

**ARTICLE I:
Zoning Ordinance of Arvon Township, Baraga County, Michigan
Purpose**

Preamble (Intent):

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 Michigan Planning Enabling Act (PA 33 of 2008, as amended).

It shall incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) 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.

Section 101. History:

The Township Zoning Act (PA 184 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 Zoning Board of Appeals (ZBA) for resolution of conflicts.

Section 102. Title:

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 Township Board:

Supervisor: _____

Secretary: _____

Treasurer: _____

Trustee: _____

Trustee: _____

Section 103. Other Purposes (Severability)

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).

Section 104. Administrative Standards & Procedures:

- (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)**.

Section 105. Open Meetings Act:

Meetings of the Arvon Township Board, Planning Commission and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act (Act 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 of 1976, as amended)**.

ARTICLE 2 - 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 Well – “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 building, structure – A temporary or permanent building, structure, customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

Accessory Dwelling Unit (ADU) – An incidental and subordinate dwelling unit which provides living quarters for one (1) individual or a family that is on the same lot, but is separate or affixed to the primary dwelling unit or an accessory structure, and contains, but is not limited to, a kitchen, bathroom, and sleeping quarters.

Accessory Use – A use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related. For example, a retail business is not considered customarily incidental to a residential use.

Agriculture – 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.

Alley – A dedicated public way, not a street, allowing vehicular access but not intended for general traffic circulation.

Alterations – 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.”

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

Apartment – A suite of rooms in a multifamily building, including bath and kitchen facilities, arranged and intended as a single-family residence.

Applicant – A person who submits an application under one of the procedures set forth in this ordinance.

Arterial Road – 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.

Attached Dwelling – 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 26)

Attic – That part of a building that is immediately below and within the roof framing.

Auto Repair Shop – Having to do with other than body repair, i.e., mechanical work.

Auto Body Repair Shop – Having to do with repair to body/frame damage including glass.

Backcountry Shelter – A building for public use for transient shelter for people using trails for recreation. It is not a single-family dwelling.

Basement – 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 27). A cellar is a basement. See also definition of "story."

Bed & Breakfast – 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.

Berm – A graded and landscaped mound of earth for visual and audible screening purposes.

Blighted Property – "Blighted property" means a property that meets any of the following criteria:

- a. The property has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related codes or ordinances.
- b. The property is a nuisance because of physical condition or use.
- c. The property is a fire hazard or is otherwise dangerous to the safety of persons or property.
- d. The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of one (1) year or more, so that the property is unfit for its intended use.
- e. The property has building code violations posing a severe and immediate health or safety threat and has not been substantially rehabilitated within one (1) year after the receipt of notice to rehabilitate from the appropriate code enforcement agency or final determination of any appeal, whichever is later.

Boarding stable – A facility such as a barn where horses are kept for sale or boarding.

Boarding House – A commercial use subordinate to the principal use, e.g., rooms to lodgers with or without meals.

Buffer Strip – A strip of land reserved for plants, berms, walls or fencing to serve as a visual or sound barrier between properties.

Buildable Area – The portion of a lot remaining after the minimum yard and setback requirements of this ordinance have been met. See Figure 2-4, page 27.

Building – 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.

Building Addition – An enclosed permanent add-on building attachment to an existing permanent building.

Building Area or Building Footprint – 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 pages 16-17.

Building Height – 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 deck line 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 28). 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.

Building Line or Set Back Line – Is a line formed by the face of the building and for this Ordinance is the same as the front setback line.

Campground – 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.

Camp – Hunting – A temporary use dwelling on owned or leased land for recreational purposes. It must comply with standards for water supply and waste elimination.

Carport – 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.

Change of Use – Use of a building, structure or land parcel which differ from the previous uses/this ordinance.

Church – A building used for religious worship and activities usually associated with such primary purposes.

Clinic – A place where medical or dental care is provided to persons on an outpatient basis by two or more health care professionals.

Common Land – 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.

Common Open Space – As defined, an area preserved within a planned development for use by the occupants or residents and their guests or the public.

Community Residential Care Facilities – 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.

Communication Tower – 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 telecommunication's signals. Antennae permitted as an accessory use under Article IV of this Ordinance are excluded.

Conditional Use – 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.

Condominium Unit – 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").

Condominium Master Deed – 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.

Condominium Subdivision – 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 (PA 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.

Condominium Subdivision Plan – 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.

Conservation Design Subdivision – 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.

Conservation Easement – 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 (PA 451 of 1994, as amended), when applied to a cluster development or open space development.

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.

Dark Sky Outdoor Lighting – Lighting standards and fixtures that are designed to direct light to the ground, not up into the sky, so as to mitigate excessive lighting and light pollution.

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 to 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.

Duplex – A dwelling containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit – One or more rooms, designed, occupied, or intended for occupancy as separate

living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use as a household.

Dwelling, Single-Family – A structure, including a manufactured home, designed or used for residential occupancy by one family, which is used exclusively for human habitation.

Dwelling, Multi-Family – A dwelling containing more than two dwelling units.

ECHO Housing – *See Accessory Dwelling Units (ADU)*

Electronic Message Center or Sign (EMC) – An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

Essential Services – The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, water towers, poles, street lighting, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories, but not including communication towers, which are reasonably necessary for the furnishing of adequate service by such public utility or public department or commission or for the public health, safety or general welfare is permitted in any zoning district. Notwithstanding the exceptions contained in the immediately preceding sentence.

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 fewer 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), fibers and increasingly fuel.

Fence – An artificial structure forming a physical barrier between two areas and constructed of chain-link, vinyl, masonry, or lumber, in accordance with the adopted Arvon Township standards found in Section 1506 of this ordinance.

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 one hundred (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.

Garage – A fully enclosed building for the storage of motor vehicles not including sale of fuel or repair services.

Geodesic Dome – A hemispherical, thin-shell structure (lattice-shell), based on a geodesic polyhedron. The triangular elements of the dome are structurally rigid and distribute the weight throughout the structure.

Golf Course – A tract of land for playing golf - may include structures.

Grade: Natural –

- 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.

Greenbelt – A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance.

Group Day Care Facility – See *Community Residential Care Facility*:

Hazardous Substance –

- 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).

Health Care Homes or Center – A group home, family home, or center licensed by the State to provide nursing care, adult care, childcare, day care, foster care or mental health care.

High-Risk Erosion Area (HREA) – Shorelines of the Great Lakes where the land is receding at a rate of one foot or more per year for a minimum of 15 years. Recession rates change over time as water levels fluctuate and coastal conditions change. Approximately 250 miles of shoreline are designated as high-risk erosion areas along the shorelines of Lakes Michigan, Superior and Huron.

Note: A permit is required for any regulated land use on a parcel in a HREA. HREAs are regulated by the Administrative Rules of Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Historic Sites – A structure, natural object, place or configuration of historic, archeological, cultural or architectural significance which is so designated by federal, state, county or township.

Home Occupations – 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 secondhand 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.

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 thirty (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.

Lot Waterfront – A lot which borders on a water body.

Manufactured Home and Manufactured Housing Community – 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.

Manufactured Housing Community – 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.

Marina – A facility for berthing and securing recreational craft, which may also provide supplies, provisions, services and fueling facilities and repair and storage.

Mining/Mineral Extraction – Mining and mineral extraction is the removal and/or processing of

iron ore, copper, gypsum, gravel, sand fill, dirt, stone, peat topsoil, sod production and/or removal, silver, gold, uranium, and other minerals.

Mobile Home – 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.

Mobile Home Park – 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.

Mobile Home – Permanent – 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.

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.

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 – An offensive, annoying, unpleasant, or obnoxious thing of practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glares, fumes, flashes, vibration, shock waves, heat, electric or atomic radiation objectionable affluent, noise of congregation of people (particularly at night), passenger traffic and an invasion of abutting street frontage by traffic.

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 (OHWM) – 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 (PUD) – 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.

Plat – A map of subdivisions of land recorded with the county Register of Deeds.

Porch – 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.

Pre-existing Permanent Building Footprint (PPBF) Size and Site location –

- 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 must 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, residence, or a Short-Term Rental.

Recreational Vehicle (RV) – A vehicular type structure primarily designed as temporary living quarters for recreational, camping or travel 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*,” as defined in *Article 2 – Definitions*.)

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 – Means a legal written agreement which runs with the land; it may limit or control development according to the wishes of the 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.

Semi – A semi-truck or semi-trailer either as a separate or combined unit.

Sexually Oriented Business (SOB) – 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.

Shipping/Cargo Container – A container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to semi-trailers.

Shoreline – That area of shorelands where land and water meet.

Short-Term Rental – A residential dwelling not owner-occupied, which is rented all, or in part, on a daily, weekly, or monthly basis for thirty (30) days at a time or less, for transient occupancy and financial gain.

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 – Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, in accordance with the adopted Arvon Township standards found in Section 1209 of this ordinance.

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.

Solar Energy Systems (SES) Definitions:

Electricity Generation (aka production, output) – The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-

hours (kWh) or megawatt- hours (MWh).

Electrical Equipment – Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Grid-ties Solar Photovoltaic Systems (aka grid-tied PV, on-grid, grid-connected, utility-interactive, grid-interties, or grid-direct) – Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage. Any excess electricity generated is sent to the electric utility grid, credited via a customer's net metering agreement with their local utility. Grid-tied are typically installed without battery back-up system to store electricity. As such, these systems provide no power during an outage. Typical system components: PV panels, Inverter(s), and required electrical safety gear.

Ground-Mount System – A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.

International Residential Code (IRC) – Part of the International Building code (IBC), the IRC sets buildings standards for residential structures.

Inverter – A device that converts the Direct Current (DC) electricity produced by a photovoltaic system is converted to useable alternating current (AC).

Kilowatt (kW) – Equal to 1000 Watts: a measure of the use of electrical power.

Kilowatt0hour (kWh) – A unit of energy equivalent to one kilowatt (1 kW) of power expended for one (1) hour of time.

Mounting – The manner in which a solar PV system is affixed to the roof or ground (i.e. roof mount, ground mount, pole mount).

Megawatt (MW) – Equal to 1000 kilowatts; a measure of the use of electrical power.

Megawatt-hour (MWh) – A unit of energy equivalent to one Megawatt (1 MW) of power expended for one (1) hour of time.

National Electric Code (NEC) – Sets standards and best practices for wiring and electrical systems.

Pole-Mount Systems – A solar energy system that is directly installed on specialized solar racking systems, which are attached to pole, which is anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are

elevated from the ground.

Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

Power – The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.

Roof-Mount System (aka rooftop mounted, building mounted) – A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

Solar Access – The ability to receive sunlight across real property to protect active or passive solar energy.

Solar Array – Multiple solar panels combined together to create one system.

Solar Collector – A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

Solar Energy System – A passive design using natural and architectural components to collect and store solar energy without using any external mechanical power or an active mechanical assembly that may include a solar collector, storage facility, and any other components needed to transform solar energy for thermal chemical, or electrical energy. Examples include a solar green house, solar panels, solar hot water heater, photovoltaic panels, passive solar panels, and a large, clear south-facing expanse of windows.

Solar Glare – The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Orientation – Orienting (positioning) a structure to take full advantage of optimal solar access and performance.

Solar-Ready – The concept of planning and building with the purpose of enabling future use of solar energy generation systems. Solar-ready buildings, lots, and developments make it easier and more cost-effective to utilize passive solar techniques and adopt active solar technologies in the future. Solar-Ready Buildings are built anticipating future installation of active solar energy systems (including structural reinforcement, pre-wiring or plumbing for solar, and east-west building orientation). Solar-Ready lots are oriented to take maximal advantage of a location's solar resource. Solar-Ready Developments expand this concept to entire subdivisions.

Watts (W) – A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

Wiring – Specified by electrical codes, solar PV system wires are routed from the panels or micro- inverters through conduit into the inverter and buildings meter.

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 *Michigan 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 non-portable, 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.

Tent – A temporary removable fabric or membrane shelter or enclosure for transient recreational activities.

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.

Tiny Home – A manufactured or conventionally built structure, 480 square feet in size or less, which may be built on a steel undercarriage with the necessary wheel assembly to be transported to a permanent or semi-permanent site. The steel undercarriage and/or wheels may be removed when placed on a permanent foundation.

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 two hundred (200) square feet in size and may include gazebos, saunas, screen houses, storage sheds, and workshops.

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.

Waterbody – 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.

Wind Energy Conversion Systems (WECS) – 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 Section 1202 for zoning districts, permitted uses and conditions for approval.

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 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

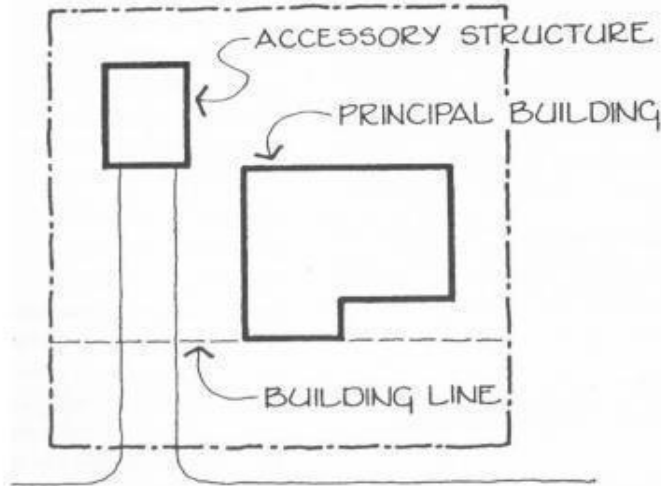


Figure 2-2
DWELLING TYPES

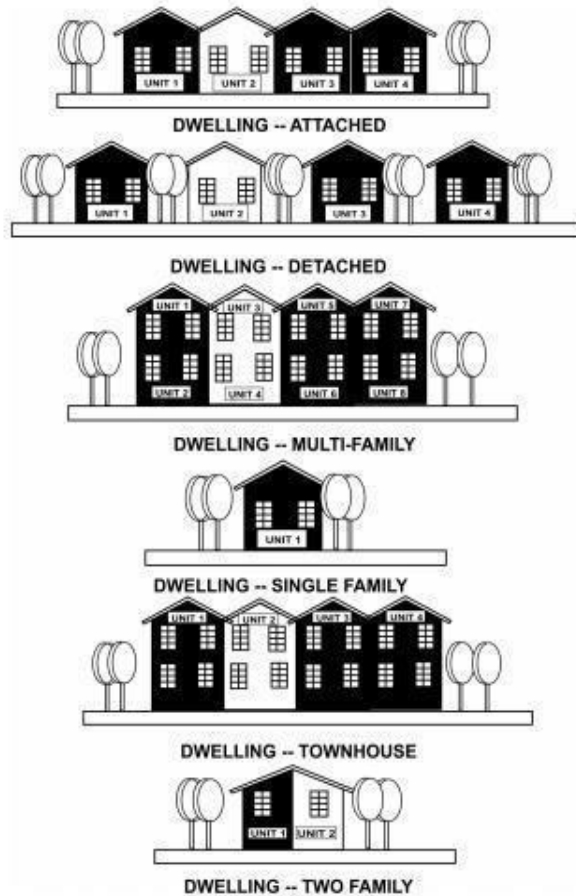


Figure 2-3
BASEMENT AND STORY

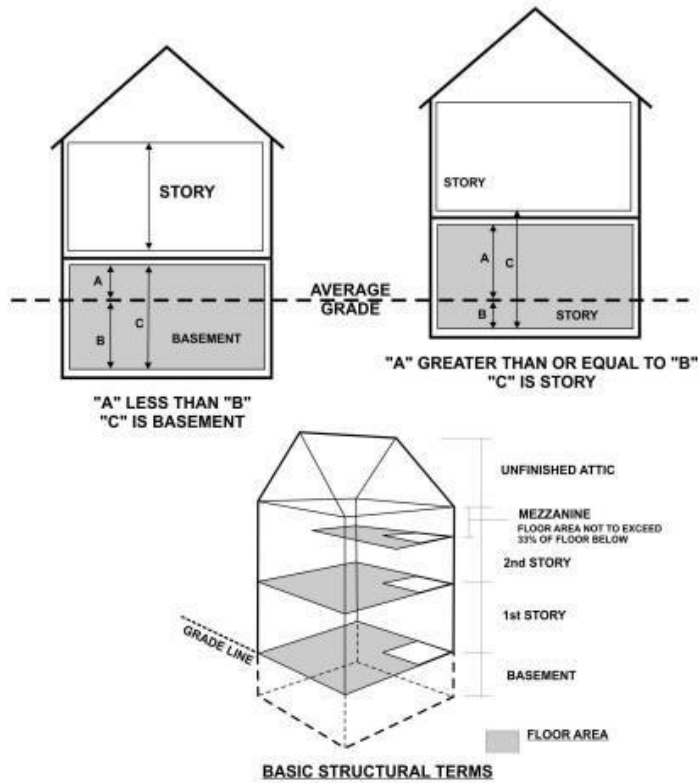


Figure 2-4
BUILDABLE AREA

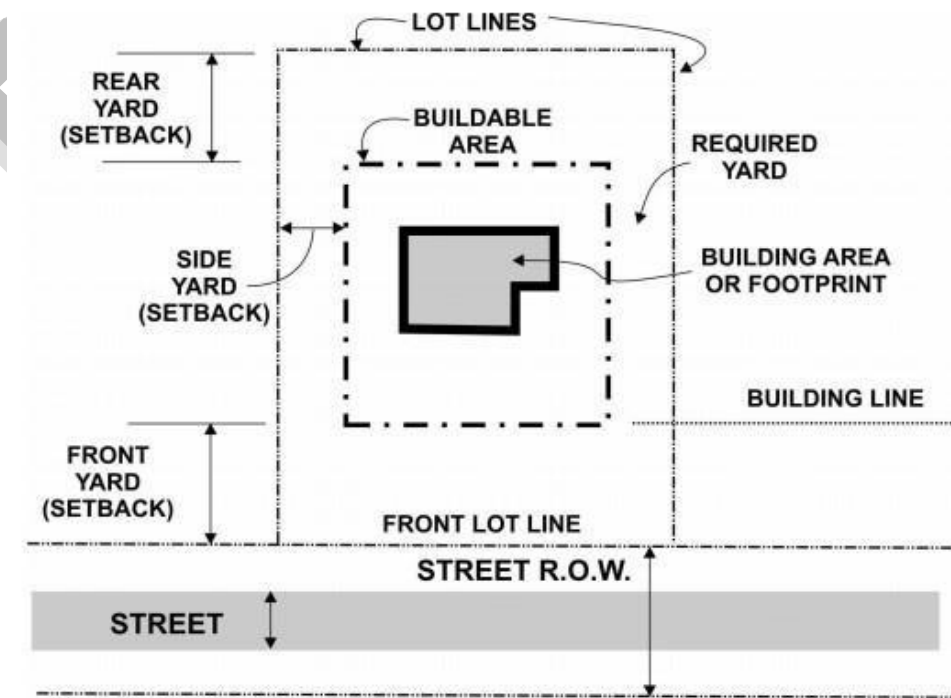


Figure 2-5
BUILDING HEIGHT

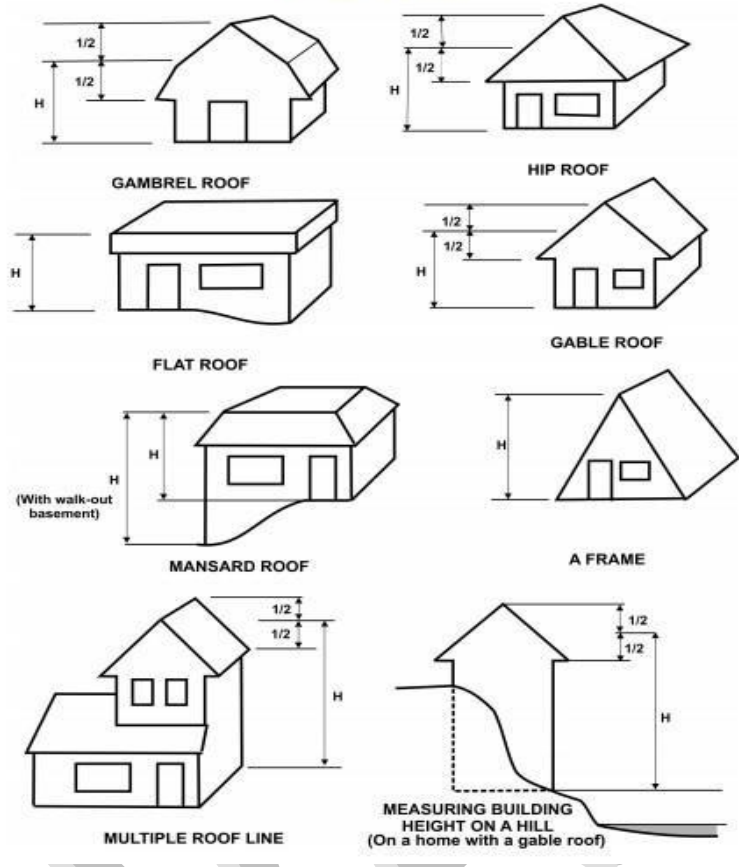


Figure 2-6
AVERAGE GRADE AND FINISHED GRADE

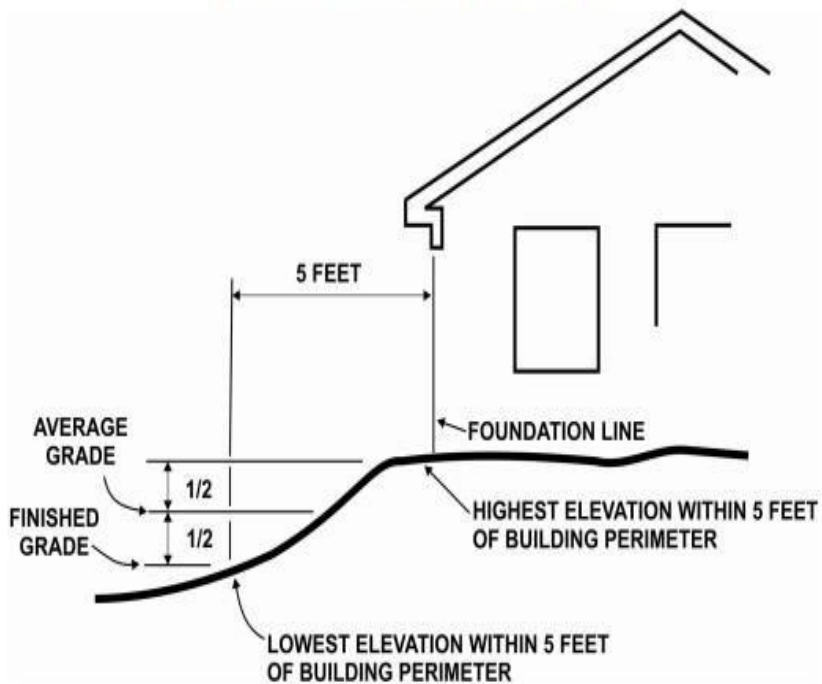


Figure 2-7
LOT FRONTAGE, WIDTH, & DEPTH

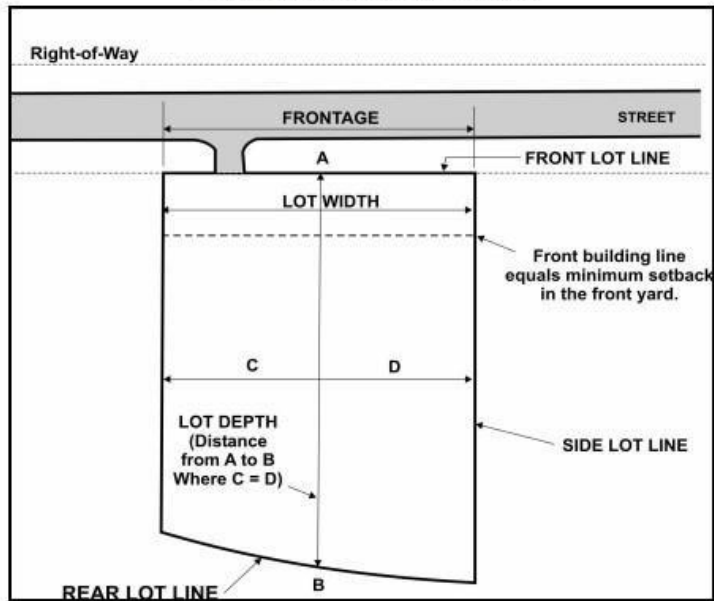


Figure 2-8
LOT TYPES

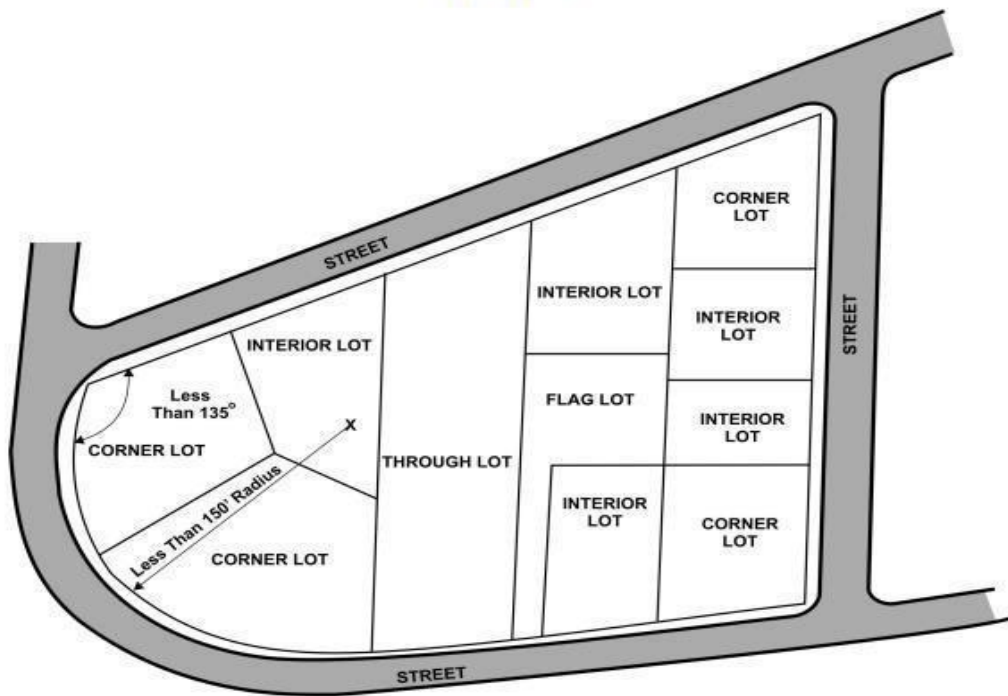


Figure 2-9
LOT LINES AND YARDS

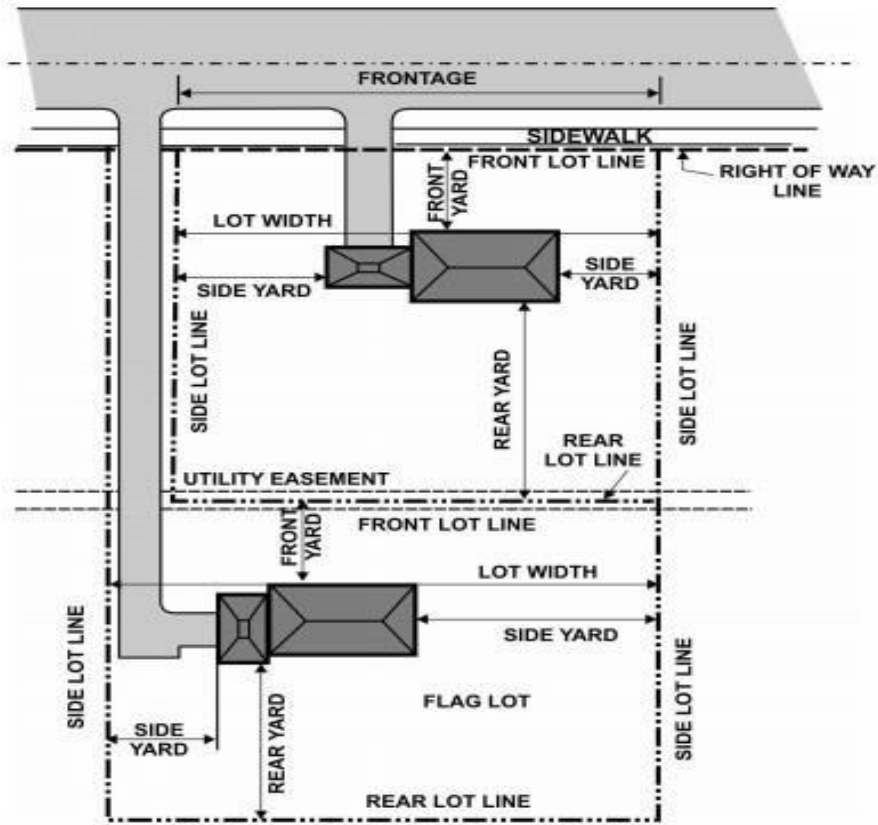
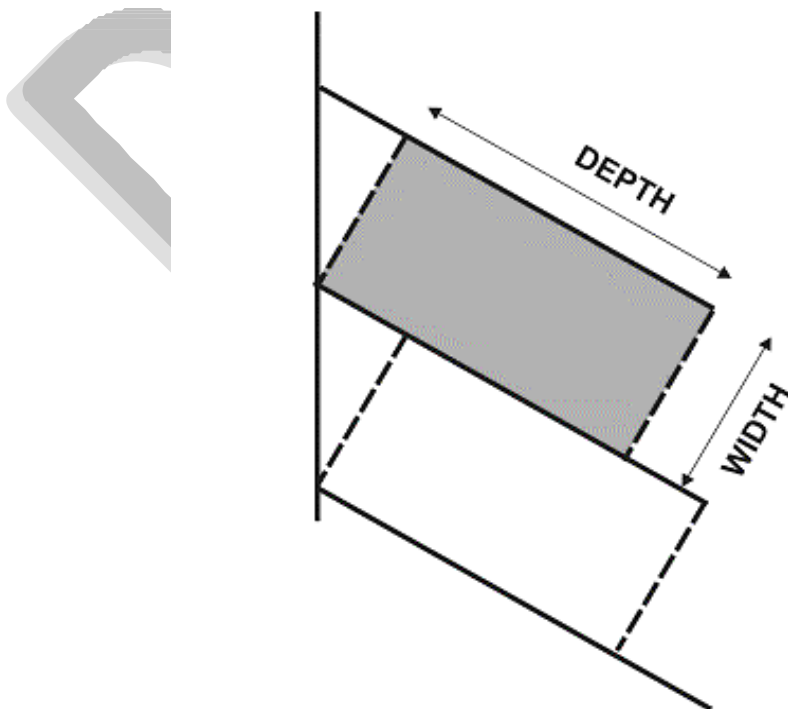


Figure 2-10
PARKING SPACE DIMENSIONS



ARTICLE 3 – ZONING DISTRICTS AND MAPS

Section 301. 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.

Section 302. 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 as essential services under this Ordinance.

Section 303. 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 is that is part of this Ordinance.

- General Residential (GR)
- Recreational Residential (RR)
- Scenic Resource (SR)
- Forest Resource (FR)
- Farm Forest (FF)
- Business District (B-1)

Section 304. 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 the same. Such maps are on record at the Township files.

Section 305. District Requirements:

All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions (Article 11 and Article 15).

Section 306. Area and Bulk Requirements for All Districts:

For each district in this Ordinance, see also **ARTICLE 10, 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 307. 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 308. Home Occupations:

Home occupations shall be permitted in all zoning districts, without any Township review or approval. Provided the home occupation 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 twenty-five percent (25%) of the floor space of the residential single-family dwelling unit on the property or not more than fifty percent (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) twenty-five (25) foot or smaller truck or van exceeding sixteen thousand (16,000) GVW (Gross Vehicle Weight) may be parked at a residence in the **GR, RR, 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.

- E. No more than one outside employee permitted.

Any Home Occupation that does not comply with items A through E 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 consider 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 4: GENERAL RESIDENTIAL (GR) 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 (To include: recreational structures, and mobile homes.)
2. Family Day Care homes
3. Marinas
4. Existing farms and agricultural uses
5. On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.
6. Duplex

Section 401. Principal Uses Permitted Subject to Special Conditions:

These are permitted subject to the conditions imposed for each use (Article 11 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 sixty (60) acres.
7. Group Day Care homes
8. Rural Cluster Development Subdivisions
9. Accessory Dwelling Unit (ADU)
10. Short-Term Rental
11. Geodesic domes
12. Tiny homes

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.

Section 402. Additional Requirements for Dwelling Units:

The following performance standards shall apply to housing constructed in or placed in the General Residential (GR) 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 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 one hundred (100) sq. ft. of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.
 3. Foundation support 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.

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 comply with this ordinance.

Section 403. Required Conditions:

Wherever any property in the GR District has frontage on any Great Lake or its connecting waters, there shall be a minimum water side setback of seventy-five (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 602.

Small non-habitable structures such as utility buildings may be permitted within the minimum setback of forty (40) feet, upon the approval of the Zoning Administrator.

ARTICLE 5 – RECREATIONAL RESIDENTIAL (RR)

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 500. 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, single-family dwellings, where lot and soil support year-round occupancy (To include: recreational structures and mobile homes.)
2. Parks, parkways, scenic trails, playgrounds, recreation lands, wildlife sanctuaries and forests including shelters.
3. Permanent mobile homes may be used for dwelling purposes.
4. Existing farms and lands so used.
5. Temporary mobile home or travel trailer.
6. 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:

1. Boat launching pads with minor accessory facilities and enclosed storage buildings.
2. Golf course and country clubs as in GR District.
3. Accessory Dwelling Unit (ADU)
4. Short-Term Rental
5. Geodesic domes
6. Tiny homes

The above uses shall be permitted subject to condition herein for each and the Conditional Review Standards of Article 11 and after review and approval by the Planning Commission.

Section 502. 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 seventy-five (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 602.

Habitable structures fronting on any other inland lake illustrated on the official Baraga County Road Map shall require a minimum waterside setback of seventy-five (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 602.

[High Risk Erosion Areas \(HREAs\)](#) 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 fifteen (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 Zoning Map.)

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 setback of forty (40) feet, upon the approval of the Zoning Administrator.

ARTICLE 6 - SCENIC RESOURCES (SR)

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 600. 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 601. 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 602. 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 seventy-five (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.

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

ARTICLE 7 – FOREST RESOURCE (FR)

Preamble (Intent):

The Forest Resource (FR) 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 700. 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. *(A zoning permit is required obtained from the Zoning Administrator.)*
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. Mining/Mineral Extraction.
7. On-site Use Wind Energy System and Anemometer Tower of 20 meters (65.6 feet) or less.
8. Short-Term Rental
9. Single-family dwellings may be permitted subject to the ten (10) acres minimum lot size. *(To include: recreational structures and mobile homes.)*

Section 701. 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 11, 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 hydroelectricity, after the review and recommendations of the Planning Commission to ensure that the use provides all reasonable protection to natural waterways and other environmental amenities.
3. 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) and not to exceed three hundred thirty (330) feet, blade tip at its highest point.
4. Geodesic domes
5. Tiny homes

Section 702. 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 seventy-five (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 602.

Small non-habitable structures such as utility buildings may be permitted within the minimum setback of forty (40) feet, upon the approval of the Zoning Administrator.

ARTICLE 8 – FARM FOREST (FF)

Preamble (Intent)

Farm Forest (FF) 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 800. 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. Farms and agricultural operations of all kinds, but not commercial slaughtering.
3. Golf courses and country clubs.
4. Utility and public service facilities and uses, including public buildings and institutional or educational uses.
5. On-site Use Wind Energy System and Anemometer Tower, 20 meters (65.6 feet) or less.

6. Short-Term Rental

Section 801. 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 11, and only after the review and approval of the site plan by the **Zoning Administrator**. Resorts, resort hotels, vacation lodges, motor inns, motels, and other tourist lodging facilities, provided any use permitted herein shall meet Michigan Environmental Health Codes.

1. Travel trailer courts, tenting areas and general camping grounds when the site plan has been reviewed and approved by the Zoning Administrator provided that:
 - a. The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use are complied with.
2. 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.).

3. 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 802. 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 seventy-five (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 602.

Habitable structures fronting on any other inland lake illustrated on the Arvon Township Map, shall require a minimum waterside setback of seventy-five (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 602.

Small non-habitable structures such as utility buildings may be permitted within the minimum setback of forty (40) feet, upon the approval of the Zoning Administrator.

ARTICLE 9 – BUSINESS DISTRICT (B-1)

Preamble (Intent)

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

Section 900. 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 901. Principal Uses Permitted Subject to Special Conditions:

The following uses shall be permitted subject to the standards and in accordance with the procedures specified in Article 11 and after review and approval by the Planning Commission.

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 showrooms 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 902. 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 seventy-five (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 602.

Habitable structures fronting on any other inland lake illustrated on the official Baraga County Road Map, shall require a minimum waterside setback of seventy-five (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 602.

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 thirty (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 of forty (40) feet, upon the approval of the Zoning Administrator.

ARTICLE 10 – SCHEDULE OF REGULATIONS

Section 1000. Limiting Height, Bulk Density and Area by Land Use:

See Tables 1 and 2

SCHEDULE OF REGULATIONS – TABLE – 1

Zoning District	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Height (ft)
<u>(GR)</u> General Residential	30ft.	10ft.	25ft.	30ft.
<u>RR</u> Recreational Residential	30 ft.	10 ft.	35 ft.	30 ft.
<u>SR</u> Scenic Resource	30 ft.	15 ft.	35ft.	30 ft.
<u>B-1</u> General Business	30ft.	5ft.	20ft.	30ft.
<u>FR</u> Forest Resource	40ft.	20ft.	35ft.	30ft.
<u>FF</u> Farm & Forest	40ft.	20ft.	35ft.	30ft.

SCHEDULE OF REGULATIONS – TABLE – 2

<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
<u>(GR)</u> General Residential	40,000 sq. ft.	100ft.
<u>RR</u> Recreational Residential	40,000 sq. ft.	100ft.
<u>SR</u> Scenic Resource	40,000 sq. ft.	150ft.
<u>B-1</u> General Business	40,000 sq. ft.	100ft.
<u>FF</u> Farm & Forest	5 acres	250ft.
<u>FR</u> Forest Resource	40 acres	600ft.

Section 1001. Schedule of Regulations:

- A. 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.
- B. Every lot on which a multiple dwelling is erected shall be provided with the minimum side yard on each side 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.
- C. 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:

<u>Bedroom Unit*</u>	Minimum Lot Area Per Unit with Public Water and Sewerage Facilities**	<u>Minimum Floor Area Per Unit</u>
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.

- D. Where the front yards of two (2) or more principal structures in any block or within five hundred (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.

- E. 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.
- F. Commercial 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.
- G. Hunting and fishing cabins and seasonal mobile homes shall be a minimum of four hundred (400) square feet.
- H. 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.
- I. 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.
- J. All minimum yard setbacks shall be measured from the building or wall foundation to the most restrictive of the following: the property line, the right-of-way line, the line of any easement used for present or future public or private roads, or a line fifteen feet back from the surface edge of the road and which line is parallel or nearly parallel to any access road, service road, or easement which serves more than one building and functions as a public or private road.

ARTICLE 11 – USES SUBJECT TO SPECIAL CONDITIONS

Section 1100. 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 1101. 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. In addition to the Township’s application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval, or denial of a request for a Utility Energy Conversion System.

- 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, of 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 five hundred (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 1102, and other standards imposed by this Ordinance affecting the special land use under consideration.
- D. Incomplete Application: 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. Hearing: 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 three hundred (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 three hundred (300) feet. The notice shall be given not less than five (5) days and not more than fifteen (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.
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 three hundred (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 three hundred (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. Review and Approval: 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 ensure 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. Issuance of a Special Land Use Permit: 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. Appeal: Within fifteen (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 Zoning 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 Zoning Board of Appeals.
- I. Decisions: All decisions of the Planning Commission and Zoning 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.

Section 1102. Basis of Determinations:

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. General Standards: 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. Conditions: The Planning Commission may impose conditions with the approval of a special land use application and site plan which are necessary to ensure 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 ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility load 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. Performance Guarantee: 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 ensure 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 1103. 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 1104. 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.

Section 1105. Site Plan Review:

Purpose: Section 502 of the Michigan Zoning Enabling Act (PA 110 of 2006) Permits Arvon 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 seventy-five (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 ten (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 1106. 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 1401** and the continuance thereof is declared to be a nuisance, per se.

Section 1107. 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 1108. 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, 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 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 and FF Districts provided that animal housing facilities are located at least three hundred (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 three hundred (300) feet from any off premise residential structure and at least three hundred (300) feet from the water's edge in the vicinity of a lake, river, or street, in

RR, SR, and FR Districts.

D. Recreation Camps, Recreation Lodges, and Resorts:

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 one hundred (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 1208.
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. Veterinary Hospitals, Kennels, and Other Animals:

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, SR, and FR Districts.

F. Mobile Home Parks:

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 sites within a mobile home park shall conform to rules 941 and 944 of the Mobile Home Commission Rules.
4. The perimeter setback areas of a mobile home park shall be in lawn, or landscaped or kept in a natural wooded state as applicable.
5. 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.

G. Other Uses of Mobile Homes and Trailers:

Mobile homes, travel trailers and motorhomes 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 the B-1 District, 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 twenty-four (24) months upon review and approval by the Zoning Administrator 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 motorhome 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. Hospitals, Nursing Homes and Assisted Living Facilities:

General hospitals, nursing and convalescent homes, medical care facilities and similar uses are permitted in 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. Sanitary Land Fills:

All sanitary landfill operations shall comply with standards prescribed by applicable State and County health regulations; provided, no such operation shall be permitted in any GR, 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.

Section 1109. Planned Unit Development:

Intent – 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 with 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 GR, RR, SR, FR, and FF Districts. 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. Standards:

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 1103, 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
GR	20,000	16,000	12,000
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 by standing waters. Open space land may be located in a flood plain.

- d. The developer or applicant 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. Rural Cluster Development Subdivision:

- a. In any **GB, 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 thirty percent (30%) 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 **B-1 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 1105** of this Ordinance.

B. Procedures:

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:
 - 1) 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.
 - 2) 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 1101, 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 1101**. 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 12 – GENERAL PROVISIONS

Section 1200. 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. Zoning 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 Zoning 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. Nonconforming Lots:

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 a lot is located. Variance to yard requirements shall be obtained through the **Zoning Board of Appeals**.

4. Nonconforming Use of Land and/or Structures:

A. Nonconforming use of land shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.

Exceptions: 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.

- 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
- B. 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.
- C. 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.

- D. 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.
- E. Removal or destruction of the use and/or structure shall eliminate the nonconforming status.

5. Repairs and Maintenance:

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. Uses Under Exception Provisions Not Nonconforming Uses:

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. Abandoned, Unplugged Wells:

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 1207, paragraph 2 of this Ordinance regarding abandoned, unplugged wells and the Michigan Department of Environment, Great Lakes & Energy's (EGLE) Abandoned Well Management Program.

Section 1201. Accessory Buildings:

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. Further, all structures shall maintain a minimum of ten (10) feet of separation from each other for fire safety.

Section 1202. Alternative Energy Sources:

1. Wind Energy Conversion Systems (WECS):

Wind Energy Conversion Systems (WECS): This section establishes general guidelines for siting and use of wind turbine generators, meteorological (MET) testing towers and related devices and structures in order to:

- A. Protect residential areas from any potentially adverse visual or noise impacts of wind turbine generators or related devices and structures.
- B. Provide for a land use that will provide an energy source with low associated environmental impacts and protect the health, safety, and welfare of Arvon Township residents.
- C. Provide for the removal of abandoned or noncompliant wind turbine generator towers, meteorological (MET) towers, or related devices and structures.
- D. Allow operation of wind turbine generator towers and MET towers which comply with zoning standards.

On-Site Use Wind Energy Systems and Anemometer Tower: 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 one and one-half (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) LMax at the property line closest to the wind energy system.
- E. Shadow Flicker: At no time shall a wind turbine's tower, nacelle, or blades create shadow flicker or strobe effect on any non-participating landowner's property.
- F. 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.

- G. 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 employing a horizontal axis rotor.

Utility Grid Wind Energy System, over 20 meters high, and Anemometer Towers over 20 meters high: A Utility Grid Wind Energy System and Anemometer Towers over 20 meters (65.6 feet) high and not to exceed three hundred thirty (330) feet from ground level to the tip of the generator blade when the tip is at its highest point, shall meet the following standards, **Article 11** 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 of one and a half (1.5) times the height of the tower from property lines.
 - 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 of twenty-five hundred (2,500) feet from the property line of any parcel which is receiving compensation for the Utility Grid Wind Energy System.
 - 3. Utility grid wind energy tower shall be limited to one (1) per square mile section and spaced at least fifteen (15) times rotor diameter apart from one another.
 - 4. Utility grid wind energy tower shall meet a minimum setback of five (5) miles or the recommended setback of the US Fish & Wildlife Service, whichever is greater landward from the shorelines of Lake Superior and Huron Bay.
 - 5. 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 placement requirements applicable to public utilities.

- B. Sound Pressure Level: The sound pressure level shall not exceed forty (40) dB(A) LMax measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise.
 - 1. Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound - Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
- 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 solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site within thirty (30) days of the date such solid waste was generated. ALL HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations. 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.

Utility grid wind energy towers shall have built-in fire detection systems and fire suppression systems acceptable to the Township.
- 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 Impact Statement.
 - 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 1214. A** 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, non-reflective 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 the 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.
 - a. Turbines must include technology acceptable to the Township that minimizes the risk of harm based on critical periods for migration and active bat season (June through September), time of day (dawn to dusk), and wind speed. This may include but not limited to overall design, intermittent operation, and placement.
 - b. The applicant must comply with US Fish & Wildlife Guidelines concerning the siting and operation of industrial wind turbines.
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. Under no circumstances, shall a WECS or testing facility produce shadow flicker, or strobe-effect, on properties without a signed release from affected participating and non-participating landowners. Such releases shall be recorded with the Baraga County Register of Deeds waiving these requirements.
4. Decommissioning: A decommissioning plan acceptable to the Township shall be provided detailing the useful life of each type and size of turbine located in the project. The decommissioning plans shall include a description of how any surety

bonds are applied to the decommissioning process. The plan shall include:

- 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 to original condition.
 - E. Detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS components.
5. Complaint Resolution: A complaint resolution process shall be established by the Arvon Township Board. The form shall be, but not limited to:
- A. Receiving and Forwarding of Complaints: The Arvon Township Board shall select a complaint resolution process that is independent of the facility operator or owner and that reports to the Township first and operator second.
 - B. Investigation of Complaints: Township shall initiate an investigation into a complaint within sixty (60) days utilizing escrow funds to hire the appropriate expert(s).
 - C. Hearing of Complaints: Arvon Township Board shall set a hearing date within sixty (60) days of completion of Investigation of Complaints where experts, residents and/or applicant may present information before the Arvon Township Board. Notice of hearing shall be via certified mail.
 - D. Decision of Complaints: Arvon Township Board shall issue a decision and corrective actions within forty-five (45) days of Hearing of Complaints.

Applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of twenty thousand dollars (\$20,000) to be used at the discretion of the Arvon Township Board. When escrow account balance is below five thousand dollars (\$5,000), Township shall notify applicant and applicant shall replenish account in the amount of twenty thousand dollars (\$20,000) within forty-five (45) days.

For non-nuisance complaints, and upon formal notice from Township or resident to

WECS permit holder, WECS permit holder shall respond within thirty (30) days with resolution plan, and up to one hundred eighty (180) days to resolve compliance breach. Failure to resolve any compliance breach shall result in permit loss. Unless otherwise stated, applicant shall provide in advance and comply with ordinance requirements prior to Township granting the permit. Conditional permits shall not be allowed.

In addition to any other remedies or complaint resolution procedures set for in **Section 1202**, violations of this Section shall also constitute a municipal civil infraction in accordance with this Ordinance.

The Township may bring an action for injunction to restrain, prevent, or abate any violation of **Section 1202**.

6. Signal Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna 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 the 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 signal interference in the link's operation.

Site Plan Review

Site Plans for Anemometer Tower and Utility Grid Wind Energy System, over 20 meters (65.5 feet) high and not more than three hundred thirty (330) feet high: In addition to the requirements for a site plan found in **Section 1101**, **Section 1104** and **Section 1403** of this Ordinance, site plans and supporting documents for Anemometer Tower and Utility Grid Wind Energy System, 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(s), 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. The water bodies, waterways, wetland, and drainage channels. Newly constructed WECS access roads may not impede the flow of water. Refer to the Pre-application Permit on **page 71-72, #3**, Environment, letters a and b, for reference.
- I. All new infrastructure above ground related to the project.
- J. 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.
- K. 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 ninety (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 be selected by the Arvon Township Board, and paid for by applicant, 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 be selected by the Arvon Township Board, and paid for by applicant, 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. Shadow Flicker: A shadow flicker analysis and report shall be completed for the

project. The analysis shall include potential shadow flicker created by each proposed wind turbine in any non-participating properties. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission.

7. Decommissioning: To ensure proper removal of the structure when it is abandoned or non-operational, any application shall include proof of the financial security is active before the permit is approved. The security shall be in the form of: (a) cash deposit, or (b) performance (surety) bond selected by the Planning Commission (bonded by a top institution from the Department of Treasury's Listing of Approved Sureties – Department Circular 570, or the T-list). The duration of the security shall be termed to the removal of each WECS as stated in the Ordinance. Additionally, security is to be backed with parent company assets, and leaseholders' assets approved by the Planning Commission and township attorney. The amount of such security guarantee (surety) shall be no less than eight hundred thousand (\$800,000) per WECS turbine. Security guarantee will be updated every five (5) years at the rate of one and a half (1.5) times the CPI (consumer price index) for each year. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists or to otherwise fail to comply with the requirements of this Ordinance shall constitute a material and significant violation of a special use approval and will subject the current WECS owner/operator to all available remedies to the Township, including enforcement action, fines, and revocation of the special use approval. The current WECS owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal. In the event the current WECS owner/operator defaults on any or all of the previously outlined requirements, the property owner upon which any WECS are located shall be responsible and liable for the removal of WECS. Failure of the property owner's compliance to the removal/decommissioning guidelines would result in the Township having the unit(s) removed at the expense of the property owner. If funding is not available to cover the costs of removal by the property owner, legal action to pursue the seizure of property(s) will take place to cover such costs. Should any WECS be left unused or inoperable for more than twelve (12) months,

it shall be deemed to be inactive. The owner has twelve (12) months to remove the inactive WECS. The Planning Commission can grant an extension of an additional six (6) months upon the WECS owner demonstration that the structure will be put back into use.

In addition to removing the wind turbine generator, or meteorological testing tower, the owner shall restore the site to its condition prior to location of the wind turbine generator or meteorological testing tower (excluding replanting or original vegetation and trees), subject to reasonable wear and tear and shall stabilize soils through the use of ground cover. All concrete and rebar must be removed from the soil. All building material including concrete, rebar, wind turbine components shall be loaded and trucked out to an approved landfill.

8. Change in Ownership: The special land use permit is transferable. The proposed new WECS owner/operator shall be required to register with the Township Clerk prior to the transfer of ownership or operation of the WECS. The original security guarantee bond shall remain held by the Township notwithstanding any change of ownership. The new WECS owner/operator shall conform to all requirements of this Ordinance any special land use permit issued pursuant to this section.
9. Conflicting Provisions: In the event of conflict between a provision in this section and any other section of this Zoning Ordinance with regard to Utility Wind Energy Systems, the provisions of this section shall control.
10. Liability Insurance: The current WECS owner/operator shall insure for liability for the WECS without interruption until removed for at least two million dollars (\$2,000,000) per turbine to protect the current WECS owner/operator, Township and property owner.

2. Solar Energy (10kW or Less)

A. Purpose

It is the purpose of this section to promote the safe, effective, and efficient use of solar energy systems to generate electricity and heat. Further, it is the purpose of this section to standardize and streamline the review and permitting process for solar energy systems.

B. Findings

The township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.

C. Applicable township, state, utility and national codes, regulations, and standards.

All solar energy systems shall be designed, erected, and installed in accordance with applicable township, state, utility and national codes, regulations, and standards.

D. Roof-Mounted and Wall-Mounted Solar Energy Systems

Roof-Mounted and wall-mounted solar energy systems less than 10k for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

1. **Height.** Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.
2. **Location.** Wall-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, but shall not be located in a required setback nor protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.

E. Ground-Mounted Solar energy Systems (10 kW or less).

1. **Location and Setbacks.** Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least three (3) feet from a side lot line and at least five (5) feet from a rear lot line.
2. **Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore, not subject to the maximum lot coverage standards of the zoning district.
3. **Power Lines.** All power lines between solar panels and inverters must be placed underground.

F. General Standards

The following requirements are applicable to all roof-mounted, wall-mounted, or ground-

mounted solar energy systems.

1. Permit. A zoning compliance permit shall be required for any roof-mounted, wall-mounted, or ground-mounted solar energy system. A building permit may be required for these facilities.
2. Batteries. If solar storage batteries are included as part of the solar collector system, they must be placed installed according to all requirements set forth in the National Electric Code and State Fire code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Township and any other applicable laws and regulations relating to hazardous waste disposal.
3. Electrical Emissions. The design and construction of solar energy systems shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
4. Light Emissions and Reflection. The design and construction of solar energy systems shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.
5. Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period.
6. Utility Connection. The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned solar energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

3. Electric (Gas Powered) Generators:

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 the manufacturer's recommendations. Many people also have them as backup sources to their conventional lines. The same safeguards for placement and usage should prevail.

Section 1203. Parking Requirements:

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 **Zoning 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 vehicles are 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 usable 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 **Zoning Board of Appeals** considers as being similar in type.
8. Off-Street Parking Schedule:

ARVON TOWNSHIP ZONING ORDINANCE

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

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
<u>Residential</u>	
Dwellings	2 per dwelling
Accessory Dwelling Unit (ADU)	1 per ADU
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
<u>Commercial</u>	
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	1.5 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” three (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 1204. 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 1205. 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 1206. 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.
- c. Fence constructed materials shall consist only of chain-link, vinyl, masonry, or lumber, or any other manufactured material.
- d. Fences may be placed on the property line, provided a survey has been conducted, or with a written agreement between abutting property owners.

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	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. Outdoor Lighting:

All outdoor commercial light fixtures, whether for illumination of parking areas, buildings, signs and/or other structures shall follow those standards recognized by the International Dark Sky Association (IDSA), which are designed to direct shielded light to the ground, not up into the sky, to mitigate excessive lighting and light pollution.

3. Noise:

Commercial land uses requiring outdoor speakers, public address systems, or similar sound devices, shall not operate between the hours of 9 PM and 8 AM, and shall not create a public nuisance.

4. Entrance Drives:

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.

Section 1207. Sanitary Provisions – Sewage and Water Facilities:

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. Abandoned, Unplugged Wells:

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 Environment, Great Lakes, and Energy's \(EGLE\) Abandoned Well Management Program](#). 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](#).

Section 1208. Plant Materials:

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. Plant material spacing:

- 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 center.

2. Suggested Plant Materials

Minimum Height in Feet

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-Vitae
2. Columnar Juniper
3. Irish Juniper

Tree-like Shrubs

Four (4) Feet

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

c. Large Deciduous Shrubs

Six (6) Feet

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

d. Large Deciduous Trees

Eight (8) Feet

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

3. Trees not permitted:

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

Section 1209. Signs:

A. Signs Permitted in All Districts

The following signs are permitted in all zoning districts subject to the following conditions:

1. Real Estate Signs.

- a. One (1) non-illuminated sign advertising the sale or lease of the lot or structure.
- b. Surface display area of such sign shall not exceed six (6) square feet per side in residential districts. Surface display area of such sign shall not exceed sixteen (16) square feet per side and shall not exceed a height of eight (8) feet above grade in commercial and industrial districts.
- c. Such sign shall be located at least ten (10) feet from the road right-of-way line.

2. Construction Signs.

- a. One (1) non-illuminated wall or freestanding pole sign announcing the names of individuals or firms responsible for a development under construction, alteration, or repair, and announcing the character or the purpose of the development.
- b. Surface display area shall not exceed forty (40) square feet per side. The height of a freestanding pole sign shall not exceed fourteen (14) feet above grade.
- c. Such sign shall be located at least ten (10) feet from the road right-of-way line.
- d. Such sign shall require a sign permit that shall authorize use of the sign for a period not to exceed one (1) year.

3. Development Entry Signs.

- a. A maximum of (2) signs, which may be illuminated, shall be permitted at each entrance to a development.
- b. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed fourteen (14) feet above grade.
- c. Such signs shall be located at least ten (10) feet from the road right-of-way line.

- d. Such signs shall include only the names of the development and the developer and the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.

4. Temporary Election Signs.

- a. Temporary political signs are not permitted in the road right-of-way.
- b. Political signs shall be removed within ten (10) days after the election to which they pertain.

5. Temporary Signs Advertising Charitable Events.

- a. Surface display area shall not exceed thirty-five (35) square feet per side.
- b. Such sign shall be located at least ten (10) feet from the road right-of-way line.
- c. Such signs may be illuminated, but no flashing or moving illumination shall be permitted.
- d. Temporary signs may be permitted for a period not to exceed fifteen (15) days for purposes of advertising charitable events and shall be removed within five (5) days after the event.

6. Directional signs conforming to the Michigan Manual of Uniform Traffic Control Devices.

- a. Highway signs erected by the Michigan Department of Transportation and/or the Baraga County Road Commission.
- b. Signs erected by governmental agencies to designate hours and uses for parks, parking lots, governmental buildings, and other public spaces.
- c. Historic signs designating sites recognized by the State Historical Commission.
- d. Signs prohibiting hunting or trespassing.
- e. Signs denoting utility lines, railroad lines, hazards, and precautions.
- f. Memorial signs which are either cut in masonry or stone or constructed of bronze or other metal when attached flush to a building.
- g. Menu boards and drive-thru signs in conjunction with a drive-thru establishment.

B. Signs Permitted in GR, RR, FR, FF Districts.

- 1. Signs related to residential uses in residential districts shall be permitted subject to the following limitations:
 - a. Home Occupation Signs.

- 1) One (1) non-illuminated sign announcing a home occupation.
- 2) Surface display area shall not exceed two (2) square feet.
- 3) Sign shall be attached flat against a building wall.

2. Yard or Garage Sale Signs.

- a. One (1) non-illuminated sign announcing the sale.
- b. Surface display area shall not exceed four (4) square feet.
- c. Sign shall be placed behind the road right-of-way line.
- d. Sign shall be removed within five (5) days of the date that the sale ended.

3. Farm Products Signs.

- a. One (1) non-illuminated sign advertising the products grown or raised on the farm or property.
- b. Surface display area shall not exceed twenty-four (24) square feet in area.

4. Identification Signs.

- a. One (1) non-illuminated sign identifying the recreation or conservation use.
- b. Surface display shall not exceed twenty-four (24) square feet in area.
- c. Sign shall be placed behind the road right-of-way line.

C. Signs for nonresidential uses, such as institutions for human care, churches, educational or social institutions, and public utility buildings, permitted by special land use approval in residential districts, shall be permitted subject to the following limitations:

1. All limitations governing signs for professional and office uses in the Business zoning district shall apply.
2. Surface display area for freestanding signs shall not exceed twenty-five (25) square feet per side.
 - a. Signs Permitted in the Business District. Signs shall be limited to the following.

1)Wall Signs.

- (a) Signs shall not project above the roofline or cornice.
- (b) Surface display area shall not exceed ten (10) percent of the building facade; however, no sign shall exceed one hundred (100) square feet.

- (c) In the case of several tenants utilizing a common customer access, such as a shopping mall or office building, one (1) common wall sign shall be permitted provided that such sign does not provide more than twenty (20) square feet of surface display area for each tenant listed, up to a maximum of ten (10) percent of the building facade.

2) Canopy Signs.

- (a) Surface display area shall not exceed ten (10) percent of the building facade; however, no such sign shall exceed one hundred (100) square feet.
- (b) Such canopy shall have a minimum clearance height of nine (9) feet above grade; except that canopies shall be erected, whenever practicable, to match the under-clearance and projection of canopies which exist on adjacent businesses, buildings, or lots.

3) Freestanding Pole Signs.

- (a) Freestanding Pole Signs shall front on parcels having direct access to a public right-of-way, exclusively.
- (b) In no case may freestanding pole signs exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of lot frontage on the road toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred or more, but less than four hundred (400) feet of lot frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.
- (c) Such sign shall be located behind the road right-of-way line. Further, a freestanding pole sign shall not be located within twenty (20) feet of the intersection of the access drive and the road right-of-way line.
- (d) A freestanding pole sign shall not exceed a height of fifteen (15) feet above ground level.
- (e) A freestanding pole sign may be a lighted sign with lighted LED display which may not flash, rotate or scroll, but may change messages no more than once every three (3) seconds.

4) Monument Signs.

- (a) Surface display area of such sign may be twenty-five (25) percent greater than the permitted freestanding pole sign.
- (b) A monument sign shall not exceed a height of eight (8) feet above.

(c) Such signs shall be landscaped at the base.

5) Automobile Service and Gasoline Station Signs.

(a) Automobile service and gasoline stations shall be permitted additional areas for signs on each pump island for displays, and on the pump island canopy. The aggregate area of such signs shall not exceed a total of one hundred (100) square feet.

(b) Two (2), two-sided signs indicating price and grade of gasoline, each side not to exceed twelve (12) square feet in surface display area, may be erected.

6) Temporary Grand Opening Signs.

(a) One (1) such sign may be permitted for a period not to exceed fifteen (15) days for those businesses which are new to a particular location.

(b) Surface display area shall not exceed thirty-five (35) square feet per side.

(c) Such signs may be illuminated providing there shall be no flashing lights or moving lights or parts of the sign.

(d) Such sign shall be located at least ten (10) feet from the road right-of-way line.

(e) Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fifteen (15) day time-period designated for the grand opening sign.

7) Time and Temperature Signs

(a) Time and Temperature Signs shall front on parcels having direct access to a public right-of-way, exclusively.

(b) Such signs may take the form of wall, freestanding, pole, or monument sign, and must conform to the standards that apply to each of these signs.

(c) Surface display area shall not be larger than twenty-five (25) square feet per side. The surface display area of a time and temperature sign shall be deducted against the total surface display area allowed for other signs on the site.

8) Directory Signs

(a) Directory signs shall front on parcels having direct access to a public right-of-way, exclusively.

- (b) Directory signs shall not exceed a height of five (5) feet and a width of four (4) feet.
- (c) The directory sign shall consist of individual sign panels, each of which is no greater than eight (8) inches in height and forty (40) inches in width.
- (d) Directory signs shall not count toward the total number of signs permitted per business or maximum sign surface area permitted per business as specified in this Ordinance.
- (e) Only one (1) directory sign shall be allowed per business. That sign shall be located at the entrance of the road the business is located on.
- (f) Directory signs may require Baraga County Road Commission approval prior to their placement.

9) Electronic Message Center or Sign (EMC)

- (a) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with this section's "Sign Illumination Standards."
- (b) In the Business District, EMC signs must maintain a minimum transition time between messages and/or message frames of three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects.
- (c) All EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC.

D. Sign Illumination Standards

Signs in the Business District may be illuminated consistent with the following standards:

1. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.
2. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.
3. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this

maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

E. Existing Nonconforming Signs

1. It is the intent of this Section to permit the continuance of a lawful use of any sign or billboard existing at the effective date of this Ordinance, although such sign or billboard may not conform to the provisions of this Ordinance. It is the intent of this Section that nonconforming signs and billboards shall not be enlarged upon, expanded, or extended. Further, it is the intent of this Section that nonconforming signs and billboards shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and billboards within Arvon Township shall be subject to the conditions and requirements set forth in this Section.
2. The faces, supports, or other parts of any nonconforming sign or billboard shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or billboard conforms to the provision of this Article for the district in which it is located, except as otherwise provided for in this Section. If the face, supports, or other parts of a nonconforming sign or billboard is structurally changed, altered, or substituted in a manner that reduces the nonconformity, the Zoning Administrator may approve the change.
3. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernization of a lawful nonconforming sign or billboard, provided that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost of the sign or billboard, as determined by the Zoning Administrator, unless the subject sign or billboard is changed by such repair, reinforcement, alteration, improvement, or modernization to a conforming structure. Nothing in this shall prohibit the periodic change of message on any billboard.
4. Any lawful nonconforming sign or billboard damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt, or repaired, provided that the estimated expense of reconstruction does not exceed thirty (30) percent of the appraised replacement cost thereof, as determined by the Zoning Administrator.
5. Whenever the activity, business, or usage of a primary premises to which a sign is attached or related has been discontinued for a period of thirty (30) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally

the nonconforming sign attached to the premises. At the end of this period of abandonment, the Zoning Administrator shall give notice to the person responsible for the nonconforming sign that said sign shall either be removed or altered to conform to the provisions of this Article within thirty (30) days.

6. The Township Board may acquire any nonconforming sign or billboard, with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign or structure.

F. Obsolete Signs

It shall be unlawful to maintain, for more than thirty (30) days, any sign that has become obsolete because of discontinuance of the business, service, or activity that it advertises, removal from the location to which it directs, or for any other reasons as determined by the Zoning Administrator.

1. Required Information and Fees for Sign Permits

All signs shall require a sign permit. Application for a sign permit shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits and information by the owner of the property on which the sign is to be located, his agent, or lessee.

2. The application shall contain the following information:

- a. The property owner, sign owner, and applicant's name and address.
- b. Address of the property on which the sign is to be situated.
- c. Description of business to which the sign relates and purpose of the sign.
- d. Drawing of the sign that includes a description of sign type, sign height, total surface display area in square feet, proposed graphics, and/or sign copy.
- e. Site drawing that depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way line.
- f. The Zoning Administrator shall not approve plans or issue a sign permit for any sign that does not conform to the provisions of this Ordinance.
- g. Fees for the review of site plans shall be established by resolution of the Arvon Township Board.

G. Sign Variance Standards

Any person filing an application for a sign permit who feels that he has been aggrieved by the decisions of the Zoning Administrator may have the application reviewed by the Zoning Board of Appeals. A variance may be allowed by the Zoning Board of Appeals only in cases

involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

1. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the Township;
2. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
3. That the granting of the variance would not be contrary to the general objectives of this Article and is in keeping with the spirit and intent of this ordinance; and,
4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Article, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
5. Fees for sign variances shall be as established by the Arvon Township Board.

Section 1210. High Risk Erosion Environmental Areas:

The Water Management Division (WMD) of the Michigan Department of Environment, Great Lakes & Energy (EGLE) has regulatory responsibility under Part 323, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended for the HREA program.

In Arvon Township HREA shoreline parcels have been identified in Huron Bay, Lightfoot Bay & shoreline East of Lightfoot Bay, and the area near the Marquette County line; owners of the effected properties have been notified whether their parcels meet the threshold required for HREA designation. Along shoreline parcels, new structures are required to meet setbacks for the protection from the changing shoreline.

A permit is required for construction of a structure on any portion of a designated High-Risk Erosion Area parcel regardless of how far the project is from the lakeshore. Common activities requiring a permit include construction of a house, garage or addition, substantial reconstruction of an existing home, the installation of a septic system, covered porches, or a commercial building.

Applications for individual permits are submitted through [MIEnviro Portal](#). Additional information about the application process is available at [EGLE/USACE Joint Permit Application](#). Once a permit application is received, EGLE staff review the application and visit the project

site to access the proposed location of the structure (s) from the shoreline. The status of all permit applications may be tracked at [MiEnviroPortal](#). Arvon Township building permits will not be issued until state permits are issued.

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.

Section 1211. Temporary Uses:

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 1211, B. Upon application for a temporary use 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, or upon discretion of the Zoning Administrator.

1. Mobile homes or travel trailers 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.
2. 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, and is restricted to the rear yard. A side yard may be used in cases where the rear yard is inaccessible.
3. Semi-trailers are allowed as temporary accessory structures, for construction only, in all Zoning Districts.

B. Issuance Standards:

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 Western Upper Peninsula 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, if proposed to construct a conforming building or project, meets all requirements for a building permit for the conforming building or project.

C. Renewal, Revocation and Appeal:

1. Zoning permits for the temporary uses listed in **Section 1211, 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 ensure compliance with the requirements of this section and those of Section 1205. 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 1401** 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 12** of this Ordinance.

Section 1212. Mining/Mineral Extraction:

- A. Mining and mineral extraction is the removal and/or processing of iron ore, copper, gypsum, gravel, sand fill, dirt, stone, peat topsoil, 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.
 - 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 1212 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 one fifteen hundred (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 1212 through 1215 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 1101 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 1212 through 1215 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 1212 through 1215, 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 1212** 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 acting 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 provides 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 agrees 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 agrees 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.
11. 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.
 12. Landslides or deposition from the proposed operations into streams, lake beds or wetlands.
 13. Surface subsidence that cannot be reclaimed.
 14. 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.
- D. 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.

Section 1213. Application for Mining/Mineral Extraction Permit:

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. Site Plan Requirements:

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 fifteen hundred (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. Hydrologic Study Requirements:

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 Environment, Great Lakes and Energy (EGLE), 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 Environment, Great Lakes and Energy (EGLE), 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 thirty (30) years.

C. Operation Plan Requirements:

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 (4) 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. Reclamation Plan Requirements:

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. Amendment to Final Plans:

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.

Section 1214. Financial Security:

- A. In order to assure compliance with the reclamation plan required by **Section 1213, D**, of this Ordinance, the applicant may, at the time of issuance of a mining/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 1213 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 1213 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 1213 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.

Section 1215. Mining/Mineral Extraction General Standards:

- 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/groundwater 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 1216. Abandoned Wells:

In accordance with the **EGLE** Abandoned Well Management Program, Arvon Township requires 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).

Section 1217. Accessory Dwelling Units (ADUs)

Accessory Dwelling Units (ADUs) are permitted may be permitted by right in the GR District, and may be approved as a Special Land Use in the SR and RR Districts, when in conformance with the following requirements:

- A. An ADU 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) ADU dwelling unit per lot.
- B. The ADU may be an expansion or alteration of the principal dwelling unit or garage, or a new separate building. If a separate building, the ADU 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 ADU 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 ADU shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.
- F. The ADU shall provide adequate access for emergency vehicles.
- G. The ADU 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 ADU 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 ADU, except for a caregiver of the ADU occupant.

Section 1218. Shipping/Cargo Container (as an Accessory Use)

Shipping/Cargo Containers, or a container with strength suitable to withstand shipment, storage, and handling shall only be an accessory use. Shipping containers range from large reusable steel boxes used for intermodal shipments to semi-trailers, may be permitted in any zoning district, provided the placement of the container on the subject property meets the following regulations:

- A. The container shall be placed on an improved surface such as concrete, gravel, or

- asphalt.
- B. The container shall be located in the side or rear yard.
- C. The container shall be painted a color complimentary to the principal structure.
- D. The container shall be screened from the view from a public right-of-way by a wooden screening fence or natural plantings.

Section 1219. Mobile Home (Permanent)

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. Permanent mobile homes shall also comply with the following provisions:

- A. 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 six hundred (600) square inches per one thousand (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.
- B. Skirting shall be installed in a manner to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow and rain.

Section 1220. Short-Term Rentals

Short-Term Rentals, which are a residential dwelling not owner-occupied, which is rented all, or in part, on a daily, weekly, or monthly basis for thirty (30) days at a time or less, for transient occupancy and financial gain, may be permitted in the GR, RR, SR, FR, & FF zoning districts, provided they meet the following requirements and standards:

- A. A permit is secured from the Zoning Administrator, along with the appropriate fee, as established by the Arvon Township Board.
- B. A Fire Safety Inspection is conducted at the time of application and every five (5) years subsequent to the approval.

- C. Proof of an approved sanitary well and septic permit from the Western Upper Peninsula Health Department. Said permit from Health Department shall determine how many guests a short-term rental may have.
- D. Contact information for complaints and/or maintenance shall be posted in the dwelling and kept on file with the Zoning Administrator.
- E. Adequate parking for guests shall be demonstrated.

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ARTICLE 13 – GENERAL EXCEPTIONS

Section 1300. 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. Voting Place:

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

3. Height Limit:

Height limitations shall not apply to farm silos, church spires, flag poles, or public monuments.

4. Projections into Required Open Spaces:

- 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, windowsills, cornices, 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 14 – ADMINISTRATION

Section 1400. General Administration:

The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the Township Board.

Section 1401. 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 1402. 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 1200.

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 1403. 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 1404. 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. Permit Validity:

Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.

Section 1405. Fees:

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.

Section 1406. Changes and Amendments:

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 (PA 110 of 2006).

ARTICLE 15 – ZONING BOARD OF APPEALS

Section 1500. Creation and Membership:

There is hereby established a Zoning Board of Appeals (ZBA) 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 to the ZBA:

1. The first member shall be a member of the Planning Commission for the term of his or her 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 ZBA.
4. All reappointments or new appointments shall be for terms of three (3) years.

Section 1501. Meetings:

Meetings of the ZBA 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 ZBA 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 Clerk for public record.

Section 1502. Appeal:

An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the ZBA within such time as shall be prescribed by said ZBA by a general rule. Such appeal may be taken by any person, firm, or corporation. The appellant shall file with the ZBA, 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 ZBA 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 1503. Stay:

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, 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 ZBA or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.

Section 1504. Jurisdiction:

The ZBA 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 ZBA 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 ZBA 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 be 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 ZBA 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 1505. Exercising Powers:

In exercising the above powers, the ZBA 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 1506. Notice of Hearing:

The ZBA 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 ZBA is sought as well as a brief description of the nature of the Appeal.

Section 1507. Miscellaneous:

No order of the ZBA 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 ZBA 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.

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ARTICLE 16 – 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.

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ARTICLE 17 – 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.

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ARTICLE 18 – 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.

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ARTICLE 19 – 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.

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ARTICLE 20 – 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 the Michigan Enabling Zoning Act (PA 110 of 2006). 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

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