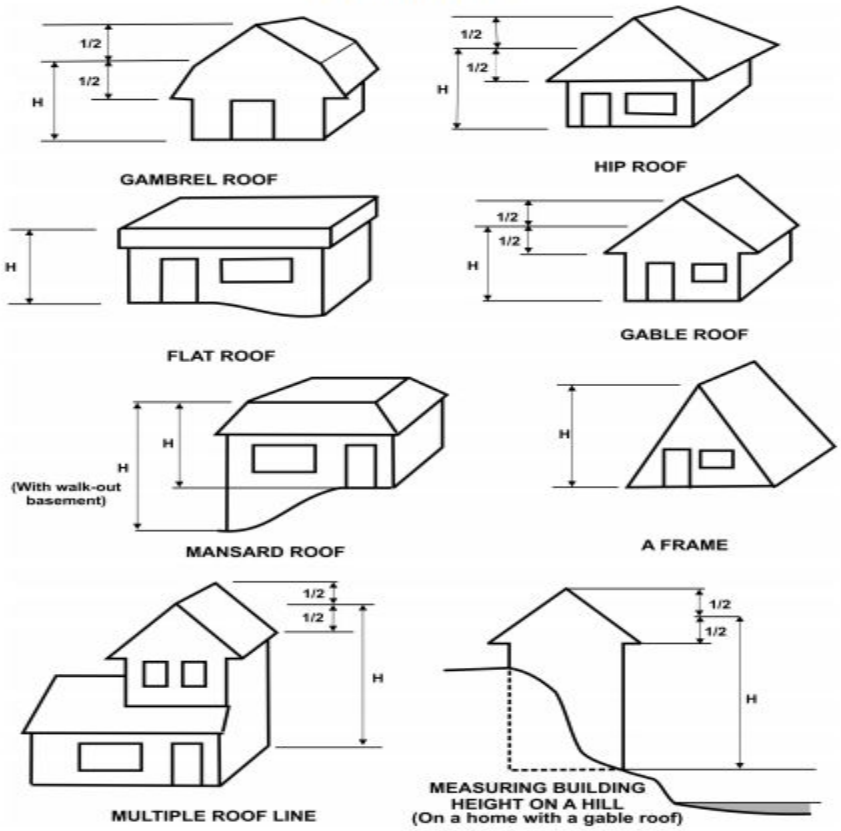



**Figure 2-6**
AVERAGE GRADE AND FINISHED GRADE

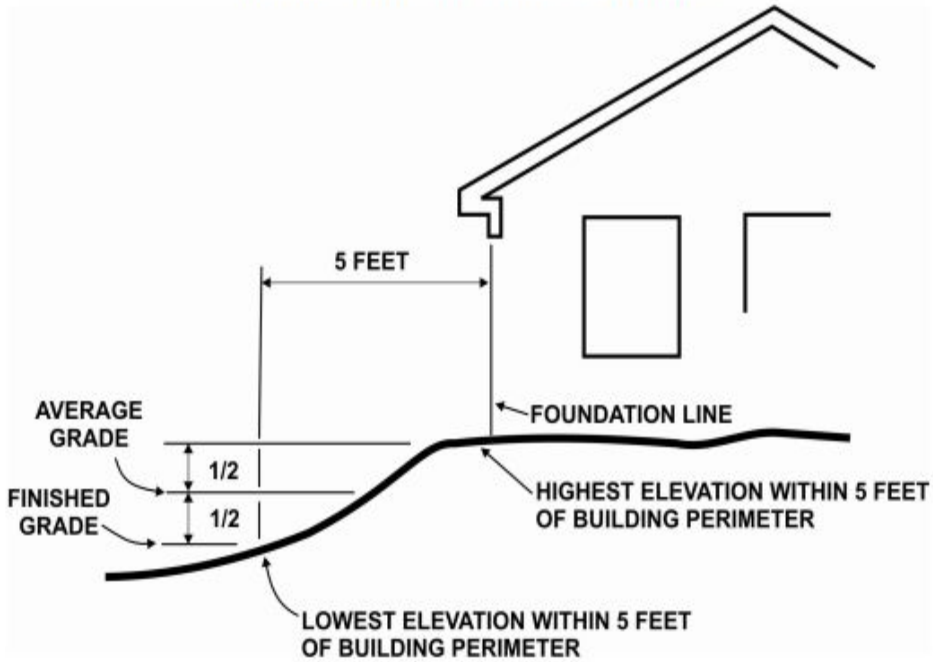


**Figure 2-7**
LOT FRONTAGE, WIDTH, & DEPTH

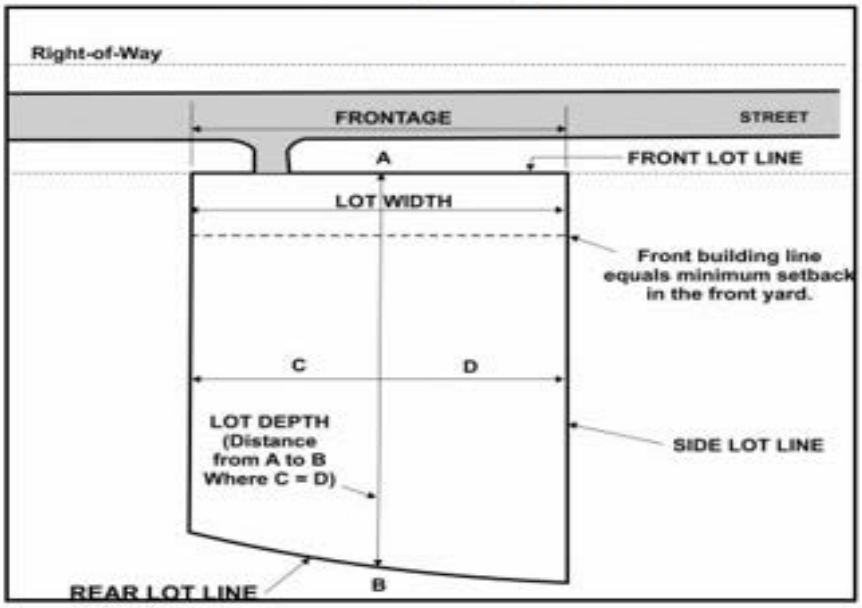



**Figure 2-8**
LOT TYPES

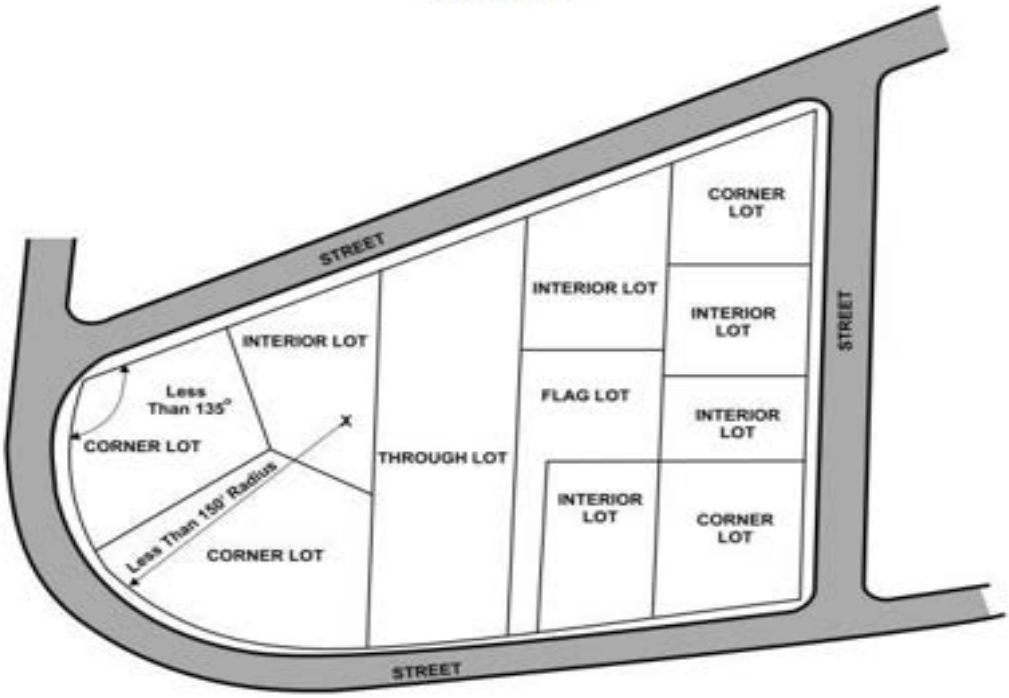


**Figure 2-9**
LOT LINES AND YARDS

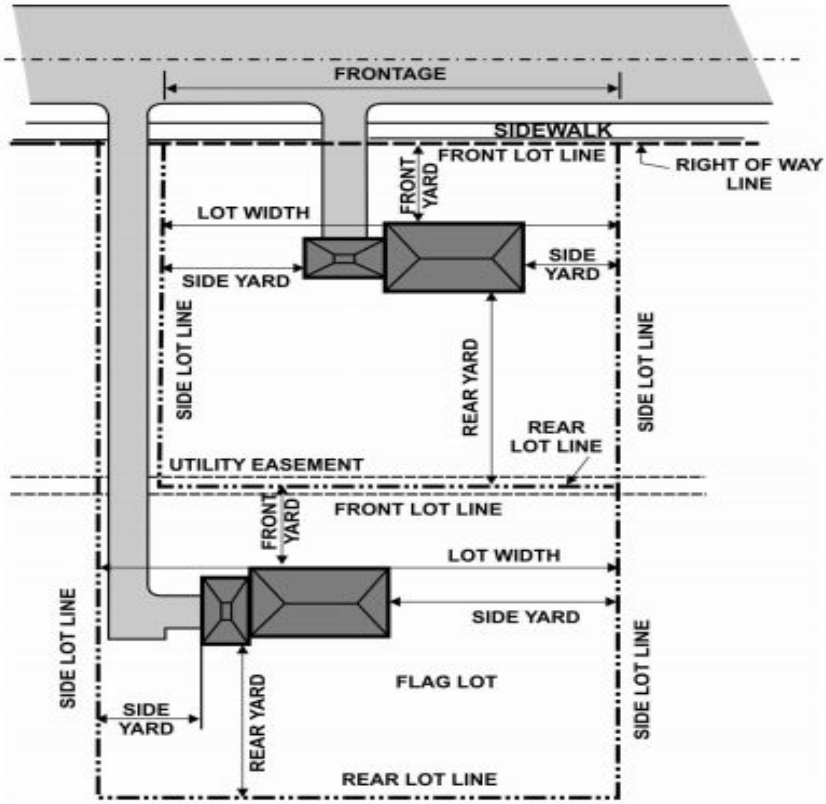
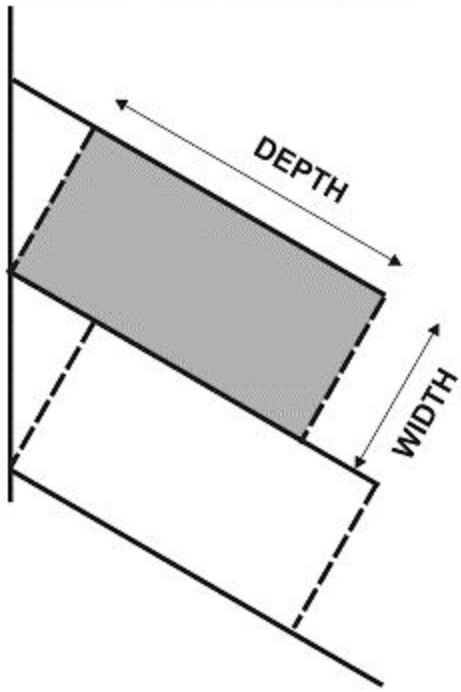



**Figure 2-10**
**PARKING SPACE DIMENSIONS**



## ARTICLE III – ZONING DISTRICTS AND MAPS

### 3-1 Application of This Ordinance:

**No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the unincorporated parts of the Township, except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permits granted by the Township Planning Commission upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication**.

**In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwelling contained within a single integrated complex, sharing parking, access, and other similar site features as a conditional use in designated zoning districts.**

### 3-2 Exemptions:

**The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.**

### 3-3 Establishment of Districts:

**Arvon Township is hereby divided into zoning districts as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the Official Township Zoning Map that is that is part of this Ordinance.**

**R-1A One family Residential: Reserved for future designation.**

**R-1B General Residential: Reserved for future designation.**

**R-1C General Residential**

**RR Recreation Residential**

**SR Scenic Resource (Environmental)**

**FR Forest Resource**

**FF Farm and Forest**

**B-1 Business**

**I-1 Industrial**

a) **Light manufacturing**

b) **Mining – Extraction - Section 1512**

**Section 301. Boundaries:**

**The boundaries of those districts are hereby established as shown on the Township Zoning Map, which accompanies this Ordinance, and which map with all notations, reference, and other information shown thereon shall be as much a part of this Ordinance as is fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall determine same. Such maps are on record at the Township files.**

**Section 302. District Requirements:**

**All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions (Article XV, pages 79-118; Article XVI, pages 118-119).**

**Section 303. Area and Bulk Requirements For All Districts:**

**For each district in this Ordinance, see also ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).**

**Section 304. Accessory Uses Assumed:**

**For each district established in this Ordinance it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Uses or Principal Uses Permitted Subject to Special Conditions, are permissible as part of the main use.**

**Section 305. Home Occupation:**

**Home occupation shall be permitted in all districts**.

1. **No more than 25% of the home, or 320 square feet of an accessory building, shall be used for occupational use.**

2. **No more than one outside employee permitted.**

**Home Occupations -**

**Home occupations that are permitted without any Township review or approval required include any home occupation that does not have any exterior evidence, other than the permitted sign, and complies with all of the following:**

**(A) Is conducted entirely within an enclosed dwelling but does not occupy more than 25% of the floor space of the residential single family dwelling unit on the property or not more than 50% of the square footage of an accessory structure.**

**(B) A sign shall not exceed four (4) square feet in area and shall be attached to the building used for the home occupation or a two (2) square foot sign may be placed in the yard.**

**(C) Commercial vehicles, or personal vehicles with signage, are permitted to be parked in association with the home occupation as long as they are of customary personal vehicle size (e.g. cars, trucks, vans, etc.) Up to one (1) 25 foot or smaller truck or van exceeding 16,000 GVW (Gross Vehicle Weight) may be parked at a residence in the R-1C, FF and B-1 Districts in conjunction with the home occupation.**

**(D) Specifically excluded is the storage and display of merchandise not produced by such home occupation or any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district.**

**Any Home Occupation that does not comply with items A through D above requires review and approval by the Township Planning Commission under the provisions of Conditional Use Permits. Home Occupations shall be reviewed to assure that the use or structure does not become contrary to the public health, safety, or welfare or the intent and purpose of this Ordinance. In completing this review, the Planning Commission shall take into account the zoning district, the size of the property, distance to adjacent land uses, screening, buffering, and other factors. The Planning Commission may attach conditions, including any time limit for future review, as warranted.**

**Section 306. Land Divisions:**

**Refer to the Township of Arvon Land Division Ordinance No. 24, the purpose of which is to carry out the provisions of the State of Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) to regulate partitioning or divisions of parcels or tracts of land, and to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act.**

## ARTICLE IV: R-1A FAMILY RESIDENTIAL DISTRICT

**Preamble (Intent):**

**To establish and preserve quiet single family neighborhoods, free from other uses except those which are both compatible with and convenient to the residents of such a district.**

**Section 400. Principal Uses Permitted:**

1. **Detached single family dwellings**
2. **Family Day Care homes**
3. **Marinas**
4. **Permanent mobile homes**
5. **Existing farms and agricultural uses**
6. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 401. Principal Uses Permitted Subject to Special Conditions :**

**These are permitted subject to the conditions imposed for each use (Article XIV and after review and approval by the Arvon Township Planning Commission).**

1. **Utility and public service facilities and uses when operating requirements necessitate the location of said facilities within the district in order to serve the immediate vicinity.**
2. **Schools**
3. **Churches**
4. **Public and private parks**
5. **Swimming pools**
6. **Unlighted golf courses on a minimum lot size of 60 acres.**
7. **Group Day Care homes**
8. **Rural Cluster Development Subdivisions (see Section 1408, A. 3)**
9. **Accessory Housing Units**

**Addendum to 401**:

1. **Churches, public libraries, public buildings (excluding Public works garages and storage yards) and uses normally incidental thereto, provided that ingress and egress from said site shall be directly onto a thoroughfare other than one intended or designed for local neighborhood traffic.**

2. **Public, parochial, and other private elementary, middle, and/or secondary schools; and all accessory school bus parking lots, provided the uses are not sited on interior parcels or lots served by streets planned or intended for local neighborhood traffic.**

3. **Colleges, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:**

    a. **Any use permitted herein shall be developed only on sites of at least five (5) acres in area.**
    b. **All ingress and egress from said site shall be directly onto a thoroughfare.**
    c. **No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line.**

4. **Non-Public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents and/or neighborhood associations.**

5. **Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following:**

    a. **Accessory restaurant and bar uses shall be housed in a single building with the clubhouse. Uses strictly related to the operation of the golf course itself, such as a maintenance garage, pro shop or golf shop may be located in separate structures. No structure, except minor rain shelters, shall be located closer than seventy (70) feet from the lot line of any adjacent residential land and from any public right-of-way.**
    b. **All parking areas shall be surfaced or so treated as to prevent any dust nuisance.**
    c. **All ingress and egress from the site shall be directly onto a thoroughfare.**

**<u>Section 402. Additional Requirements For Dwelling Units:</u>**

**The following performance standards shall apply to housing constructed in or placed in the R-1A One-family Residential District, and shall be in addition to the requirements of other codes, ordinances, or provisions of the Ordinance. These requirements are to assure a degree of structural comparability between site built dwellings and pre-constructed or**

**factory built housing, intended for one (1) family occupancy. On-site construction modifications may be necessary and shall be permitted to attain the standards of comparability.**

1. **The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building line with the exception of mobile homes, which shall be restricted to a fourteen (14) feet by seventy (70) feet and larger, and excluding garages and accessory buildings.**

2. **Every detached dwelling unit shall provide useable accessory storage space in the amount of ten percent (10%) of gross floor area, but not less than 100 sq. ft. of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.**

3. **Foundation supports shall extend below the prevailing frost line.**

4. **All roofs shall be designed, rated, constructed or overbuilt to achieve a live snow load of seventy (70) pounds per square foot.**

5. **Housing units moved onto any lot in the District shall have its wheels removed. Towing devices or hitches shall be removed or be totally obscured from view.**

6. **Modular or mobile home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufacture to be attached.**

7. **All factory assembled dwelling units constructed prior to June 15, 1976, shall not be placed on or moved upon a lot or parcel unless all minimum code requirements for site built housing are in compliance.**

## ARTICLE V – R-1B GENERAL RESIDENTAL DISTRICT

**Preamble (Intent):**

**To provide for one and two family dwelling sites and uses that serve residential areas in keeping with the character of residential areas in the Township. Higher density residential may be allowed upon special approval.**

**Section 500. Principal Uses Permitted:**

**No building or land shall be used and no building shall be erected except for one or more of the following specified uses:**

1. **All principal uses permitted in the R-1A District, and all principal uses permitted subject to special conditions subject to the requirements of the R-1B District.**

2. **One and two family homes.**

3. **Churches and related religious or welfare services on church used properties.**

4. **Public and private schools, including colleges and vocational schools, when not operated for profit.**

5. **Day nursery schools and child care centers.**

6. **Public libraries.**

7. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 501. Principal Uses Permitted Subject to Special Conditions:**

**The following uses shall be permitted, subject to the conditions herein imposed for each use, approval of the site plan by the Conditional Review Standards of Article XIV, and only after the review of the Township Board.**

1. **Community building, youth centers, and other community assembly or public buildings (excluding public works garages and storage yards) and any uses normally incidental thereto. Also, nonprofit institutional recreation and/or assembly uses.**

2. **Multiple-family residences involving three or more apartments or dwelling units, and public housing facilities for senior citizens, provided an established residential area on one-family homes is not being disrupted, and access is deemed adequate for the higher density traffic.**

3. **Cemeteries when on sites of ten (10) acres or more.**

4. **Assisted Living.**

**Section 502. Required Conditions:**

**Habitable structures fronting on any other inland lake illustrated on the official Baraga County road map shall require a minimum waterside setback of 75 feet from the ordinary high water line and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District Section 802. (See Section 1203, D)**

**High Risk Erosion Areas (HREA) are those shorelands of the Great Lakes and connecting waters where recession of the zone of active erosion has been occurring at a long term average rate of one (1) foot or more per year, over a minimum period of 15 years. As a result of studies by LWMD staff, they have determined and designated certain high risk erosion areas within the township; maps of these areas with calculated water distances for 30-year and 60-year setbacks for all parcels are available from the Zoning Administrator. (See maps on back pages.)**

**The Land and Water Management Division (LWMD) of the Department of Natural Resources and Environment (DNRE) (now known as the Department of Environmental Quality (DEQ)) has regulatory responsibility under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended for this program. A state HREA permit is required for new construction; additions, including second floor additions; substantial improvements of existing structures; even when no expansion of the structure is proposed; and installation of septic systems. The State application for the program is available on the internet at www.michigan.gov/jointpermit. Local building permits should not be issued until the state permit is issued.**

**Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Planning Commission.**

## ARTICLE VI – R-1C GENERAL RESIDENTIAL DISTRICT

**Preamble (Intent):**

**The R-1C General Residential Districts are designed to provide residential areas that include a broader range and more intensive use of land than in R-1A & R-1B districts. Local business and personal service uses are included on a special approved basis.**

**Section 600. Principal Uses Permitted:**

**No building or land shall be used and no building shall be erected except for one or more of the following specified uses:**

1. **All uses permitted in R-1A and R-1B districts**
2. **Boarding homes, rooming houses, tourist homes and similar group living quarters.**
3. **Public and/or semi public hospital convalescent homes, nursing homes and medical/dental service facilities.**
4. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**601. Principal uses permitted subject to special conditions:**

**The following uses shall be permitted applying conditional review standards of Article XIV and after review and approval by the Planning Commission.**

1. **Motels including convention type services such as a bar, supper club or meeting hall.**
2. **Funeral homes and mortuaries located one hundred fifty feet (150) from any off premises residence.**
3. **Fraternal lodge halls, sportsman clubs and similar uses when developed on sites of at least five (5) acres.**
4. **Convenience uses such as food stores, clothing, gift retail shops, beauty parlors, laundromats or fueling facilities.**
5. **Professional offices and medical clinics for human care as well as veterinary care.**

**Section 602. Required Conditions**

**See Section 502 - Required Conditions**

## ARTICLE VII - RR RECREATIONAL RESIDENTIAL

**Preamble (Intent):**

**This district is intended to establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and Lake Superior Shoreline which because of their natural characteristics and accessibility are appropriate for development.**

**Section 700. Principal Uses Permitted:**

**No building or land shall be used and no building erected except for one or more of the following specified uses:**

1. **Permanent, primary family dwellings, where lot and soil support year round occupancy.**
2. **Cottages (seasonal homes) and temporary residences for recreational purposes.**
3. **Parks, parkways, scenic trails, playgrounds, recreation lands, wildlife sanctuaries and forests including shelters.**
4. **One family detached dwelling, permanent mobile homes may be used for dwelling purposes.**
5. **Existing farms and lands so used.**
6. **Vacation rentals: transient occupancy for financial gain.**
7. **Temporary mobile home or travel trailer.**
8. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 701. Principal uses permitted subject to special conditions:**

1. **Boat launching pads with minor accessory facilities and enclosed storage buildings.**
2. **Golf course and country clubs as in R-1A District.**

**The above uses shall be permitted subject to condition herein for each and the Conditional Review Standards of Article XIV and after review and approval by the Township Board.**

**Section 702. Required Conditions:**

**Wherever any property in the RR District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high water line, for all habitable structures and WECS as in #8 in Section 700, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in SR District Section 802. (See Section 1203, D)**

**Habitable structures fronting on any other inland lake illustrated on the official Baraga County road map shall require a minimum waterside setback of 75 feet from the ordinary high water line and the setback area shall be maintained in a green belt, so called, or native protection strip as provided for in the SR District Section 802. (See Section 1203, D).**

**High Risk Erosion Areas (HREA) are those shorelands of the Great Lakes and connecting waters where recession of the zone of active erosion has been occurring at a long term average rate of one (1) foot or more per year, over a minimum period of 15 years. As a result of studies by LWMD staff, they have determined and designated certain high risk erosion areas within the township; maps of these areas with calculated water setback distances for 30-year and 60-year setbacks for all parcels are available from the Zoning Administrator. (See maps on back pages)**

**The Land and Water Management Division (LWMD) of the Department of Natural Resources and Environment (DNRE) (now known as the Department of Environmental Quality (DEQ)) has regulatory responsibility under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended for this program. A state HREA permit is required for new construction; additions, including second floor additions; substantial improvements of existing structures; even when no expansion of the structure is proposed; and installation of septic systems. The State application for the program is available on the internet at www.michigan.gov/jointpermit. Local building permits should not be issued until the state permit is issued.**

**Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator.**

## ARTICLE VIII - SR SCENIC RESOURCES

**Preamble (Intent):**

**Because Arvon Township has many natural and scenic resources which should be protected and conserved in the name of environmental quality and community character this District shall apply to stream and river corridors, and/or scenic highways as deemed appropriate.**

**Section 800. Scenic Resources District Boundaries:**

**Unless otherwise illustrated on the Zoning Map, the SR District boundaries shall be deemed to extend landward radially or at right angles from the ordinary high water line of rivers, streams, lakes, or impoundment waters, to a depth of four hundred (400) feet and to a depth of four hundred (400) feet from the right-of-way line of any scenic highway or scenic trail, path or road as mapped.**

**Upon receipt of a request for interpretation of the boundary of the SR District, the Board of Zoning Appeals shall interpret the zoning map and determine exact boundary to be either four hundred (400) feet in depth, or the property line, section line, survey line, or natural boundary, whichever the facts show to be most logical in a specific case.**

**Section 801. Principal Uses Permitted:**

**No buildings or land shall be used except for one or more of the following specified uses:**

1. **All principal uses and special approval uses permitted in the RR Districts.**

**Section 802. Required Conditions:**

**Wherever any property in the SR District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip. (See Section 1203, D)**

**Habitable structures fronting on any other inland lake illustrated on the official Baraga County road map shall require a minimum waterside setback of 75 feet from the ordinary high water line and the setback area shall be maintained in a greenbelt, so called, or native protection strip. (See Section 1203, D)**

## ARTICLE IX - FR FOREST RESOURCE

**Preamble (Intent):**

**The Forest Resource District is designed to protect and encourage the reservation of productive forest land resources for forest management, including tree production, harvesting, and reforestation. By intent, small lots and permanent residential occupancy is discouraged.**

**Section 900. Principal Uses Permitted:**

**No building shall be erected except for one or more of the following specified uses:**

1. **Hunting and fishing cabins, seasonal homes, vacation homes, cabin rental, and permanent mobile home on sites of ten (10) acres or more.**
2. **Temporary mobile home or travel trailer maintained in sound running condition with a current vehicle license, provided occupancy is limited to not more than thirty (30) days in any calendar year.**
3. **Tree farms, forest production and forest harvesting operations.**
4. **Public parks, playgrounds, recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves; and sportsmen's clubs and/or associations.**
5. **Railroad uses, not including switching yards, storage buildings, or freight yards.**
6. **Gravel, sand, clay, top soil or similar materials, and/or filling.**
7. **On-site Use Wind Energy System and Anemometer Tower of 20 meters (65.6 feet) or less.**

**<u>Section 901. Principal Uses Permitted Subject to Special Conditions:</u>**

**The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Planning Commission.**

1. **Forest industries, including sawmills, planing mills, veneer mills and related operations, provided:**
   a. **The use is an extension or expansion of an existing operation, or is a temporary activity necessary to current logging operations.**
   b. **There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.**
   c. **The site of the proposed use encompasses an area of at least five (5) acres.**

2. **Facilities necessary for the production and transmission of hydro-electricity, after the review and recommendations of the Planning Commission to insure that the use provides all reasonable protection to natural waterways and other environmental amenities.**

3. **One-family dwellings may be permitted subject to the ten (10) acres minimum lot size.**

4. **Utility Grid Wind Energy System, an on-site use wind energy system over 20 meters (65.6 feet) high, and anemometer towers over 20 meters (65.6 feet).**

**Section 902. Required Conditions:**

**Wherever any property in the FR District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802. (See Section 1203, D)**

**Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator.**

## ARTICLE X – FF FARM FOREST DISTRICTS

**Preamble (Intent)**

**FF Farm Forest Districts are designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large. The maintenance of productive agricultural land should be encouraged and the fragmentation of productive agricultural land discouraged.**

**Section 1000. Principal Uses Permitted:**

**No building shall be erected except for one or more of the following specified uses:**

1. **All uses permitted in the FR District subject to the conditions of the FF Farm Forest District.**
2. **One-family dwellings, provided the use has direct access to a public street or thoroughfare, fully maintained.**
3. **Farms and agricultural operations of all kinds, but not commercial slaughtering.**
4. **Golf courses and country clubs.**
5. **Utility and public service facilities and uses, including public buildings and institutional or educational uses.**
6. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 1001. Principal Uses Permitted Subject to Special Conditions:**

**The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Planning Commission.**

1. **Resorts, resort hotels, vacation lodges, motor inns, motels, and other tourist lodging facilities, provided any use permitted herein shall be developed on sites no less than five (5) acres in area.**

2. **Travel trailer courts, tenting areas and general camping grounds when the site plan has been reviewed and approved by the Planning Commission provided that:**

   a. **The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use are complied with.**
   b. **The use is developed on a site of at least five (5) acres.**
   c. **No person shall occupy any trailer, tent or motor home unit for more than six (6) months in any one year.**
   d. **The use is effectively screened from public streets and thoroughfares.**

3. **Airports and landing fields with appurtenant facilities, provided the operating characteristics do not conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).**

4. **Roadside stands when accessory to a farm use and when properly established with respect to vehicle access in terms of parking off the street or road, and when placed in a safe position in terms of sight distances and related traffic hazards or conditions.**

**Section 1002. Required Conditions:**

**Wherever any property in the FF District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.**

**Habitable structures fronting on any other inland lake illustrated on the Arvon Township Map, shall require a minimum waterside setback of 75 feet from the ordinary high water**

**line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.**

**Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator.**

## ARTICLE XI - B-1 BUSINESS DISTRICT

**Preamble (Intent)**

**The B-1 Business District is designed to give the Township, General Business District, to provide for the establishment of shopping areas personal services and professional offices and service facilities.**

**Section 1100. Principal Uses Permitted:**

**The following uses are permitted:**

1. **Office building including financial institution.**
2. **Medical and dental office and veterinary care.**
3. **Restaurants and other eating and drinking establishments.**
4. **Any generally recognized business supplying commodities such as groceries, hardware, drugs, dry goods or sporting goods.**
5. **Any personal service establishment which performs such services as shoe repair, tailoring, beauty parlors, interior decorations photographers & dry cleaning.**
6. **Churches, private clubs, lodge halls.**
7. **Motels, tourist lodging facilities, gift shops.**
8. **Commercial printing.**
9. **Gasoline/filling stations & repair services.**
10. **Business schools, dance studio, artist studio & related.**
11. **Utility and public service facilities and uses when operating requirements necessitate the location of these within the township to serve the immediate vicinity.**
12. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 1101. Principal Uses Permitted Subject to Special Condition:**

**The following uses shall be permitted subject to the standards and in accordance with the procedures specified in Article XIV.**

1. **Wholesale uses and storage uses, when in a completely enclosed building; except, that new industrial vehicle and/or earth moving equipment for sale may occupy a rear yard area.**
2. **Bottling works and food packaging.**
3. **Auto laundries when completely enclosed in a building.**
4. **Automobile, snowmobile, motorcycle, trailer, mobile home, and/or boat sales.**
5. **Bowling alleys, pool or billiard parlor or club and other commercial recreation facilities.**
6. **Farm implement dealers, sales and services, except that used machinery shall be displayed inside and/or in rear yards only.**
7. **Offices and show rooms of plumbers, electricians, decorators or similar trades.**
8. **Automobile, truck, and/or tractor repair garage, providing that major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building.**
9. **Lumber yards and building materials sales.**
10. **Uses similar in character to the above listed uses.**

**Section 1102. Required Conditions:**

**Wherever any property in the B-1 District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.**

**Habitable structures fronting on any other inland lake illustrated on the official Baraga County Road Map, shall require a minimum waterside setback of 75 feet from the ordinary high water line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.**

**If the land area has been designated as a high risk area by the Shoreland Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA, 451, Part 323, the setback shall be no less than the greater setback required of either the State of Michigan or Baraga County.**

**The effect of high risk erosion area designation is to require a minimum building setback for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required**

**setback from the bluff line is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.**

**Small non-habitable structures such as utility buildings may be permitted within the minimum setback upon the approval of the Zoning Administrator.**

## ARTICLE XII – INDUSTRIAL DISTRICT

**Preamble (Intent):**

**The I-1 Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent nonindustrial districts.**

**Section 1200. Principal Uses Permitted:**

1. **All generally recognized manufacturing, processing, research and experimental laboratories.**
2. **Any storage wholesale, transportation and/or terminal facilities.**
3. **Contractors yards, equipment storage, and materials handling operations.**
4. **Any repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery. Uses related to public buildings and utility services of all kinds (public or private).**
5. **Gravel extraction, mining, or quarrying.**
6. **District uses, provided, the site has access features suitable for offering retail services to the public and does not disrupt the continuity of development in any planned industrial park, so called, or the use is accessory to the industrial activity.**
7. **On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.**

**Section 1201. Required Conditions:**

**Whenever any use permitted in this Article faces a residential district by sharing a common fronting street, the industrial use shall first be approved by the Board of Appeals; and the use shall provide and maintain a front yard no less than forty (40) feet and/or greenbelt or buffer fence, as may be required by the Planning Commission, depending on the character**

**of the industrial use and specific site conditions. The required front yard shall not be used for employee parking lot purposes but guest and/or visitor parking may be permitted.**

**The height of industrial structures and uses shall be controlled by the land area. Therefore, the minimum yard setbacks shall be increased by one (1) foot for each foot of building height above twenty (20) feet when adjacent to nonindustrial districts.**

**Any industrial activity that produces glare, noise, vibration, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special approval by the Planning Commission after hearing, and approval shall be contingent upon showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent non-industrial premises.**

**Section 1202. Required Conditions Water Frontage:**

**Wherever any property in the I-1 District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.**

**Habitable structures fronting on any other inland lake illustrated on the official Baraga County Road Map, shall require a minimum waterside setback of 75 feet from the ordinary high water line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.**

**If the land area has been designated as a high risk area by the Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA, 451, the setback shall be no less than the greater set back required of either the State of Michigan or Baraga County.**

**The effect of high risk erosion area designation is to require a minimum building setback for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required setback from the bluff line is determined to prevent damage from erosion for a period of at least 30 years. A recommended setback is also indicated to provide additional protection from erosion.**

**Small non-habitable structures such as utility buildings may be permitted within the minimum setback upon the approval of the Zoning Administrator.**

**Section 1203. Special Uses in Designated Zoning Districts**

**Special uses are those uses of land which, because of their possible impact on the environment, the economy, and the health, safety and welfare of the community, require a specific process for their review, consideration, and possible approval, and therefore may not be commenced without first securing the approval of the Planning Commission in accordance with the applicable procedures and obtaining the required permit from the Zoning Administrator as set forth in this Ordinance. The purpose of this section is to identify those special uses and the zoning districts in which they are permitted, and to identify the procedures for obtaining a permit which would allow a special use.**

**(A) Mining and/or Mineral Extraction and the Incidental Activities Associated With Such Use - See Section 1512 -**

1. **A mining and/or mineral extraction operation may be permitted by the Township Board in any and all zoning districts as established in this Zoning Ordinance if such operations and activities meet all established requirements, standards, criteria, and conditions set fourth in Section 1512.**

2. **The procedure, standards, and criteria applicable to the Township Board in its consideration of an application for a mining and/or mineral extraction special use permit shall be as set forth in the provisions of Section 1512 of this Zoning Ordinance.**

**(B) Site Condominiums -**

1. **A site Condominium may be permitted by the Planning Commission in any and all zoning districts as established in this Zoning Ordinance if such use meets all established requirements, standards, criteria, and conditions set forth in Section 1408 of this Zoning Ordinance.**

2. **The procedures, standards, and criteria applicable to the Planning Commission in its consideration of an application for a site condominium special use permit shall be as set forth in the provisions of Section 1408 of this Zoning Ordinance.**

**(C) High Risk Erosion Areas –**

**High Risk Erosion Areas (HREA) are those shorelands of the Great Lakes and connecting waters where recession of the zone of active erosion has been**

**occurring at a long term average rate of one (1) foot or more per year, over a minimum period 15 years. As a result of studies by LWMD staff, they have determined and designated certain high risk erosion areas within the township maps of these areas with calculated water setback distances for 30-year and 60-year setbacks for all parcels are available from the Zoning Administrator. (See map at back of Ordinance.)**

**The Land and Water Management Division (LWMD) of the Department of Natural Resources and Environment (DNRE) (now known as the Department of Environmental Quality (DEQ)) has regulatory responsibility under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended for this program. A state HREA permit is required for new construction; additions, including second floor additions, substantial improvements of existing structures; even when no expansion of the structure is proposed; and installation of septic systems. The State application for the program is available on the internet at www.michigan.gov/jointpermit. Local building permits should not be issued until the state permit is issued.**

**(D) Greenbelt Description –**

**Maintain a seventy-five (75) foot wide natural yard area on the water side, or fifty (50) feet on the roadside if a scenic highway. Said yard or strip shall be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access to a boat dock and/or a driveway entrance. Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space or remove dangerous trees (windrow hazard) or other trees and shrubs that may prevent the native strip area being retained in a healthful growth condition.**

# ARTICLE XIII – SCHEDULE OF REGULATIONS

## Section 1300, Limiting Height, Bulk Density and Area by Land Use:

## See Table 1 and 2

SCHEDULE OF REGULATIONS - TABLE 1

| | Front | Side | Rear | Height (ft) | Minimum Ground Floor |
|---|---|---|---|---|---|
| R-1A<br>One family | 30 ft. | 15 ft. | 25 ft. | 30 ft. | 480 sq. ft. |
| R-1B<br>General Residential | 30 ft. | 10 ft. | 25 ft. | 30 ft. | 480 sq. ft. |
| R-1C<br>General Residential | 30 ft. | 10 ft. | 35 ft. | 30 ft. | 480 sq. ft. |
| RR<br>Recreational Residential | 30 ft. | 10 ft. | 35 ft. | 30 ft. | 480 sq. ft. |
| SR<br>Scenic Resource | 30 ft. | 15 ft. | 35 ft. | 30 ft. | 480 sq. ft. |
| B-1<br>General Business | 30 ft. | 5 ft. | 20 ft. | 30 ft. | ---------- |
| I-1<br>Industrial | 30 ft. | 10 ft. | 20 ft. | 30 ft. | ---------- |
| FR<br>Forest Resource | 40 ft. | 20 ft. | 35 ft. | | 400 sq. ft. |
| FF<br>Farm & Forest | 40 ft. | 20 ft. | 35 ft. | 30 ft. | 480 sq. ft. |

Schedule of Regulations – Table 2

| District | Minimum Lot Size | Minimum Lot Width |
|---|---|---|
| R-1A<br>One family | 1 acre<br>40,000 sq. ft. | 150 ft. |
| R-1B<br>General Residential | 22,000 sq. ft. | 100 ft, |
| R-1C<br>General Residential | 22,000 sq. ft. | 100 ft. |
| RR<br>Recreational Residential | 22,000 sq. ft. | 100 ft. |
| SR<br>Scenic Resource | 30,000 sq. ft. | 150 ft. |
| B-1<br>General Business | ————— | ————— |
| FR<br>Forest Resource | 435,000 sq. ft.<br>10 acres | 300 ft. |
| FF<br>Farm & Forest | 40,000 sq. ft. | 150 ft. |

**Section 1300 - Schedule of Regulations;**

**a. Unless approved central domestic water and sewerage facilities serve the development, the minimum lot requirements shall be as stated in the "Schedule of Regulations." If either central water or central sewerage facilities serve the development, the minimum lot requirements may be reduced to 15,000 square feet. If both central water and sewerage services are provided, the minimum residential lot size may be reduced to 9,600 square feet (80 x 120) except R-1A Districts where lot area may not be less than 22,000 square feet with central utilities (water and/or sewer).**

**b. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district. Refer to "GENERAL PROVISIONS" accessory buildings, for corner lot exception.**

**c. Every lot on which a multiple dwelling is erected shall be provided with the minimum side yard on each side such lot. Any court shall have a width equal to not less than thirty (30) feet. The depth of any court shall not be greater than three (3) times the width and completely enclosed courts shall be prohibited. For the purpose of applying yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot. When more than one multiple dwelling building occupies one lot, the two structures must be separated by at least 20 feet when end to end and fifty (50) feet when face to face or back to back.**

**d. Two family, and multiple-family dwellings may be erected on a minimum lot size of ninety-six hundred (9,600) square feet, if approved community water and sewerage facilities serve the development. To compute total lot requirements the following minimum land areas and floor areas shall be added to the minimum lot size for each dwelling beyond first:**

| Bedroom Unit* | Minimum Lot Area Per Unit With Public Water and Sewerage Facilities** | Minimum Floor Area Per Unit |
|---|---|---|
| Efficiency Apartment | 2,500 sq. ft. | 250 sq. ft. to a maximum of 350 sq. ft. |
| 1 Bedroom | 2,500 sq. ft. | 450 sq. ft. |
| 2 Bedroom | 3.700 sq. ft. | 550 sq. ft. |
| 3 Bedroom | 4.900 sq. ft. | 650 sq. ft. |

*** A den or extra room shall count the same as a bedroom in multiple dwellings.**

**** Multiple dwellings dedicated and designed for low income elderly citizens shall provide a minimum lot area computed on the basis of a ratio requiring that for each bed in the unit there shall be one thousand (1,000) square feet of land covered by buildings.**

**e. Two-family and multiple-family dwellings on site without community sewer and water shall have the minimum lot area increased by 4,000 square feet for each bedroom beyond the first unless otherwise approved by the local Health Officer.**

**f. Where the front yards of two (2) or more principal structures in any block or within 500 feet in existence at the time of the passage of this Ordinance, within the district zoned**

**and on the same side of the road, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the road shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.**

**g. Side yards may be omitted if walls abutting a side yard are a fireproof construction and wholly without openings. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential street.**

**h. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.**

**i. Parking may be permitted in the front yard, except that a ten (10) foot wide landscaped yard or buffer area must be provided between the street right-of-way and the parking area.**

**j. No building shall be closer than forty (40) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.**

**k. Hunting and fishing cabins and seasonal mobile homes shall be a minimum of 400 square feet.**

**l. Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created, and no structure shall be erected or maintained except in compliance with the Schedule of Regulations.**

**m. No more than one principal dwelling or use may be permitted on a lot, unless specifically provided elsewhere in this Ordinance. These apply to all districts.**

## ARTICLE XIV- USES SUBJECT TO SPECIAL CONDITIONS

### Section 1400. Purpose:

**Uses subject to Special Conditions or "special land uses" are those uses of land which are not incompatible with the uses permitted in the zoning district, but possess characteristics or location qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the immediate area, public services and facilities and adjacent land use. The purpose of this Article is to**

**establish equitable procedures and criteria which shall be applied in regard to requests to establish special land use. The standards for approval and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this ordinance which are applicable to the special land use under consideration.**

**This article hereby authorizes the Planning Commission to issue special land use permits, provided:**

1. **The proposed use is one listed as a special land use for that district in which said use is proposed to be located; and**

2. **The Planning Commission insures before approving a special land use permit request that both (a) the standards of the district in which the special land use is to be located are fulfilled, and (b) the standards and other requirements of this Article are in full compliance.**

**Section 1401. Application Procedures:**

**An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:**

**A. Applicant – Any person owning or having an interest in the subject property may file an application for one or more special land use permits provided for in this Ordinance in the zoning district in which the land is situated.**

**B. Application – Applications for special land use permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.**

**C. Required Information – Three (3) copies of an application for a special land use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information:**

1. **A special land use application form supplied by the Zoning Administrator which has been completed in full by the applicant.**

2. **A site plan, drawn to a readable scale, or the property involved and adjacent property which describes:**

   a. **all property boundaries and dimensions thereof;**

**b. the location and use of all existing and proposed structures;**

**c. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed as a part of the project;**

**d. the current zoning classifications on the subject property and all adjacent property; and**

**e. the location of any water body or floodplain within 500 feet of the subject property.**

**3. The site plan shall include the name of the applicant, the scale used, a north arrow, the date prepared and the name and address of the preparer if other than the applicant.**

**4. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section 1402, and other standards imposed by this Ordinance affecting the special land use under consideration.**

**D. <u>Incomplete Application</u> – An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.**

**E. <u>Hearing</u> – Upon receipt of an application for a special land use permit, one notice that an application for a special land use permit has been received, shall be published in a newspaper which circulates in the township, and shall be sent by mail or personal delivery to the owners of the property for which special land use permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the date the application will be considered by the Planning Commission. Where the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that where a structure contains more than one dwelling unit, or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:**

**1. Describe the nature of the special land use request;**

**2. Indicate the property which is the subject of the special land use request;**

3. **State when, where and at what time the special land use request shall be considered;**

4. **Indicate when and where written comments shall be received concerning the request; and**

5. **Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use permit.**

**As a result of the notice given above, a public hearing shall be held before a decision on a request for a special land use is made, with notification as provided in the same manner stated above except for element 5 of the notice, at the initiative of either: the Planning Commission; or upon the request of the applicant for a special land use permit; or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use permit. However, if the applicant at the time of filing the application or the Planning Commission prior to scheduling formal consideration of the application, requests a public hearing, only notification of the public hearing need be made, thereby skipping the publication of notice that an application for special land use has been received.**

**F. <u>Review and Approval</u> – The review of the application and site plan requesting a special land use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a special land use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable township, state or federal laws, rules or regulations. Approval and issuance of a special land use permit shall signify prior approval of the application and site plan, therefore including any modifications and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such. The decision to approve or deny a request for a special land use permit shall be retained as part of the record of action on the request and shall incorporate a statement of conclusions which specify, (1) the basis for the decision, (2) any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and (3) any conditions imposed with approval. Once a special land use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the**

**Planning Commission and is documented as such.**

**G. <u>Issuance of a Special Land Use Permit</u> – Upon approval by the Planning Commission, the Zoning Administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special land use permit and take any enforcement action necessary in the event of a violation of the special land use permit.**

**H. <u>Appeal</u> – Within 15 days following the date of a decision on any special land use permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Board of Appeals. Upon the filing of an appeal, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the Board of Appeals.**

**I. <u>Decisions</u> – All decisions of the Planning Commission and Board of Appeals relating to special land use applications, including the findings supporting any decision, shall be recorded in written or typed form and retained as permanent records on file with the Zoning Administrator and a copy on file with the Township Clerk.**

**<u>Section 1402. Basis of Determinations:</u>**

**Prior to approval of a special land use application and required site plan, the Planning Commission shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.**

**A. <u>General Standards</u> – The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance:**

1. **The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.**

2. **The special land use shall not inappropriately change the essential character of the surrounding area.**

3. **The special land use shall not interfere with the general enjoyment of adjacent property.**

4. **The special land use shall represent an improvement to the use or character of the**

**property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.**

5. **The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.**

6. **The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.**

7. **The special land use shall not place demands on public services and facilities in excess of current capacity.**

8. **The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.**

**B. <u>Conditions</u> – The Planning Commission may impose conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable township ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.**

**The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.**

**C. <u>Performance Guarantee</u> – In authorizing a special land use permit, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Planning Commission shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety or welfare of the residents of the township and future users or inhabitants of the proposed project or project area including, but not limited to, roadways, lighting, utilities,**

**sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 228 of 1967, as amended. The Planning Commission and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.**

**Section 1403. Effective Date:**

**The special land use permit shall become effective when the application has been approved by the Planning Commission.**

**A. A building permit shall not be issued until approval of such special land use permit by the Planning Commission.**

**B. Until a building permit has been granted pursuant to the special land use permit, there shall be no construction or excavation on said land, nor shall use of the land be made toward the intended purposes of such special land use permit.**

**Section 1404. Permit Validity:**

**A. Approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.**

**B. In instances where development authorized by a special land use permit has not commenced within one (1) year from the date of issuance or the last date of review authorized by this subsection, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Ordinance applicable to the special land use permit under review, such that the permit shall become null and void.**

**Site Plan Review: Addendum**

**Purpose: Section 502 of the Michigan Zoning Enabling Act PA 110 of 2006 Permits & Township to require submittal, review, and approval of a site plan for the following land uses:**

**1. All residential developments requiring a zoning permit other than individual single-**

**family homes, duplexes and accessory buildings unless within 75 ft. of Lake Superior shoreline or the ordinary high-water mark of inland lakes or rivers.**

2. **All nonresidential developments requiring a zoning permit.**

3. **All platted subdivision and/or condominium projects involving more than two (2) dwelling units.**

4. **All special land uses.**

5. **All planned unit developments.**

6. **All conditional rezoning requests.**

7. **All expansions of nonconforming structures that require 10 or more additional parking spaces.**

8. **Land use requests referred to the Site Plan Review Committee or Planning Commission by the Zoning Administrator.**

**Section 1405. Requirement for Compliance - Penalties:**

**It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) of land and uses subject to a special land use permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in Section 1701 and the continuance thereof is declared to be a nuisance per se.**

**Section 1406. Once Granted a Special Use Permit, The Use Is A Permitted Use:**

**Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located, provided:**

**(1) such permit was issued in conformity with the provisions of this Ordinance, and**

**(2) such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted, and**

**(3) such permit authorizes a use which is subsequently built, operated and maintained in compliance with the ordinance, the special use permit, and all conditions established with its approval.**

**Section 1407. Specific Requirements:**

**The foregoing general requirements are basic and apply to all special land uses. The specific requirements in the following section relating to particular uses are in addition to, and shall be required, in all applicable situations.**

**A. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers -**

**Radio and television towers, microwave and T.V. transmitting towers, shall be permitted in B-1, I-1, FF and FR Districts, provided said use shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.**

**Any television-radio reception tower or other transmitting-receiving devices shall be so constructed and placed that there is no danger of structures falling on adjacent properties, public streets, or off premises electric power lines, and further the operation of any facilities shall not interfere with normal radio-television reception in the area.**

**B. Race Tracks (including midget auto and carting tracks) -**

**Race tracks shall be permitted only in the I-1 and B-1 Districts subject to the following conditions.**

1. **All parking shall be provided as off-street parking within the boundaries of the development.**

2. **All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction.**

3. **All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.**

**C. Riding Academies or Stables -**

1. **Commercial facilities for horseback riding are allowed in the B-1, FF and I-1 Districts provided that animal housing facilities are located at least 300 feet from any off premises residential structure. Riding facilities in R, RR or SR Districts may also be allowed on farms, or on a temporary permit basis, subject to a finding that there is adequate protection for adjacent residential uses including seasonal home areas.**

2. **Animal housing facilities for the keeping of large, no household animals (horses, cows, goats, sheep, pigs, etc.) for commercial use, must be located at least 300 feet from any off premise residential structure and at least 300 feet from the water's edge in the vicinity of a lake, river, or street, in RR, R-1C, SR and FR Districts.**

**D. <u>Recreation Camps, Recreation Lodges, and Resorts</u> -**

**Recreation camps, recreation lodges and resorts when operated for a profit may be permitted to locate in FF and RR Districts provided the following conditions are met:**

1. **The use is established on minimum site area of forty (40) acres in FF.**

2. **All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from the property lines. The resulting 100 feet shall be maintained as a buffer area wherein all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission as deemed necessary pursuant to Section 1508.**

3. **The use does not locate within the confines of a platted subdivision intended for single-family residential occupancy, or parcels which are deemed to be a logical extension of such platted area.**

**E. <u>Railroads</u> -**

**For the purpose of this Ordinance, railroad right-of-way shall be deemed to be zoned I-Industrial; provided, however, that switching yards, terminal buildings, storage facilities, repair stations, and related operational support facilities shall not be located in Districts other than I-1, FF, or B-1.**

**F. <u>Veterinary Hospitals, Kennels, and Other Animals</u> -**

1. **Veterinary hospitals, kennels, and other animals are permitted in B-1, and FF Districts provided all facilities for housing, treating, or keeping of animals are located at least two hundred (200) feet from a residential district boundary or off-premises residence.**

2. **Animal housing facilities for the keeping of large, no household animals (horses, cows, goats, sheep pigs, etc.) for private recreational use, must be located at least two hundred (200) feet from any off premise residential structure and at least two hundred (200) feet from the water's edge in the vicinity of a lake, river or stream, in RR, R-1C, SR and FR Districts.**

**G. <u>Mobile Homes and Mobile Home Parks</u> -**

**Mobile home parks intended for residential occupancy may be permitted after a hearing by the Planning Commission provided the following conditions are satisfied:**

1. **Mobile home parks for the parking of three (3) or more mobile homes shall be developed pursuant to state laws and regulations governing mobile home parks, and specifically including Act 419 of 1976, the Mobile Home Commission Act and Act 96 of 1987 as amended.**

2. **The land parcel being proposed for mobile home parks shall be of such area as to provide a minimum of twenty (20) mobile home sites or pads.**

3. **Mobile home distances and setback requirements shall conform to rules 941 and 944 of the Mobile Home Commission Rules.**

4. **Mobile home sites within a mobile home park shall conform to rules 941 and 944 of the Mobile Home Commission Rules.**

5. **The perimeter setback areas of a mobile home park shall be in lawn, or landscaped or kept in a natural wooded state as applicable.**

6. **Recreation space and other improvements within a mobile home park shall be in accordance with the laws and rules of Act 419 of 1976, the Mobile Home Commission Act and Act 96 of 1987 as amended.**

**H. <u>Other Uses of Mobile Homes and Trailers</u> -**

**Mobile homes, travel trailers and motor homes may be used as follows:**

1. **As temporary dwellings in any District until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued. The temporary dwelling may be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.**

2. **As a watchman's or caretaker's office in B-1 and I-1 Districts, but only as an accessory use to the main use of the premises.**

3. **As a temporary contractor's office and/or equipment shed in any district when in connection with a construction project authorized by Zoning and Building Codes.**

4. **Other temporary uses of mobile homes, travel trailers, or motor homes for a period not to exceed 24 months upon review and approval by the Planning Commission provided it is determined that the use is consistent with the intent of the Zoning Ordinance and would not be detrimental to any surrounding uses or properties.**

5. **The unoccupied storage of a motor home or travel trailer on any residential property by the owner thereof on his own property, shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards or blocking of views are created for the adjoining property.**

**I. <u>Hospitals, Nursing Homes and Assisted Living Facilities</u> -**

**General hospitals, nursing and convalescent homes, medical care facilities and similar uses are permitted in R-1B, FF and B-1 Districts provided that:**

1. **The use is established on a site no less than five (5) acres in area, and access is from the street other than a minor residential or recreation street or road.**

2. **The use is found to be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.**

**J. <u>Sanitary Land Fills</u> -**

**All sanitary land fill operations shall comply with standards prescribed by applicable State and County health regulations; provided, no such operation shall be permitted in any R-1A, RR or SR District, and further shall be conducted on sites located no less than 1,000 feet across any public street, and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.**

**<u>Section 1408. Planned Unit Development:</u>**

**<u>Intent</u> – The process of reviewing a proposed Planned Unit Development is specifically intended to permit flexibility and more creative design for the development of residential and commercial uses in certain districts than generally is possible under conventional zoning regulations. A planned unit development may also help achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services, shopping opportunities particularly suited to the needs of the residents of the Township. The process of reviewing a planned unit development request is also intended to give a developer reasonable assurances of ultimate approval before expending complete design monies while providing Township officials with assurances that the project will retain the character envisioned at the time of granting special land use permit approval thereby**

**allowing Township officials to exercise greater final control over the development than is possible under the district regulations. Planned unit developments are authorized by special land use permit in the districts R-1A, R-1B, R-1C, RR, SR, FR, and FF. A planned unit development project may be developed differently from the dimension, area and use regulations for the zoning district in which they are located. However, it is expected that they will have an overall quality of development higher than would result from strict observance of the basic district requirements, and must be in accord with the standards of this Section and requirements of an approved special land use permit.**

**A. <u>Standards</u> –**

1. **Permitted Uses: All residential uses permitted in the district in which the planned unit development is proposed to be located may be developed as planned unit development projects except that where residential uses are to be continued with commercial land uses that the requirements of Section 1403, B. must be complied with.**

2. **Residential Subdivisions: In reviewing and approving a planned unit residential subdivision plan, where each unit is detached on a separate lot, the following standards shall apply, as permitted modifications to the standards as outlined in the "SCHEDULE OF REGULATIONS":**

   a. **Provided the densities stated in the "SCHEDULE OF REGULATIONS" are maintained (allow for the initial lot size reduction for utilities), the lots used for detached dwelling sites may be reduced as stated in the table "Open Space Lot Reductions." Corresponding reductions in lot width may also be permitted, but no site shall be less than eighty (80) feet wide.**

**TABLE: OPEN SPACE LOT REDUCTIONS**

**<u>Minimum Building Sites by Available Community Utilities</u>***

| Districts | No Utilities Health Department Approval Required | Water or Sewer Services | Both Water and Sewer Services |
|---|---|---|---|
| R-1A | 20,000 | 16,000 | 12,000 |
| R-1B & R-1C | 20,000 | 12,000 | 9,600 |
| RR | 20,000 | 12,000 | 9,600 |
| SR | 26,000 | 20,000 | 12,000 |
| FR | None | None | None |
| FF | 30,000 | 12,000 | 9,600 |

*** These are not for density calculation purposes.**

**b. Under the provisions of this Section for each square foot of land gained within a subdivision through the reduction of lot size below the minimum requirements as outlined in the "SCHEDULE OF REGULATIONS," at least equal amounts of land shall be dedicated to the common use of lot owners of the subdivision.**

**c. The land area necessary to meet the minimum density and open space requirements of this section shall be of a usable shape and dimension and further shall not include bodies of water, marshes, or swamps characterized with standing waters. Open space land may be located in a flood plain.**

**d. The developer or subdivider shall dedicate the total open space area (see A. 1, Permitted Use) at the time of filing of the final plat on all or any portion of the plat, and indicate the use on the Preliminary Plat.**

**3. <u>Rural Cluster Development Subdivision -</u>**

**a. In any R-1B, R-1C, RR, SR, or FF District, cluster housing developments where dwelling units share common walls are permitted, provided:**

**(1) Common open space areas shall be dedicated as provided for the Section, "Subdivision Open Space Plan," or reserved by deed restrictions. All such approved space shall be shown on the site plan.**

**(2) At least 30 percent of all units shall have two bedrooms or the equivalent in floor space.**

**(3) Dwelling structures shall not exceed the maximum height stated for each District in the "Schedule of Regulations."**

**(4) The development does not break up an established pattern or evolving pattern of any single-family residential neighborhood or recreation home subdivision.**

**The above conditions do not apply to cluster plans in R-1C Districts where multiple density is approved by the Health Department.**

**b. Subject to approval by the Planning Commission, the site plan for Planned Unit Development may contain complementary commercial services provided that the density shall only be computed on lands zoned**

**or used for residential purposes.**

4. **Other Standards: In addition to the specific standards herein, Planned Unit Developments may contain complementary commercial services provided that the density shall only be computed on lands zoned or used for residential purposes.**

5. **Special Conditions: The Planning Commission may attach special conditions in accordance with Section 1505 of this Ordinance.**

**B. <u>Procedures -</u>**

1. **General: A Planned Unit Development project may be permitted only by a special land use permit which in turn shall be issued only after approval of both a preliminary site plan and final site plan, including supporting materials.**

2. **Preliminary Site Plan: A preliminary site plan of the proposed Planned Unit Development shall be submitted which contains all the information required in Section 1401, C and the additional supporting material:**

   a. **Explanation of the character of the Planned Unit Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.**

   b. **Statement of present and proposed ownership of all land within the project,**

   c. **Development schedule indicating:**

      **Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.**

      **Approximate dates for beginning and completion of each stage.**

   d. **Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Unit Development, and continued protection of the Planned Unit Development, and any of its common open space.**

3. **Pre-application Conference: One or more pre-application conferences may be held before a public hearing on a Planned Unit Development request is conducted. A representative of the township wherein the proposed development**

**would be located shall be invited to attend any pre-application conference.**

4. **Hearing: The Planning Commission shall conduct a hearing preceded by public notice in accord with the notice requirements of Section 1401, E.**

5. **Standards for Site Plan Approval: No preliminary or final site plan shall be approved until all the following standards are complied with:**

   a. **All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.**

   b. **The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.**

   c. **The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, appropriate, for the protection and enhancement of property and the privacy of its occupants.**

   d. **All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sites.**

   e. **Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.**

   f. **There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic.**

   g. **The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.**

   h. **All streets shall be developed in accordance with any adopted Township Subdivision Control Ordinance and the Baraga County Road Commission specifications.**

**i. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of sewer facilities including grading, gutters, piping, and the treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.**

**j. All loading and unloading areas and outside storage areas including areas for the storage of trash which face or are visible from residential districts or public thoroughfares shall be screened by an opaque wall not less than six (6) feet in height.**

**k. Directional exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.**

**6. Final Plans: If the proposed Planned Unit Development project preliminary site plan is approved, final site plans shall be prepared for each stage according to the development schedule. The final site plan and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other considerations as are appropriate. An approved Planned Unit Development shall be in conformance with all comprehensive plan elements and the requirements of this Ordinance. A special land use permit shall be valid only for that site plan and supporting material upon which the approval of the Proposed Planned Unit Development project was based. All supporting material shall remain on file with the approved final site plan. The Planning Commission may approve minor changes to an approved preliminary site plan without additional public hearing if changes do not affect the overall density, impact of, concept or intent of the development. Minor changes shall be made only upon the mutual consent of the Planning Commission and the landowner affected.**

**The Planning Commission shall maintain a record of conditions which are changed.**

**Major Changes - - changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final government agreements, provisions or covenants may be approved only by submission of a new preliminary site plan or applicable supporting material followed by another hearing according to the procedure in Section 1401. Once compliance with Ordinance requirements is achieved, the final plan shall be approved by the Planning Commission.**

7. **Continuing Control: The Planned Development project shall be developed only according to the approved and recorded final plan and all supporting material. The recorded final plan and supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the Planned Development Project. Major changes in the final site plan during or after construction shall be accomplished only by submission of a new preliminary site plan followed by the special use permit procedure. The Planning Commission shall consider the Planned Development Special Use Permit subject to review if construction falls more than one year behind schedule.**

## ARTICLE XV – GENERAL PROVISIONS

### Section 1500. Nonconformities:

1. **Preamble (Intent):**

   **It is recognized that there may exist within the districts established by this Ordinance or by amendments, lots, structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendment.**

   **It is recognized that those nonconformities which adversely affect orderly development and the value of nearby properties will not be permitted to continue without restriction.**

   **The zoning regulations established by this ordinance are designed to guide the future use of land in Arvon Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.**

2. **Board of Appeals Variance:**

   **Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided**

**that it is conclusively shown that such extension or enlargement:**

**a. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.**

**b. Will essentially retain the character and environment of abutting premises.**

**c. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding and related issues).**

**3. <u>Nonconforming Lots</u>:**

**A permitted single-family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both shall conform to the regulations of the District in which such lot is located. Variance to yard requirements shall be obtained through the Board of Appeals.**

**4. <u>Nonconforming Use of Land and/or Structures</u>:**

**a. Nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.**

**(1) <u>Exceptions</u>: Existing nonconforming one and two family structures which are nonconforming on the basis of water side setback requirements may be maintained, repaired, altered, or added to as long as they remain otherwise conforming. Additions or alterations to the exterior of those nonconforming structures shall not be constructed closer to the water than the existing water side setback requirements of this ordinance.**

**(a) The Zoning Administrator shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this ordinance; that the structure does not and is not likely to significantly depress the value of nearby properties; and that no useful purpose would be served by strict application of the water side setback requirements of this ordinance with which the structure does not conform.**

**(b) No nonconforming structure shall be enlarged or structurally**

**altered, nor shall be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure as indicated on the current tax roll. Any such repair or reconstruction shall conform to all requirements of this ordinance.**

**b. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to correct or lessen nonconforming conditions.**

**c. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.**

**d. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.**

**e. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.**

**f. When a nonconforming use of land, structure, or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the use structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.**

**g. Removal or destruction of the use and/or structure shall eliminate the nonconforming status.**

**5. <u>Repairs and Maintenance</u>:**

**Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting this public safety, upon order of such official.**

6. **<u>Uses Under Exception Provisions Not Nonconforming Uses</u>:**

   **Any use for which a general exception or special condition is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.**

7. **<u>Abandoned, Unplugged Wells:</u>**

   **Notwithstanding the foregoing conditions regarding nonconforming uses of land, the owner of a nonconforming parcel shall be required to comply with the provisions of Section 1507, paragraph 2 of this Ordinance regarding abandoned, unplugged wells and the Michigan Department of Environmental Quality's Abandoned Well Management Program.**

**<u>Section 1501. Accessory Buildings:</u>**

**Accessory buildings, except as may otherwise be regulated in this Ordinance, shall be subject to the yard and setbacks requirements applicable to main buildings; but need not be farther than ten (10) feet from property lines in the rear yard.**

**<u>Arvon Township Amended Zoning Ordinance 17-1</u>**

**<u>New Section 1502. Alternative Energy Sources:</u>**

**1. Wind Energy Conversion Systems (WECS):**

**<u>On-Site Use Wind Energy Systems and Anemometer Tower:</u> An On-site Use wind energy system is an accessory use which shall meet the following standards:**

**(a) Designed to primarily serve the needs of a home, agriculture, or small business.**

**(b) Shall have a tower height of 20 meters (65.6 feet) or less.**

**(c) Property Setback: The distance between an On-site Use wind energy system and the owner's property lines shall be 1-½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be 1-½ times the height of the tower. No part of the wind energy system structure, including guy wire**

**anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.**

**(d) Sound Pressure Level: On-site Use wind energy systems shall not exceed 40 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).**

**(e) Construction Codes, Towers, and Interconnection Standards: On-site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use wind energy 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 local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.**

**(f) Safety: An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.**

**All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employin a horizontal axis rotor.**

**<u>Section 901</u>: Principal Use Permitted Subject To Special Conditions**

**<u>Utility Grid Wind Energy System, On-site Use Wind Energy System over 20 meters high, and Anemometer Towers over 20 meters high</u>: A Utility Grid Wind Energy System, On-site Use Wind Energy System over 20 meters (65.6 feet) high, and Anemometer Towers over 20 meters (65.6 feet) high shall meet the following standards in addition to the general special use standards, Article XIV of this Ordinance:**

**A. Property Setbacks:**

1. **Anemometer Tower setback shall be the greater distance of the following:**
   a. **The setback from property lines of the respective zoning district;**
   b. **The setback from the road right-of-way; and**
   c. **A distance equal to the height of the tower from property lines or from the lease unit boundary, whichever is less.**

2. **Utility Grid Wind Energy System setback shall be the greater distance of the following:**
   a. **The setback from property lines of the respective zoning district;**
   b. **The setback from the road right-of-way;**
   c. **A distance equal to the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less; and**
   d. **A distance of 2,500 feet from the property line of any parcel which is not Receiving compensation for the Utility Grid Wind Energy System or On-site Use Wind Energy System.**

3. **An Operations and Maintenance Office building, a substation, or ancillary equipment shall comply with any property setback requirements of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placemenf requirements applicable to public utilities.**

**B. Sound Pressure Level: The sound pressure level shall not exceed 40 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).**

**C. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. 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. The minimum vertical blade tip clearance from grade shall be seventy-five (75) feet for a wind energy system employing a horizontal axis rotor.**

**D. Post-Construction Permits: Construction Codes, Towers, and Interconnection Standards shall comply with all applicable state construction and electrical codes and local building permit requirements.**

**E. Pre-Application Permit:**

1. **Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L.**

2. **259.431 *et seq*.), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq*.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.**

3. **Environment:**
   a. **The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.**

   b. **Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq*.), (including but not limited to:**

      **(1) Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq*.)**
      **(2) Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq*.),**
      **(3) Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq*.),**
      **(4) Part 303 Wetlands (M.C.L. 324.30301 *et seq*.),**
      **(5) Part 323 Shoreland Protection and Management (M.C.L. 324.32301 *et seq*.),**
      **(6) Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 *et seq*.), and**
      **(7) Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 *et seq*.), as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.**

**F. Performance Security: Performance Security, pursuant to Section 1514. A.1 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.**

**G. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, http://www.aplic.org/) published standards to prevent avian mortality.**

**H. Standards for Utility Grid Wind Energy Systems:**

1. **Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, nonreflective matte finished color approved by the Planning Commission. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's plan.**

2. **Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.**

3. **Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Utility Grid Wind Energy System shall be:**

    a. **A minimum of 5,400 feet or 20 times the rotor diameter, whichever is less, from a structure designed for human occupancy; or**

    b. **The Utility Grid Wind Energy System shall be turned off (so the rotor(s) are not moving) during the period of time the structure designed for human occupancy experiences shadow flicker; or**

c. **There is screening (forest, other building(s), topography) which shields the structure designed for human occupancy from a direct line of sight to the rotors causing shadow flicker.**

4. **Decommissioning: A planning commission approved decommissioning plan indicating, 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.**

5. **Complaint Resolution: A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.**

6. **Electromagnetic Interference: No Utility Grid wind energy 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. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation.**

I. **Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. On-site Use Wind Energy System shall be:**

1. **A minimum of 5,400 feet or 20 times the rotor diameter, whichever is less, from a structure designed for human occupancy which is on a different parcel of land; or**

2. **The Utility Grid Wind Energy System shall be turned off (so the rotor(s) are not moving) during the period of time the structure designed for human occupancy on a different parcel of land experiences shadow flicker; or**

3. **There is screening (forest, other building(s), topography) which shields the structure designed for human occupancy on a different parcel of land from a direct line of sight to the rotors causing shadow flicker.**

**<u>Site Plan Review</u>**

**Site Plans for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy System:**

**In addition to the requirements for a site plan found in Section 1401, Section 1404 and Section 1703 of this Ordinance, site plans and supporting documents for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy Systems which are over 20 meters (65.6 feet) high shall include the following additional information:**

A. **Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues (This may include a map of sound level isoline and sound levels at parcel boundaries.)**
B. **Proof of the applicant's public liability insurance for the project.**
C. **A copy of that portion of all the applicant's lease(s) with the landowner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s), and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.**
D. **The phases, or parts of construction, with a construction schedule.**
E. **The project area boundaries.**
F. **The location, height, and dimensions of all existing and proposed structures and fencing.**
G. **The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.**
H. **All new infrastructure above ground related to the project.**
I. **A copy of Manufacturer's' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.**
J. **For Utility Grid Energy Systems only:**

    1. **A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum**

**permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400, ISO 9613, ANSI 512.9 part 2, and ANSI 512.9 part 3. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. 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 the local government within 90 days of the commercial operation of the project.**

2. **A detailed traffic, road modification plan to accommodate delivery of component of the wind energy system along existing and proposed roads and return of those roads and adjacent lands to their original condition after construction.**

3. **A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles. Include sample of construction materials painted or colored so it is finished in a single, non-reflective matte finished color.**

4. **A copy of an Environment Analysis by a third party qualified professional 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. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.**

5. **A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impact identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.**

**(Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.)**

**(At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.)**

**(The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.)**

6. **A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.**

7. **A second site plan, which includes all the information found in Section 1401, Section 1404 and Section 1703 of this Ordinance, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:**
   a. **The anticipated life of the project.**
   b. **The estimated decommissioning costs net of salvage value in current dollars.**
   c. **The method of ensuring that funds will be available for decommissioning and restoration.**
   d. **The anticipated manner in which the project will be decommissioned and the site restored.**

8. **A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government 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.**

**2. <u>Solar Panels</u>:**

**Installation must be in compliance with manufacturer's specifications and state codes.**

**3. <u>Electric (Gas Powered) Generators</u> -**

**In a number of areas in our township electricity is not available via traditional land lines and people rely on gas powered generators. Guidelines for their installation and use should be in strict compliance with manufacturer's recommendations. Many people also have them as backup sources to their conventional lines. The same safeguards for placement and usage should prevail.**

**<u>Section 1503. Parking Requirements:</u>**

**There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.**

1. **Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.**

2. **Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.**

3. **In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.**

4. **The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicle is prohibited on required off-street parking lots.**

5. **Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.**

6. **For the purpose of computing the number of parking spaces required, the definition of useable floor space shall govern.**

7. **For those uses not specifically mentioned in the Schedule of Parking requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.**

8. **<u>Off-Street Parking Schedule</u> -**

   **The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:**

| **LAND USE** | **MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE** |
|---|---|
| **<u>Residential</u>** | |
| **Dwellings** | **2 per dwelling** |
| **Elderly Housing** | **1 per 2 units** |
| **Rooming House** | **1 per 2 occupants of maximum capacity** |
| **Trailer Court** | **2 per unit** |
| **<u>Institutional & Public</u>** | |
| **Church or temple** | **1 per 3 seats or each 6 feet of pew** |
| **Nursing Home** | **1 per 2 beds** |
| **Nursery, Elementary or Junior High School** | **1 per employee** |
| **Senior High School** | **1 per employee, plus 1 per 10 students** |
| **Membership Clubs** | **1 per 3 persons of legal capacity** |
| **Public Golf Course** | **6 per green or golf hole plus 1 per employee** |
| **Par 3 and/or Mini Golf** | **2 per hole or green** |

**Commercial**

| | |
|---|---|
| **Planned Shopping Center** | **1 per 100 square feet of floor area** |
| **Barber or Beauty Shop** | **1 per employee plus 1 per service chair** |
| **Doctor or Dentist Office** | **1 per 50 sq. ft. of waiting room plus 1 per service chair** |
| **Business Offices** | **1 per 200 sq. ft.** |
| **Billiard Hall** | **2 per game table** |
| **Taverns** | **1 per 50 sq. ft. of floor area** |
| **Restaurants** | **1 per 3 persons of seating capacity plus auto stalls if drive-in type** |
| **Furniture, Appliances, Plumber, Electricians, Minor Repair Services** | **1 per 800 sq. ft of floor area** |
| **Gasoline Station** | **2 per service stall, plus 1 per employee** |
| **Hotel or Motel** | **1 per rental unit, plus 1 per employee** |
| **Vehicle Sales** | **1 per 200 sq. ft. of showroom floor area** |
| **Retail Groceries** | **1 per 100 sq. ft of floor area** |
| **Other Retail Stores** | **1 per 150 sq. ft. of floor area** |

**Industrial**

| | |
|---|---|
| **Welding Shop** | **2 per employee** |
| **Industrial Office or Research** | **1-1/2 spaces per employee** |
| **Warehouse and Wholesale** | **1 per employee** |

**Notes:**

a. Sq. ft refers to square feet of usable floor area.
b. 1 per unit of measure shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons.
c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
d. Employees refer to all permanent staff and part time equivalents.
e. Legal capacity is the occupancy load as permitted by design, fire or health standards.

**Section 1504. Off-Street Loading and Unloading:**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Plot plans shall show off-street loading areas.

**Section 1505. Conditions on Discretionary Decisions:**

Wherever a discretionary decision is authorized in this Ordinance, conditions may be imposed provided they are:

1. Designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;

2. Related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity;

3. Necessary to meet the intent and purpose of the zoning ordinances, be related to standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner, such record of any changed condition shall also be maintained.

**Section 1506. Fencing, Lighting, Noise:**

**In every case the uses hereinafter referred to shall be prohibited from any district not specifically listed. These uses require special considerations since they may service large areas, require sizable land areas and/or may create problems of control with reference to abutting use districts.**

**1. Fences -**

**Fences designed to enclose property in any district shall be subject to the following conditions:**

**a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.**

**b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection, or other pedestrian or vehicle property access point.**

**Fencing of Swimming Pools -**

**Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.**

**Walls and Fences (Protective and Screening) -**

**For nonresidential uses, except farms which abut a permitted residential use, or which are adjacent to a residential district boundary, there shall be provided and maintained fences or walls as required below:**

| Specific Nonresidential Uses Requiring Fences | Minimum Fence or Wall Height at the Property Line | Primary Function(s) Protective | Primary Function(s) Screening or Obscuring |
|---|---|---|---|
| Drive-in restaurants, gasoline stations and vehicle repair | 6'0" | X | X |
| Institutional or school playgrounds | 6'0" | X | |
| Parking lots accessory to principal uses | 6'0" | | X |

| | | | |
|---|---|---|---|
| **Utility buildings and sub-stations** | **6'0"** | **X** | |
| **Swimming pools for use by the public** | **6'0"** | **X** | |
| **Junk yards** | **8'0"** | **X** | **X** |
| **Only storage areas of any use** | **6'0"** | **X** | **X** |

**All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.**

**All Zoning Board of Appeals shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would be served by compliance with these standards.**

**2. <u>Outdoor Lighting</u> -**

**All outdoor lighting, whether for illumination of parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed, and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.**

**3. <u>Noise</u> -**

**Uses requiring outdoor speakers, public address systems or similar sound devices shall not operate said equipment in such a manner as to create a public nuisance.**

**4. <u>Entrance Drives</u> -**

**Entrance drives to the use of off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.**

**<u>Section 1507. Sanitary Provisions – Sewage and Water Facilities:</u>**

**1. Per requirements of the Western U.P. District Health Department Sanitary Code and any**

**applicable State or Federal requirements, these site developments shall proceed in a manner to minimize erosion hazards and buildup in natural and/or impounded waters of the Township. Soil conditions shall be investigated by the land use owner or proprietor who shall follow guidelines developed by the local Soil Conservation District, or as provided in sedimentary erosion control ordinances.**

**2. <u>Abandoned, Unplugged Wells</u> –**

**In order to protect the drinking water supply and to preserve the quality of water obtained from privately owned or public water supply wells Arvon Township embraces the principles and procedures set forth in the Michigan Department of Environmental Quality's Abandoned Well Management Program (DEQ-AWMP). Owners who are aware, or become aware of the presence of abandoned water wells on their property shall contact the local health department and/or Arvon Township Planning Commission in order to identify and properly plug the abandoned well pursuant to the procedure described in the Michigan Water Well Construction and Pump Installation Code.**

**<u>Section 1508. Plant Materials</u>:**

**Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within eighteen (18) months from the date of issuance of a Zoning Permit and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Materials equal in characteristics to the plant materials listed with the spacing as required shall be provided, and existing natural wooded areas may be approved as fulfilling the intent of this Section. For large planting areas a landscape architect may be recommended.**

**1. <u>Plant material spacing</u> -**

**a. Plant materials shall not be closer than four (4) feet from the fence line or the property line.**

**b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.**

**c. Evergreen trees shall be planted not more than thirty (30) feet on centers.**

**d. Narrow evergreens shall be planted not more than three (3) feet on centers.**

e. **Deciduous trees shall be planted not more than thirty (30) feet on centers.**

f. **Tree-like shrubs shall be planted not more than ten (10) feet on centers.**

g. **Large deciduous shrubs shall be planted not more than four (4) feet on centers.**

**2. <u>Suggested Plant Materials</u> -** **<u>Minimum Height in Feet</u>**

**a. Evergreen Trees** **Five (5) Feet**

1. **Juniper**
2. **Red Cedar**
3. **White Cedar**
4. **Pines**

**b. Narrow Evergreens** **Three (3) Feet**

1. **Pyramidal Arbor-Vitea**
2. **Columnar Juniper**
3. **Irish Juniper**

**c. Tree-like Shrubs** **Four (4) Feet**

1. **Flowering Crabs**
2. **Russian Olive**
3. **Mountain Ash**
4. **Redbud**
5. **Rose of Sharon**

**d. Large Deciduous Shrubs** **Six (6) Feet**

1. **Honey Suckle**
2. **Viburnum**
3. **Mock Orange**
4. **Forsythia**
5. **Lilacs**
6. **Ninebark**

**e. Large Deciduous Trees** **Eight (8) Feet**

1. **Oak, Birch, Beech**
2. **Hard Maple**
3. **Ash**
4. **Hackberry**
6. **Sycamore**

3. **Trees not permitted** -

a. **Box Elder**
b. **Silver Maple**
c. **Elm**
d. **Poplar**
e. **Ailanthus (Tree of Heaven)**

**Section 1509. Signs and Billboards:**

1. **Any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows:**

| DISTRICTS | SIGNS PERMITTED | REQUIREMENTS |
|---|---|---|
| R-1A, R-1B and R-1C, RR and SR FF and FR | Accessory residential name plates, attached or free standing | One (1) for each dwelling, Unit not to exceed two (2) sq.ft. |
| R-1A, R-1B and R-1C, RR and SR FF and FR | Name plates and accessory identification signs, attached or free standing. | One (1) for each non-dwelling structure not to exceed eighteen (18) sq.ft. |
| B-1, FF, FR, I-1 Districts | Name plates and accessory advertising signs, including freestanding pylons or signs. | No sign shall project beyond or overhang the wall, roof, or any permanent architectural feature by more than five (5) feet. |
| B-1 and I-1 Districts | All signs including billboards. | Shall not exceed 300 square feet in area B-1 Districts or 500 square feet in I-1 Districts. |

2. **The following conditions shall also apply to all signs and billboards erected in any use district:**

   a. **No sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator and an authorizing**

**permit issued. Each unit may display one name plate and one advertising sign, provided that only one freestanding sign may be permitted. (One or both signs may be attached to the building).**

**b. No sign shall be nearer than ten (10) feet to any property line.**

**c. Illuminated signs shall not be of the flashing, or intermittent type unless approved by the Board of Appeals.**

**d. Wall mounted signs in B-1 and I-1 Districts shall not exceed an area of 25% of the mounting wall as computed on the area of the ground wall only.**

**e. Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passer-by traffic for support, one (1) off the premises directory sign may be permitted, in non-business districts, subject to review and approval of location by the Zoning Administrator.**

**f. One (1) on premises sign for advertising of premises for rent, lease, and/or sale shall be permitted in all districts. Any such sign to exceed twenty (20) square feet shall require approval by the Zoning Administrator.**

**g. Directional signs required for the purposes of orientation, when established by the Township, County, State or Federal Governments, shall be permitted in all Districts.**

h. **No sign shall be permitted that is affixed to trees, rocks, shrubs or similar natural features; and any sign which is insecurely fixed, unclean, in need of repair, or imitated official traffic control devices shall be prohibited.**

**i. The Zoning Administrator may upon application by the property owner, modify the area of sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback, or where, in unusual circumstances no good or practical purpose would be served by strict compliance with the requirements of the Section.**

**<u>Section 1510. High Risk Erosion and Environmental Areas:</u>**

**All uses proposed to be located in any area determined to be a high risk erosion and/or environmental area under the provisions of Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Act, 1994 PA 451, shall not be established until a Site Plan has been submitted to the Zoning Administrator for review and approval. Lands affected by this section lie within one thousand (1,000) feet of the ordinary**

**High Water Line of Keweenaw Bay, Huron Bay, and Lake Superior; and it is intended that no land uses evolve as risks in terms of the following: structural damage (homes, cottages, etc.), loss of land, loss of beach resources, loss of access to the water, loss of fish and/or wildlife habitat, and the influx of sedimentation.**

**The Site Plan shall be complete and detailed so as to enable the Zoning Administrator to conduct a fair review of the land use proposal, and if conditions on the site appear sufficiently hazardous, or questionable, the Zoning Administrator may require that the Site Plan be signed by a professional Michigan registered engineer, architect or landscape architect, and/or supported with documentation by the Baraga County Soil Conservation District.**

**<u>Section 1511. Temporary Uses:</u>**

**A. The Zoning Administrator is authorized to issue a zoning permit for the following uses upon a finding that a requested temporary use meets the standards stated below for each permitted temporary use as well as the standards in Section 1511, B:**

1. **Mobile homes may be used as a temporary dwelling in any district until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a building or zoning permit has been issued. Upon application for a temporary dwelling permit from the Zoning Administrator, the applicant may obtain a permit for an initial period not to exceed one (1) year from the effective date of the permit; and upon showing reasonable and diligent progress, may renew the permit for not more than two (2) additional periods of one (1) year for a three (3) year maximum.**

2. **Travel Trailers: Unless otherwise regulated in travel trailer courts in this Ordinance, a travel trailer may be stored and/or occupied as temporary recreation housing in all Districts except R-1A, provided:**

    a. **A temporary use permit is obtained from the Zoning Administrator every 24 months.**

    b. **The unit is maintained in safe and ready running condition, has a current trailer license, and can be driven from the premises by ordinary means.**

    c. **The unit is not attached to a sanitary disposal system or a domestic water supply, and remains in every respect a mobile home unit.**

    **A travel trailer/recreational vehicle may be stored on any lot in any district**

**without a permit, provided the unit remains unoccupied, is on a lot with a main building or use, is not connected to any utility service, and is restricted to the rear yard. A side yard may be used in cases where the rear yard is inaccessible.**

3. **Riding facilities in RR or SR Districts may be allowed on farms, or on a temporary permit basis, subject to a finding that there is protection for developing residential uses including seasonal home areas.**

4. **No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit.**

5. **Temporary buildings for a use incidental to construction work such as an equipment shed shall be permitted provided that all debris shall be removed within fifteen (15 days) after the completion or abandonment of the work.**

**B. <u>Issuance Standards</u> -**

**A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following standards is met by the proposed use.**

1. **The proposed use is clearly of a temporary nature.**

2. **The temporary use shall not endanger the public health, safety or welfare of the township, adjacent residents or the inhabitants of the structures of the temporary use.**

3. **Structures of temporary uses shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes approved by County Health Department.**

4. **The proposed use will cause no traffic congestion.**

5. **The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance.**

6. **The proposed temporary use is not a use permitted by a special use permit in the respective zoning district.**

7. **The proposed temporary use, if proposed to construct a conforming building or project, meets all requirements for a building permit for the conforming building or project.**

**Renewal, Revocation and Appeal -**

1. **Zoning permits for the temporary uses listed in Section 1511, B, may be renewed in the same manner as issuance of the original temporary permit.**

2. **Upon expiration or revocation of a zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be forthwith removed from the parcel of land.**

3. **The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this section and those of Section 1505. The Zoning Administrator may revoke a permit at any time for non-conformance with the requirements of this section and a permit issued hereunder. Non-conformance with the requirements of this section may be enforced pursuant to Section 1701 of this Ordinance.**

4. **An appeal of a decision by the Zoning Administrator relative to denial of a zoning permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Article XVIII of this Ordinance.**

**Section 1512. Mining and Mineral Extraction:**

**A. Mining and mineral extraction is the removal and/or processing of iron ore, copper, gypsum, (but not including gravel, sand fill, dirt, stone, peat top soil, sod production and/or removal), silver, gold, uranium and other minerals. It is the intent of these regulations to:**

**1. Provide for the best management practices to assure environmental protection during the site planning, operational and reclamation stages of the mining and mineral extraction process, including, but not limited to:**

**a. Proper drainage and erosion protection**

**b. Aquifer/ground water protection**

**c. Surface water protection**

**d. Air quality protection as it may pertain to:**

**(1) smoke**
**(2) fumes**
**(3) odor**

**(4) dust, and**
**(5) other airborne pollutants**

**e. Noise mitigation and compliance with ordinances and protecting the usual and customary uses of adjacent parcels.**

**f. Compliance with applicable Federal (EPA), state and local (township) laws, rules and regulations.**

**g. Proper handling and disposal of hazardous material generated and/or used in the mining and mineral extraction process.**

**h. Assurances that upon cessation of the mining and mineral extraction operation, the property will be returned to a condition such that it can be used for those uses that are permitted in the zoning district in which the property is located.**

**2. Provide for the health, safety and welfare of the general public, the community at large, and adjacent properties, including but not limited to:**

**a. Protection from adverse effects of increased traffic.**

**b. Protection from any adverse effects of noise, dust, vibration, blasting and glare.**

**c. Providing for visual and/or aesthetic quality during and upon the cessation of the mining and mineral extraction operations, and**

**d. Protection from the adverse effects of use and/or transportation of hazardous materials.**

**3. Provide the Township with information important to overall planning and orderly economic growth, including but not limited to:**

**a. Public facility and service needs**

**b. Number of potential employees**

**c. Proposed transportation routes**

**d. Duration of mining and mineral extraction operations.**

**e. Descriptions and amounts of materials to be extracted.**

**f. Analysis of lost economic opportunities from competing land uses**

**including but not limited to recreation and tourism.**

4. **Provide for the right to extract mineral deposits where located, provided the standards, regulations and conditions as set forth in this Ordinance and all applicable state, local and federal laws and regulations are met.**

**B. No mining and/or mineral extraction operation nor any mining related buildings, structures, processing equipment or tailing ponds, basins or mounds may be built, operated or maintained:**

1. **Until an impact area is determined, a minimum of one thousand (1,000) feet shall be presumed to be an appropriate distance from any adjoining land uses or structures. The area encompassed by that distance shall be designated the "impact area." If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 1512 A. 2, (a through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.**

2. **Within 500 feet of the nearest edge of the right-of-way of any of the following:**

   a. **State highway,**

   b. **Federal highway,**

   c. **County road.**

3. **Within 1,500 feet of any public or private well with the exception of such wells as are necessary for the proposed mining and/or mineral extraction operation.**

4. **Where the mining and/or mineral extraction operation would violate applicable local, state or federal groundwater standards, rules or regulations particularly those related to groundwater and surface water quality.**

5. **Within a floodplain where no permit pursuant to the Michigan Floodplain Control Act P.A. 235 of 1929, as amended by P.A. 167 of 1968, has been issued.**

6. **Within a wetland, as determined by the Michigan Department of Natural Resources where no permit pursuant to the Goemaere-Anderson Wetland Protection Act, P.A. 203 of 1979, as amended has been issued.**

**C. No mining or mineral extraction shall be undertaken without first obtaining a mining and mineral extraction permit from the Arvon Township Zoning Administrator, and paying a reasonable fee to be established from time to time by resolution of the Arvon Township Board. The Zoning Administrator shall not issue a permit until such time**

**as the Planning Commission has reviewed and approved the application for a permit, in accordance with the provisions of Sections 1512 through 1515 in this Zoning Ordinance.**

1. **Before submitting a permit application, each applicant shall meet and confer with the Arvon Township Zoning Administrator and Planning Commission regarding the preparation of the application. (It shall be the responsibility of the Zoning Administrator to contact and invite the appropriate Planning Commission members to this public meeting.) The general outlines of the Mining and Mineral Extraction operation evidenced by sketch plans are to be reviewed at the meeting before submission of a permit application. Thereafter, the Zoning Administrator shall furnish the applicant with his written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a mining and mineral extraction application.**

2. **The Zoning Administrator, upon receipt of the application for a permit, shall provide to the Township Planning Commission the application and the Zoning Administrator's written review within forty-five (45) days for its review and consideration. The Planning Commission shall review the application and all documentation submitted therewith, and if the said application meets the minimum requirements set forth in this Ordinance, the Planning Commission shall schedule and hold a public hearing in accordance with the provisions of Section 1401 of this Zoning Ordinance, with notices being sent out to property owners and occupants of property within 1,320 feet all the way around of property lines.**

3. **Following the public hearing, the Planning Commission shall make a recommendation to the Township Board on the application by applying the standards relating to mining and mineral extraction permits set forth in Sections 1512 through 1515 of the Zoning Ordinance, and shall recommend approval, approval with conditions, or denial of the permit application, and shall prepare a written explanation of its recommendations.**

4. **The Zoning Administrator shall then submit the application and all related materials as well as the recommendation of the Zoning Administrator, to the Township Board for its review and action. The Planning Commission shall not be required to hold another public meeting, but may make its decision based upon its application of the standards set forth in Sections 1512 through 1515, inclusive, of the Zoning Ordinance, and may approve, approve with conditions, or deny the application for a permit.**

5. **Mining and mineral extraction permits shall be reviewed on site on a two (2) year basis. Permits may be revoked if not in full compliance with all ordinances, laws, regulations and conditions applicable to the current permit, including site, operation and reclamation plans. The review process shall include the updating of the information and requirements set forth in Section 1512 as well as compliance**

**with the standards established in this Ordinance.**

6. **If any of the application information or requirements are available in the form of an environmental impact assessment or other appropriate document, which is required by various county, state and/or federal agencies, a copy of such information or document shall be submitted as a part of the application for mining and mineral extraction permit.**

7. **If in the process of reviewing and/or considering the mining and mineral extraction permit application, the Planning Commission and/or Township Board determines that additional information is necessary in order to fully evaluate the application, the applicant shall be notified. The Planning Commission and/or Township Board may defer taking action on such application until sufficient information is provided.**

8. **As a part of the application, and as a condition of the granting of a mining and mineral extraction permit, the Township Zoning Administrator shall be granted permission by the owner or its designated agent to enter upon the site where the mining and mineral extraction operations are being conducted, at any reasonable time, for the purpose of conducting appropriate inspections to determine compliance with permit requirements, operation and reclamation plans, or to investigate complaints.**

9. **The Planning Commission may recommend, and the Township Board may impose conditions upon the approval of a mining and mineral extraction permit, which are deemed to be necessary to assure compliance with the requirements of this Ordinance. Such conditions shall be considered an integral part of the mining and mineral extraction permit and shall be enforced by the Zoning Administrator. In addition, the Township Board shall also consider the activity levels of the mining and mineral extraction operation and may impose conditions to ensure the preservation and protection of adjacent properties and the health, safety and welfare of the general public.**

10. **No individual or entity to which a mining and/or mineral extraction permit has been granted shall sell, lease, assign or transfer in any manner any such permit, or any of the rights granted there under, without first securing the approval of the Township Board. No such transfer shall relieve the original permit holder from any liability for violation of the permit, any conditions imposed thereon, this Ordinance, or the plans approved by the Township Board, or from any damages resulting from such violation, where such violation occurred prior to the date of transfer. As a condition of approving such transfer, the Township Board shall require that:**

    a. **All existing violations of the permit, any conditions imposed thereon, the**

**plans approved by the Township Board, or this Ordinance, shall be remedied by the proposed transferee as soon as may be practicable; and,**

**b. The proposed transferee provide all the financial guarantees described in this Ordinance that were required as a condition of the original issuance of the permit; and,**

**c. The proposed transferee agree to, and demonstrate an ability to comply with all of the terms and conditions of the original permit, and any conditions imposed thereon, the plans approved by the Township Board and this Ordinance; and,**

**d. The proposed transferee agree and demonstrate an ability to comply with any new or additional conditions that the Township Board might see fit to impose upon said permit by reason of the proposed transfer thereof, and the Township Board may reject any proposed transfer of such permit it determines that said criteria cannot be met. An application for permission to transfer such a permit shall first be submitted to the Planning Commission, which shall review said application and make an appropriate recommendation to the Township Board. No public hearing shall be required either before the Planning Commission or the Township Board.**

**D. A permit for mining and/or mineral extraction may be denied if any of the following situations may be expected to occur during or subsequent to mining and/or mineral extraction.**

**1. Landslides or deposition from the proposed operations into streams, lake beds or wetlands.**

**2. Surface subsidence that cannot be reclaimed.**

**3. Operations resulting in significant damage to any of the following:**

**a. Surface waters**

**b. Aquifers and groundwater**

**c. Soils**

**d. Air**

**e. Dwellings**

**f. Public structures**

**g. Schools**

**h. Churches**

**i. Cemeteries**

**j. Commercial or institutional structures**

**k. Agricultural activities**

**l. Public roads**

**m. Habitat required for the survival of vegetation and/or wildlife designated as endangered through prior inclusion in rules by the Michigan Department of Natural Resources or the U.S. Fish and Wildlife Service.**

**E. The following shall not require a mining and mineral extraction permit:**

**1. Any mining or mineral extraction operation that is active and lawful at the date of enactment of this amendment provided that the continued action of such mining or mineral extraction is limited to existing holes, pits, shafts, or cells. However, no such lawful nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this amendment, or shall any new holes, pits, shafts or cells be commenced without first securing a mining and mineral extraction permit.**

**2. The mining or mineral extraction of less than one thousand (1000) cubic yards of material annually from a parcel.**

**3. Site preparation authorized by a zoning compliance permit or a grading permit required by this Ordinance.**

**A mining and mineral extraction permit shall be obtained for all lawful nonconforming mining and/or mineral extraction operations not meeting these criteria.**

**<u>Section 1513. Application for Mining and Mineral Extraction Permit:</u>**

**An application for a mining and mineral extraction permit must contain a Site Plan, Hydrologic Study, Operation Plan and Reclamation Plan as described herein. Any federal, state or county requirements that address those points listed here may be substituted for the required application forms.**

**The applicant shall submit to the Zoning Administrator the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent.**

**A. <u>Site Plan Requirements</u> -**

**A site plan shall be drawn to a scale adequate to illustrate the proposed activity, and shall include, at a minimum.**

1. **A legal description of the lot or parcel upon which the proposed activity is to be conducted, the name, address and telephone number of the owner, developer, proposed operator and designer.**

2. **Date, north point and scale.**

3. **The actual dimensions of the area upon which the activity is to be conducted (as shown by a surveyor or engineer, with the survey stakes visible), showing the relationship of the subject property to abutting properties.**

4. **The location of all existing and proposed structures on the subject property and all existing structures and wells on land immediately adjacent to the site within 1,500 feet of the site's parcel lines.**

5. **The location of all existing and proposed drives and parking areas.**

6. **The location and dimensions of right-of-way of all abutting streets, alleys and private easements.**

7. **The location of proposed planting and screening, required landscaping, fencing, signs and advertising features, if any.**

8. **The height, floor area and uses of all proposed structures, if any.**

9. **The size and location of all existing and proposed public and private utilities, if any.**

10. **Proposed location, area extent and estimated depth of proposed excavations, if any.**

11. **Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles and other permanent or temporary facilities used in mining, if any.**

12. **Any other information necessary to establish compliance with this Ordinance.**

**B. <u>Hydrologic Study Requirements</u> -**

**A hydrologic study shall be completed as part of the permit application process by an independent consultant agreeable to the applicant and the Township. The consultant shall be retained, and all fees and costs related to the hydrologic study shall be the responsibility of the applicant.**

**The hydrologic study shall include the following if determined necessary by the Zoning Administrator:**

1. **Information necessary to establish baseline data on the quality and quantity of the groundwater from all public and private wells within a specified radius as determined by the Zoning Administrator, based on recommendations from the Michigan Department of Natural Resources, The Department of Environmental Quality, and Western Upper Peninsula District Health Department and the independent consultant, of the proposed mining and/or mineral extraction operation. This information shall include well information for at least the previous two (2) years, if available.**

2. **A plan for the ongoing monitoring of all wells within the identified radius of the mining and/or mineral extraction operation if permitted by the private well owners. The well monitoring intervals shall be determined at the time of the permit application based on recommendations from the Michigan Department of Natural Resources, The Department of Environmental Quality, the Western Upper Peninsula District Health Department and the independent consultant. Additional monitoring wells may be required around the perimeter of the operation if it is determined to be necessary due to the location of other wells within the specified radius.**

3. **A plan for continued well monitoring upon cessation of the mining and/or mineral extraction operation, which may be required to extend for at least 30 years.**

**C. <u>Operation Plan Requirements</u> -**

1. **A narrative description outlining the estimated time span that the operation will cover, the type of material to be extracted, the type of mining operation and processing equipment and chemicals to be used, measures to control noise, vibration and pollution from the operation, the anticipated effect on groundwater condition, proposed travel routes to be used to transport the mined material to the processing plant or markets, and the proposed steps to be taken to relieve adverse effects.**

2. **A narrative description of the social, environmental and economic impact on**

**Arvon Township, including an estimate of the number of potential employees, lost economic opportunities from competing land uses, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.**

3. **Buffers shall be required along boundaries of the mining operation. Proposed buffers shall be included in the operational plan, and shall be established so as to make the mining and/or mineral extraction operation as inconspicuous as may be possible from adjoining properties. Buffers may be by, but are not limited to, the following techniques.**

   a. **Buffer Zone. An area of sufficient depth to screen the operation from view from adjoining properties.**

   b. **Plantings. Plantings of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening. Screening vegetation that dies must be replaced within one year.**

   c. **Earthen Berms. Earthen berms, constructed to a height of at least six (6) feet above the mean elevation of the centerline of the public highway adjacent to the mining property, or six feet above the general level of the terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.**

   d. **Fencing. Solid fences or masonry wall constructed to a height of six (6) feet and inconspicuous in color.**

4. **A description of the measures to be taken to assure that any dangerous excavations, shafts, pits, pond areas, banks or slopes will be adequately guarded or fenced and posted with signs to prevent injury to individuals.**

5. **A description of the measures to be taken to assure proper handling and use of explosives, in the event any are used, including, but not limited to:**

   a. **Notification of intended dates of use to:**

      (1) **Adjacent property owners and**
      (2) **Township Supervisor and**
      (3) **Baraga County Sheriff.**

**which shall be accomplished either by written notice or personal contact.**

**b. Providing to the Planning Commission by way of the Zoning Administrator a photographic survey of all buildings that might suffer damage from a blast. If the necessary permission to photograph private structures is refused by the owners of such structures, evidence of this refusal shall be filed with the Zoning Administrator. After consultation with the applicant, explosive experts and the Zoning Administrator and after considering all relevant factors and information the Zoning Administrator shall establish the scope of the survey by determining the radius of the survey area as measured from the point or points of the blasting area. The survey shall include a photographic inventory and the foundations of buildings as well as exterior views of all sides of the structures by means of photographs or video tapes. In determining the property scope of the photographic inventory, the Zoning Administrator, in concurrence with the Township Supervisor and the applicant shall ensure that the radius of the survey is adequate to provide a baseline data for determining the validity of any claims that might be reasonably asserted for damage to structures caused by blasting.**

**c. Providing for proper financial security should it be recommended by either the Zoning Administrator or the Planning Commission and approved by the Township Board to be necessary to ensure that proper compensation be available if such use of explosives may cause damage to adjacent properties, and**

**d. Compliance with laws, rules and regulations of the Department of Alcohol, Tobacco and Firearms.**

**6. Identification of plans for utilities, access roads, drainage, traffic plans and other site improvements showing appropriate measures that have, need or will be provided.**

**7. A narrative description outlining the operating schedule, the hours of operation, the days of operation and the seasonal uses of the facility.**

**8. A plan for the care, handling, storage and disposal of any harmful, chemical or toxic materials that might be part of the mining and/or extraction process including plans for contacting the necessary agencies involved with possible emergency response mobilization in the event of possible contamination.**

**D. <u>Reclamation Plan Requirements</u> -**

**A reclamation plan shall include a map and description showing:**

**1. Final grading, anticipated final slope angles, wellhead protection, benching and**

**terracing of slope stabilization and re-vegetation and erosion control, returning land to a condition that can appropriately be used within the guidelines of existing zoning districts. The re-vegetation plan shall be reviewed and approved by the Soil Conservation District with an emphasis on using native species.**

2. **Description of topsoil stripping and conservation during storage and replacement.**

3. **Plan and description of anticipated final topography, water impoundments and artificial lakes on property, if any.**

4. **Plans for disposition of surface structures, roads and related facilities after cessation of mining and extraction.**

5. **A plan for disposal for treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations, if any.**

6. **Plans and description to provide for the ongoing reclamation of areas that have been mined but are no longer part of the present mining operation.**

7. **A timetable for completion of reclamation requirements.**

**E. <u>Amendment to Final Plans</u> -**

**Minor changes from the approved plans may be approved by the Planning Commission without the prior approval of the Township Board, if required by engineering or other circumstances not reasonably foreseeable at the time the plans were approved. The Planning Commission may request certification in writing from officials and agencies concerned that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the Plan as approved by the Township Board.**

**<u>Section 1514. Financial Security:</u>**

**A. In order to assure compliance with the reclamation plan required by Section 1513, D, of this Ordinance, the applicant may, at the time of issuance of a mining and mineral extraction permit and prior to the disturbance of land, be required to provide financial security to the Township, in one or a combination of the following arrangements:**

1. **PERFORMANCE BOND. A performance or surety bond of sufficient size to guarantee completion of the reclamation plan issued by an acceptable**

**bonding company authorized to do business in the State of Michigan.**

2. **ESCROW FUND. A cash deposit or certified check made out in the name of the Arvon Township Board.**

3. **IRREVOCABLE LETTER OF CREDIT. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.**

4. **The security shall be filed with the Township Clerk and shall be for the same time periods as the mining and mineral extraction permit, and in an amount established by the Township Board, based upon the recommendation of the Zoning Administrator as determined to be reasonably necessary to assure compliance with the approved reclamation plan, as required by Section 1513 D of this Ordinance.**

5. **The bond shall be conditioned upon the faithful performance of the requirements set forth in the approved plans required by Section 1513 D. Liability under the bond shall be maintained as long as the reclamation is not completed in compliance with the approved plan.**

6. **If the reclamation plan provides for ongoing reclamation during the mining and mineral extraction process and identifies areas or units of land that will be reclaimed prior to cessation of mining or extraction operations, the financial security may be filed for a minimum of three areas or units of land and shall be transferable to other areas or units of land contained within the permit upon the faithful compliance with the approved reclamation plan as required by Section 1513 D.**

7. **Written notification shall be given upon completion or acceptance by the Township Zoning Administrator of the reclamation activity. Copies of the notification shall be sent to the Township Board and Planning Commission and shall also be filed with the permit application.**

**<u>Section 1515. Mining and Mineral Extraction General Standards:</u>**

**A. The Planning Commission and Township Board shall review the particular facts and circumstances of each application for Mining and Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:**

1. **Will be harmonious with and in accordance with the general policies and/or with any specific objectives of the Township Comprehensive Development Plan. Copies available at the Arvon Township Hall.**

2. **Will provide for adequate environmental protection during the site planning, operational and reclamation stages of the mining and mineral extraction process, including, but not limited to:**

   a. **Proper drainage and erosion protection**

   b. **Aquifer/ground water protection**

   c. **Surface water protection**

   d. **Air quality protection as it may pertain to:**

      (1) **Smoke,**
      (2) **Fumes,**
      (3) **Odor,**
      (4) **Dust and**
      (5) **Other airborne pollutants.**

   e. **Compliance with applicable Federal, State and local laws, rules and regulations.**

   f. **Providing for proper handling and disposal of hazardous material generated and/or used in the mining and mineral extraction process.**

   g. **Providing assurances that upon cessation of the mining and mineral extraction operation, the property will be returned to a condition such that it can be used for those uses that are permitted in the zoning district in which the property is located.**

3. **Will provide for the health, safety and welfare of the general public, the community at large and adjacent properties, including, but not limited to:**

   a. **Protection for the effects of increased traffic.**

   b. **Protection from any adverse effects of noise, dust, vibration and glare.**

   c. **Providing for visual and/or aesthetic quality upon cessation of the mining and mineral extraction operations, and**

4. **Will be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed mining and mineral extraction operation shall be able to continually provide adequately for the services and facilities deemed essential to the mining and mineral extraction operation under consideration, and**

5. **Will not place demands on public facilities and services in excess of current capacity, and**

6. **Will not be detrimental to the economic welfare of the community.**

7. **Will protect the quality of Arvon Township's drinking water supply by complying with the Michigan Department of Environmental Quality's Abandoned Well Management Program.**

**Section 1516. Abandoned Wells:**

**In accordance with the DEQ Abandoned Well Management Program, Arvon Township requires (requests) that property owners aware of, or knowledgeable about, unplugged wells contact the local Health Department and/or Township Board so that proper procedures may be instituted to limit their potential hazardous effects.**

**The purpose of these regulations is to remove them as possible dangers to drinking water supply (aquifers) and as physical dangers (e.g. open dug wells).**

**Real estate transactions must include information for both buyers and sellers pertaining to abandoned wells.**

**Any test drillings for minerals must be treated in accordance with DEQ recommendations (i.e. the remaining holes).**

## ARTICLE XVI – GENERAL EXCEPTIONS

**Section 1600. Area, Height and Use Exception:**

**The regulations in this ordinance shall be subject to the following interpretations and exceptions:**

**1. Essential Services -**

**Essential services shall be permitted as authorized and regulated by law and other ordinance, it being the intention hereof to exempt such essential services from the application of this Ordinance.**

**2. <u>Voting Place</u> -**

**This Ordinance shall not be construed to interfere with the temporary use of any property as voting place in connection with a public election.**

**3. <u>Height Limit</u> -**

**Height limitations shall not apply to farm silos, church spires, flag poles, or public monuments.**

**4. <u>Projections into Required Open Spaces</u> -**

**a. Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade, shall be considered part of the building and shall not extend into any required yard or open space.**

b. **Architectural features such as, but not limited to, window sills, cornices, caves, and bay windows may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such side yard.**

c. **Unenclosed paved areas, patios and other surface areas may occupy a required yard.**

## ARTICLE XVII – ADMINISTRATION

### Section 1700. General Administration:

**The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the Township Board.**

### Section 1701. Violations and Penalties:

**Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction. The owner of any building, structure, or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be**

**liable to the fines and imprisonment herein provided. A separate offense shall be deemed committed upon each day during or when a violation of any of the provisions of this ordinance shall be subject to a fine of not more than one hundred ($100.00) dollars and the costs of prosecution or, in default of the payment thereof, by imprisonment in the discretion of the court. For each day that a violation is permitted to exist shall constitute a separate offense. The paying of any fine shall not exempt the offender from meeting the requirements of this ordinance.**

**The Zoning Administrator is hereby charged with the duty of enforcing this Ordinance and is hereby empowered in the name of said Arvon Township Board to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court for Baraga County, Michigan, or any other Court having jurisdiction to restrain and/or prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Arvon Township Board in such a suit to abate the same.**

**Section 1702. Duties of Zoning Administrator:**

**The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.**

**The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 1500.**

**The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.**

**The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.**

**Section 1703. Plot Plan:**

**The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:**

1. **The shape, location and dimensions of the lot, drawn to scale.**

2. **The shape, size and location of all buildings or other structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.**

3. **The existing and intended use of the lot and all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.**

4. **Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.**

5. **The Zoning Administrator shall void any permit which has been issued on the basis of false or misrepresented information on the Permit Application.**

**Section 1704. Zoning Permit:**

**The following shall apply in the issuance of any Permit.**

1. **Permits for New Use of Land -**

   **No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Zoning permit is first obtained for the new or different use.**

2. **Permits for New Use of Buildings -**

   **No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different uses.**

3. **Permits Required -**

   a. **No building or useable exterior parts thereof shall hereafter be erected, moved, or expanded or diminished in floor area unless a Zoning Permit shall have been first issued for such work.**

   b. **Permits shall not be required for the erection of farm buildings which are not for human habitation; provided such structures are properly engineered and comply with setback requirements of this Ordinance.**

   **In order to ensure compliance of use and setbacks, an application form must**

**be filled out and approved. A fee will not be charged for this application.**

**4. <u>Permit Validity</u> –**

**Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.**

**<u>Section 1705. Fees:</u>**

**Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Legislative Body.**

**<u>Section 1706. Changes and Amendments:</u>**

**The Township may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act 110 of 2006.**

## ARTICLE XVIII – BOARD OF APPEALS

**<u>Section 1800. Creation and Membership:</u>**

**There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Act 110 of 2006 of the Michigan Enabling Zoning Act (MCL 125.3601(5)) and in such way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of five (5) members who are appointed by the Township Board. The initial term shall be staggered: one for three years, two for two years, and two for one year. Also, the following shall apply the Board:**

1. **The first member shall be a member of the Planning Commission for the term of of his office.**

2. **The second and third members shall be electors from the unincorporated area of the township, appointed by the Township Board.**

3. **The fourth and fifth members shall be selected in the same manner as the second and third members to serve for a period of three (3) years; provided that no elected officer of the Township nor any employee of the Township nor any employee of the Township Board may serve simultaneously as a member or employee of the Board of Appeals. All reappointments or new appointments shall be for terms of three (3) years.**

**Section 1801. Meetings:**

**Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote, indication said fact; and shall file minutes or records of its proceedings with the Township Board for public record.**

**Section 1802. Appeal:**

**An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as shall be prescribed by said Board of Appeals by a general rule. Such appeal may be taken by any person, firm, or corporation. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, notice of appeal specifying the grounds thereof.**

**The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying, or affirming, wholly or partly, the decision or determination appealed from.**

**Section 1803. Stay:**

**An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.**

**Section 1804. Jurisdiction:**

**The Board of Appeals shall have the following powers and it shall be its duty:**

1. **To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.**

2. **In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done including the following:**

    a. **Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the Zoning District Map, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the zoning map.**

    b. **Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefrom to the height and bulk district requirements herein established which said Board considers necessary for the public convenience or welfare.**

    c. **Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modifications will be inconsistent with the purpose and intent of such requirements.**

    d. **Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.**

3. **Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the intent of this Ordinance, and so that public safety and welfare by secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:**

    a. **That there are exceptional and extraordinary circumstances or conditions**

**applicable to the property or to its use that do not apply generally to other properties or uses in the same district.**

**b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.**

**c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the district in which the property is located.**

**d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the Township.**

**Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.**

**Section 1805. Exercising Powers:**

**In exercising the above powers, the Board of Appeals may reverse or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Zoning Administrator from whom the appeal is taken.**

**Section 1806. Notice of Hearing:**

**The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. A notice of the time and place of such Hearing shall be published in a paper of general circulation in the County at least fifteen (15) days previous to the Hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of Appeals is sought as well as a brief description of the nature of the Appeal.**

**Section 1807. Miscellaneous:**

**No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than two (2) years, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.**

**No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.**

## ARTICLE XIX – VESTED RIGHT

**It is hereby declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.**

## ARTICLE XX – SEVERANCE CLAUSE

**Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.**

## ARTICLE XXI – CONFLICTING REGULATIONS

**In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare; except that wherever in the Township there are provisions in two (2) or more laws or Ordinances that have conflicting provisions, the law or ordinance with the more stringent requirements or regulations shall govern.**

## ARTICLE XXII – TRANSFER OF GOVERNMENT LAND

**Any land in Arvon Township not included in the Ordinance, due to Federal or State Statute; upon transfer of ownership, shall be zoned by the Planning Commission such zoning determination shall be subject to the same notice requirements as a rezoning.**

## ARTICLE XXIII – EFFECTIVE DATE

**The provisions of this Zoning Ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take immediate effect, after final passage, as authorized under the provisions of Act 110 of 2006, Michigan Enabling Zoning Act. Made and passed this ____day of _____, to take effect the _____day of _____.**

**I hereby certify that the above is a true copy of the Ordinance, as amended, and adopted by the Arvon Township Board on the _____day of _____.**

_____
**Arvon Township Supervisor**

_____
**Arvon Township Clerk**

# Arvon Township Zoning Map

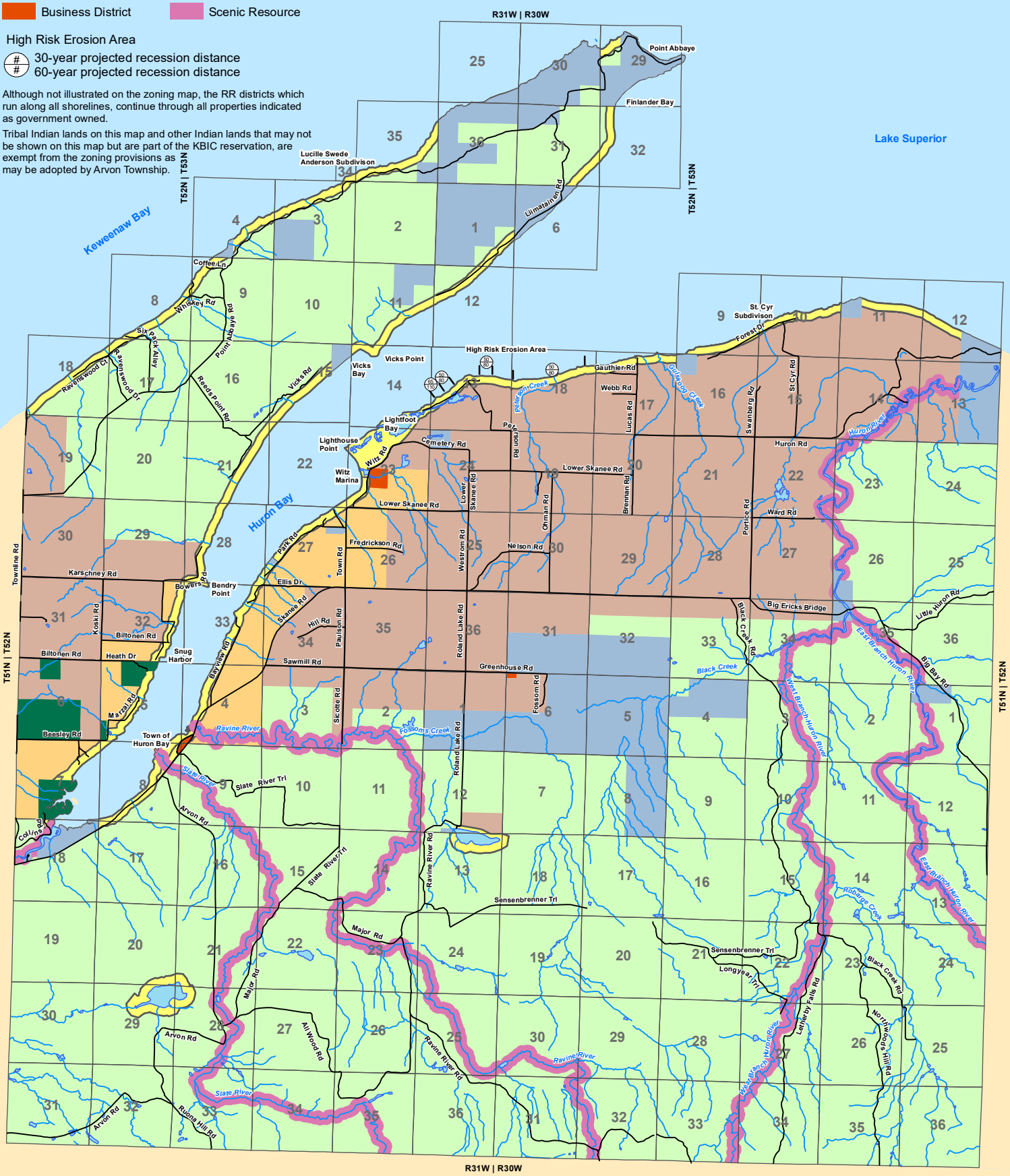
Revised May 15, 2019

**Legend**

- General Residential
- Recreation Residential
- Farm and Forest
- Business District
- Forest Resource
- Government
- Tribal Land
- Scenic Resource

High Risk Erosion Area

- # 30-year projected recession distance
- # 60-year projected recession distance

Although not illustrated on the zoning map, the RR districts which run along all shorelines, continue through all properties indicated as government owned.

Tribal Indian lands on this map and other Indian lands that may not be shown on this map but are part of the KBIC reservation, are exempt from the zoning provisions as may be adopted by Arvon Township.