

Format note---existing verbiage in the Zoning Ordinance proposed to be deleted is shown lined-through, and proposed new verbiage is shown in bold type.

**TENTATIVE TEXT OF PROPOSED ZONING ORDINANCE TEXT AMENDMENTS
(FOR PUBLIC HEARING AT APRIL 3, 2025 PLANNING COMMISSION MEETING)**

Township Attorney note: The proposed renumbering of various subsections of Zoning Ordinance text resulting from some of the proposed amendments herein is subject to change based on Planning Commission recommendation and Township Board adoption actions when the adopted text amendments are implemented in the official Zoning Ordinance text.

All Item numbers in this Tentative Text document correlate to the same numbered paragraph in the public hearing Notice.

**Part 1---Proposed amendments associated with alignment of Zoning Ordinance
with 2023 Public Act 233**

ITEM 1

Section 2.2 of the Township of Arcadia Zoning Ordinance (Definitions of Terms) is proposed to be amended to change the existing definitions of the terms “Essential Public Service Structures and/or Buildings” and “Essential Public Service Equipment” to delete the references therein to “Utility Grid Wind Energy System” (as that term is not used elsewhere in the Zoning Ordinance), and to clarify neither term is intended to include any electricity generating facility, thus causing the definitions of those terms to read as follows:

- A. “ESSENTIAL PUBLIC SERVICE STRUCTURES AND/OR BUILDINGS: Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Public Service Equipment, ~~Utility Grid Wind Energy System~~, or Accessory Wind Energy Structure. Telecommunication towers and antennas and similar wireless communications facilities developed for private enterprise shall not be considered to be Essential Public Service Structures or Buildings. **This term is also not intended to include any electricity generating facility.**”
- B. “ESSENTIAL PUBLIC SERVICE EQUIPMENT: Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, traffic signals, fire hydrants, post office boxes, street lights, and similar equipment located either entirely underground or on poles, but not including Essential Public Service Structures or Buildings, ~~Utility Grid Wind Energy System~~, or Accessory Wind Energy Structure. Telecommunication towers and antennas and similar wireless communications equipment developed for private enterprise shall not

be considered to be Essential Public Service Equipment. **This term is also not intended to include any electricity generating facility.”**

Part 2---Proposed amendments relating to “Preserve” land use

ITEM 2

Sections 5.1, 5.2, 6.1, 6.2, 9.1, 9.2, 12.1, 12.2, 13.1, 13.2, 14.1 and 14.2 of the Township of Arcadia Zoning Ordinance, pertaining to the R-AG Rural Agriculture District, the RR Rural Residential District, the PA Point Arcadia Residential District, the M-22/Glovers Lake Road Business District, the M22-2 Business District, and the LI Light Industrial District, respectively, are proposed to be amended to provide an opportunity for land in those districts to also be used for a land use designated as a permitted use in the Preserve District pursuant to applicable provisions of Chapter 15 incorporated by reference, as follows:

- A. Section 5.1 of the Zoning Ordinance pertaining to the intent and purpose of the R-AG Rural Agriculture District is proposed to be amended to read as follows:

“SECTION 5.1 INTENT AND PURPOSE

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

- B. Section 5.2 of the Zoning Ordinance pertaining to the permitted uses in the R-AG Rural Agriculture District is proposed to be amended to add a new subsection 22 reading as follows:

“22. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

- C. Section 6.1 of the Zoning Ordinance pertaining to the intent and purpose of the RR Rural Residential District is proposed to be amended to read as follows:

“SECTION 6.1 INTENT AND PURPOSE

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

- D. Section 6.2 of the Zoning Ordinance pertaining to the permitted uses in the RR Rural Residential District is proposed to be amended to add a new subsection 19 reading as follows:

“19. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

- E. Section 9.1 of the Zoning Ordinance pertaining to the intent and purpose of the PA Point Arcadia Residential District is proposed to be amended to read as follows:

“SECTION 9.1 INTENT AND PURPOSE

The PA Point Arcadia Residential District is derived from the Point Arcadia planning classification in the Arcadia Township Master Plan, and is intended to apply only to an existing specific area of the Township initially developed in

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

- F. Section 9.2 of the Zoning Ordinance pertaining to the permitted uses in the PA Point Arcadia Residential District is proposed to be amended to add a new subsection 11 reading as follows:

“11. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

- G. Section 12.1 of the Zoning Ordinance pertaining to the intent and purpose of the M-22/Glovers Lake Road Business District is proposed to be amended to read as follows:

“SECTION 12.1 INTENT AND PURPOSE

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

- H. Section 12.2 of the Zoning Ordinance pertaining to the permitted uses in the M-22/Glovers Lake Road Business District is proposed to be amended to add a new subsection 33 reading as follows:

“33. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

- I. Section 13.1 of the Zoning Ordinance pertaining to the intent and purpose of the M22-2 Business District is proposed to be amended to read as follows:

“SECTION 13.1 INTENT AND PURPOSE

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

- J. Section 13.2 of the Zoning Ordinance pertaining to the permitted uses in the M22-2 Business District is proposed to be amended to add a new subsection 22 reading as follows:

“22. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

- K. Section 14.1 of the Zoning Ordinance pertaining to the intent and purpose of the LI Light Industrial District is proposed to be amended to read as follows:

“SECTION 14.1 INTENT AND PURPOSE

The Light Industrial District is derived from the Light Industrial planning classification in the Arcadia Township Master Plan, and is intended to be limited to the specific portion of the M-22 corridor and vicinity planned Light Industrial as shown on the Future Land Use Map. This district is intended to

provide a place in the Township for uses traditionally considered light industrial, as well as medium density residential development. The regulations for this district are designed to provide for a diverse blend of development that will be compatible with one another, and nearby land uses, through screening and landscaping requirements, and other regulations intended to ensure reasonable compatibility with other land uses and especially adjacent areas zoned for residential use. **This district is also intended to accommodate land uses allowed in the Preserve District pursuant to Chapter 15 of this Ordinance, without requiring a property rezoning to that district.**”

- L. Section 14.2 of the Zoning Ordinance pertaining to the permitted uses in the LI Light Industrial District is proposed to be amended to add a new subsection 20 reading as follows:

“20. Any use designated as a permitted use in the Preserve District pursuant to Section 15.2 of this Ordinance; provided that any such use is subject to the Density, Area, Placement, and Height Requirements as specified in Section 15.4 of this Ordinance, and is subject to the Additional Regulations specified in Section 15.5 of this Ordinance.”

Part 3---Proposed amendments relating to changing from a designated special land use to a designated permitted use and/or adding as a designated permitted use in certain districts “Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”.

ITEM 3

The following specified sections of the Township of Arcadia Zoning Ordinance pertaining to the various zoning districts are proposed to be amended, as follows:

- A. Section 5.3 pertaining to the designated special land uses in the R-AG Rural Agriculture District is proposed to be amended by deleting subsection 10 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 5.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 23 reading as follows:

“23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- B. Section 6.3 pertaining to the designated special land uses in the RR Rural Residential District is proposed to be amended by deleting subsection 12 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 6.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 20 reading as follows:

“20. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- C. Section 7.3 pertaining to the designated special land uses in the CA Camp Arcadia District is proposed to be amended by deleting subsection 5 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 7.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 12 reading as follows:

“12. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- D. Section 8.3 pertaining to the designated special land uses in the VR Village Residential District is proposed to be amended by deleting subsection 4 of same (“Park, playground, community center and similar recreational uses

when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 8.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 13 reading as follows:

“13. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- E. Section 9.3 pertaining to the designated special land uses in the PA Point Arcadia Residential District is proposed to be amended by deleting subsection 2 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 9.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 11 reading as follows:

“11. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- F. Section 10.3 pertaining to the designated special land uses in the SP Star-Key Point Residential District is proposed to be amended by deleting subsection 1 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization, or subdivision association”), and renumber the subsequent subsections accordingly; and Section 10.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 13 reading as follows:

“13. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization, or subdivision association.”

- G. Section 11.3 pertaining to the designated special land uses in the LS Lake Street Historic Business District is proposed to be amended by deleting subsection 1 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 11.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 23 reading as follows:

“23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- H. Section 12.2 pertaining to the designated permitted uses in the M-22/Glovers Lake Road Business District is proposed to be amended to add a new subsection 34 reading as follows:

“34. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- I. Section 13.2 pertaining to the designated permitted uses in the M22-2 Business District is proposed to be amended to add a new subsection 23 reading as follows:

“23. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- J. Note: the land uses at issue will be allowed as permitted uses in the LI Light Industrial District pursuant to existing Section 14.2.1 which incorporates by reference permitted uses in the Rural Residential District, if the above-proposed amendment pertaining to the Rural Residential District (B) is enacted.

- K. Note: the land uses at issue are presently designated as permitted uses in the Preserve District pursuant to Section 15.2.3.

- L. Section 16.3 pertaining to the designated special land uses in the MA Marina District is proposed to be amended by deleting subsection 7 of same (“Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization”), and renumber the subsequent subsections accordingly; and Section 16.2 pertaining to the designated permitted uses in that district is proposed to be amended to add a new subsection 5 reading as follows:

“5. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

- M. Section 17.2 pertaining to the designated permitted uses in the MA-2 Marina District is proposed to be amended to add a new subsection 19 reading as follows:

“19. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

ITEM 4

Section 19.2 of the Township of Arcadia Zoning Ordinance pertaining to uses subject to site plan review is proposed to be amended to add a new subsection 1.I. (with existing subsection 1.I. redesignated as 1.J) reading as follows:

- “I. Park, playground, community center and similar recreational uses when operated by a governmental or non-profit organization.”

ITEM 5

Section 22.4 of the Township of Arcadia Zoning Ordinance pertaining to signs allowed in all zoning districts is proposed to be amended to remove the existing size limits on Wayfinding Signs and Wayfinding Kiosks, resulting in those two subsections reading as follows:

- “8. Wayfinding Signs ~~not exceeding two square feet in area.~~”
- “9. Wayfinding Kiosk ~~not exceeding 32 square feet in area,~~ and not placed in any clear site area and otherwise placed so as to not hamper the visibility or mobility of vehicles or pedestrians on and off the premises on which the kiosk is placed.”

Part 4---Proposed amendments relating to junkyard/salvage yard land uses.

ITEM 6

- A. Section 14.3 of the Township of Arcadia Zoning Ordinance pertaining to the designated special land uses in the LI Light Industrial District is proposed to be amended to add the following as a designated special land use in that district:

“8. Junkyard/salvage yard.”

- B. Section 20.7 of the Zoning Ordinance pertaining to the specific standards/site design requirements for particular special land uses is proposed to be amended to revise Item 6 therein pertaining to junkyard/salvage yard land uses to read as follows:

1. The minimum lot area shall be ~~40~~ **40** acres.
2. All **salvage, display, and sales operations, and all** vehicles, parts, materials and equipment shall be ~~stored~~ within enclosed buildings or within an **outside** area completely enclosed by a **solid** screening fence at least eight feet in height. ~~The fence shall be located no closer than the minimum setback required for the material or equipment stored on site.~~
3. ~~The A screening fence pursuant to preceding sub-part 2 shall be setback from all property lines and any public street right-of-way line to the area upon which materials are stored and/or processed shall be not less than 100 feet, and shall comply with the landscape requirements of Section 4.11 of this Ordinance.~~
4. No **operations or** items placed within the **area enclosed by a screening fence area** shall exceed the height of the screening fence **or be visible from any adjoining public road right-of-way or any adjoining property line as viewed at ground level.**
5. All fluids and gasses shall be drained from all vehicles, appliances, and equipment when brought onto the site, and properly contained for lawful disposal, to prevent leakage into the soil, **ground water, surface water,** or air and to minimize the possibility of fire hazards from flammable materials.

Part 5---Proposed zoning ordinance text amendments relating to yard sales/garage sales, estate sales, and flea markets.

ITEM 7

Section 2.2 of the Township of Arcadia Zoning Ordinance (Definitions of Terms) is proposed to be amended to add definitions for the terms “Yard Sale”, “Estate Sale” and “Flea Market”, reading as follows:

“YARD SALE: A casual event where individuals or families sell used household items or personal belongings from their occupied residence to the public. This type of event is held not more than two times a year per premises, for not more than four consecutive days, where items are displayed outdoors such as in a yard, driveway, garage or carport. This land use is only allowed as an accessory use to an otherwise existing lawful principal use, and shall not include any rented spaces.”

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

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

Part 6---Proposed amendments relating to Economy Efficient Dwellings

ITEM 8

Sections 7.2 and 10.2 of the Township of Arcadia Zoning Ordinance, pertaining to the designated permitted uses in the CA Camp Arcadia District and Star-Key Point District, respectively, are proposed to be amended as follows:

- A. Section 7.2.2 is proposed to be deleted:
 - ~~2. Economy Efficient Dwelling~~
- B. Section 10.2.3 is proposed to be deleted:
 - ~~3. Economy Efficient Dwelling~~

Part 7---Proposed amendments relating to accessory structure accessory to an Economy Efficient Dwelling in R-AG Rural Agriculture and RR Rural Residential Districts

ITEM 9

Sections 5.5 and 6.5 of the Township of Arcadia Zoning Ordinance, pertaining to Additional Regulations applicable in the R-AG Rural Agriculture District and the RR Rural Residential District, respectively, are proposed to be amended as follows:

- A. Section 5.5 is proposed to be amended to add a new subsection 6 reading as follows:**

“In this district one accessory structure is allowed accessory to an otherwise permissible Economy Efficient Dwelling, attached or detached, not larger than 800 square feet in area, with side walls not higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure), and otherwise complying with all other requirements in this Ordinance applicable to accessory structures (including Section 18.1 and Section 18.2).”

- B. Section 6.5 is proposed to be amended to add a new subsection 6 reading as follows:**

“In this district one accessory structure is allowed accessory to an otherwise permissible Economy Efficient Dwelling, attached or detached, not larger than 800 square feet in area, with side walls not higher than 10 feet (measured as the vertical distance between the main floor and the bottom of the ceiling framing structure), and otherwise complying with all other requirements in this Ordinance applicable to accessory structures (including Section 18.1 and Section 18.2).”

Part 8---Proposed amendments relating to Farmers Market and Roadside Stand

ITEM 10

Section 2.2 of the Township of Arcadia Zoning Ordinance, pertaining to definitions of terms, is proposed to be amended to change the definitions of “Farmers Market” and “Roadside Stand” to read as follows (note: the existing definition of “Farm Market” is not proposed to be amended but is included here for context):

SECTION 2.2 DEFINITIONS OF TERMS

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

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

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

ITEM 11

The sections of the Township of Arcadia Zoning Ordinance pertaining to permitted uses and special land uses are proposed to be amended to designate “Farmers Market, subject to Chapter 19” as a permitted use in each Zoning District where it is not already designated as a permitted use, and therefore remove that land use as a special land use from any Zoning District where it is presently so designated (in each instance with the resulting appropriate renumbering). These proposed amendments involve the following sections of the Zoning Ordinance:

- Section 6.2 (RR)----add “Farmers Market” as a permitted use.
- Section 6.3 (RR)----delete subsection 24 presently designating “Farmers Market” as a special land use.
- Section 7.2 (CA)----add “Farmers Market” as a permitted use.
- Section 8.2 (VR)---add “Farmers Market” as a permitted use.
- Section 9.2 (PA)---add “Farmers Market” as a permitted use.
- Section 10.2 (SP)---add “Farmers Market” as a permitted use.
- Section 11.2 (LS)---add “Farmers Market” as a permitted use.
- Section 11.3(LS)---delete subsection 24 presently designating “Farmers Market” as a special land use.
- Section 13.2 (M22-2)---add “Farmers Market” as a permitted use.
- Section 15.2 (P)---add “Farmers Market” as a permitted use.
- Section 16.2 (MA)---add “Farmers Market” as a permitted use.
- Section 17.2 (MA-2)---add “Farmers Market” as a permitted use.

Part 9---Proposed amendments relating to Minimum Requirements for Dwellings

ITEM 12

Section 4.7.7 of the Township of Arcadia Zoning Ordinance pertaining to temporary occupancy of a recreational vehicle is proposed to be amended to read as follows:

SECTION 4.7 MINIMUM REQUIREMENTS FOR DWELLINGS; TEMPORARY DWELLINGS

(subsections 1-6 are not proposed to be amended and are therefore omitted)

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

steps retracted, all lights off, all window shades down, and the recreational vehicle is properly licensed and ready for lawful operation on public streets. ~~When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.~~

Part 10---Proposed amendments relating to Permitted Uses

ITEM 13

Section 16.2 and 16.3 of the Township of Arcadia Zoning Ordinance pertaining to the designated permitted uses and designated special land uses, respectively, in the MA Mariana District are proposed to be amended to redesignate several special land uses as permitted uses, resulting in those two sections proposed to read as follows:

SECTION 16. 2 PERMITTED USES

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

1. Existing Uses.
2. **Marina and Boat Launch.**
3. **Fish Cleaning Station.**
4. **Water sport equipment and/or bicycle rental.**
5. **Public park and open space civic gathering area.**
6. **Park, playground, community center, and similar recreational uses when operated by a governmental, religious or non-profit organization.**
72. Essential Public Service Equipment.
83. Short Term Rental.
94. Permissible accessory uses, including Home Occupation accessory to an otherwise permissible single family dwelling unit (pursuant to Section 16.3.11).

SECTION 16.3 SPECIAL LAND USES

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

1. ~~Marina and boat launch.~~
2. ~~Fish cleaning station.~~
3. ~~Water sport equipment and/or bicycle rental.~~
4. ~~Maritime related retail shops and kiosks.~~
15. Coffee shop, restaurant, and food truck.
6. ~~Public park and open space civic gathering area.~~

- ~~7. Park, playground, community center, and similar recreational uses when operated by a governmental, religious or non-profit organization.~~
- 28.** Essential Public Service Structures and Buildings.
- 39.** Hotel and Motel.
- 410.** Resort.
- 511.** Single family dwelling and two family dwelling.
- 612.** A use which is not specified in this section but which is similar in nature and compatibility to a specified special land use in this district, as determined by the Planning Commission.

Part 11---Special Land Uses

ITEM 14

Section 20.5.2 of the Township of Arcadia Zoning Ordinance pertaining to the lapse of approval of a special land use is proposed to be amended to read as follows:

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

(subsection 1 is intentionally omitted because nothing therein is proposed to be amended)

2. Every special land use approval shall be subject to an automatically imposed approval condition pursuant to which the approval lapses if construction of the approved use is not completed and commencement of the approved use has not substantially begun within **three** ~~one~~ years from the date of approval. Upon request of the applicant, filed prior to the lapse of special land use approval, the Planning Commission may save its prior approval from lapsing where the applicant shows good cause for the delay, and the Planning Commission finds there have been no changed conditions that would potentially affect the prior findings of the Planning Commission with respect to any standard for approval of the use.

(subsection 3 is intentionally omitted because nothing therein is proposed to be amended)

Part 12---General Off-Street Parking and Loading/Unloading Areas

ITEM 15

Section 23.2 of the Township of Arcadia Zoning Ordinance pertaining to General Off-Street Parking and Loading/Unloading Area Requirements is proposed to be amended to read as follows:

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

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

ITEM 16

Section 23.3 of the Township of Arcadia Zoning Ordinance pertaining to the Location of Parking Areas is proposed to be amended to read as follows:

SECTION 23.3 LOCATION OF PARKING AREAS

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

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

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

ITEM 17

Section 23.4 of the Township of Arcadia Zoning Ordinance pertaining to Parking Area Design, Construction and Landscaping Requirements is proposed to be amended to read as follows:

SECTION 23.4 PARKING AREA DESIGN, CONSTRUCTION AND LANDSCAPING REQUIREMENTS

1. The following regulations shall apply to all uses in every district, except one and two family dwellings and farm uses:
 - A. Parking Area Surface. **All off-street parking areas required by this Ordinance for the parking of motor vehicles shall be surfaced with permeable or impermeable surface material, and** ~~Parking areas with four or fewer required parking spaces shall be surfaced with bituminous asphalt or 22a compacted gravel or equivalent. Parking areas with five or more required parking spaces shall be surfaced with bituminous asphalt or concrete, and shall have all individual parking spaces marked on the surface of the parking area; provided, in the site plan review process the Planning Commission may defer, modify, or waive this surfacing and/or marking requirement if the Planning Commission determines the requirement is incompatible with the nature of the associated land use, and that all applicable site plan approval standards will be met even if the requirement is deferred, modified, or waived. All parking lot surfaces shall be maintained in a usable, clean, and dust-free condition.~~
 - B. Parking Area Drainage. All parking areas shall be graded and drained to properly dispose of all surface water and prevent **unabated** drainage ~~onto~~ **into wetlands, streams, lakes, or onto** abutting properties or ~~flowing~~ across public streets.
 - C. Lighting. Lighting fixtures shall not exceed 23 feet in height for required parking facilities in business and industrial districts, and for non-residential uses within 150 feet of a Residential District. All other fixtures shall not

exceed 35 feet in height. The exterior lighting requirements in Section 4.12 of this Ordinance shall apply to all off-street parking areas in all districts.

- D. Landscaping. All parking areas having at least 20 spaces shall be landscaped with one canopy and one evergreen tree for every 10 parking spaces, with a minimum of two trees. These trees shall be planted adjacent to the parking area; provided that the trees and all other parking lot landscaping, including any greenbelts, shall be arranged so as to not obscure traffic signs or fire hydrants, or obstruct drivers' clear vision within the parking area or of sidewalks, driveway entrances, or streets.
- E. Greenbelts. Where off-street parking areas for non-residential uses abut or are across the street from property zoned or planned for residential use, a greenbelt not less than 10 feet wide shall be provided adjacent to the parking area. The greenbelt shall be landscaped according to the landscape requirements of this Ordinance. See Section 4.11 and any other applicable provisions.
- F. Access Drives. Access drives serving off-street parking areas shall be at least 20 feet from any property in a Residential District.
- G. Prohibited Design. Off-street parking areas shall not be designed to make it necessary for any vehicle to back-out directly into a public street.

ITEM 18

SECTION 23.9 OFF-STREET LOADING/UNLOADING REQUIREMENTS

Section 23.9 of the Township of Arcadia Zoning Ordinance pertaining to Off-Street Loading/Unloading Requirements is proposed to be amended to read as follows:

- 1. Loading/Unloading shall not obstruct vehicular traffic on any public right-of-way.**
- ~~1. Off-street loading/unloading spaces shall be provided in size and quantity sufficient to prevent interference with public use of adjacent streets, required off-street parking areas, or any access aisles for off-street parking areas.~~
- ~~2. Loading/unloading spaces shall not be included in the count of required off-street parking spaces.~~
- ~~3. Loading/unloading spaces shall not use any portion of any public right-of-way.~~
- ~~4. Maneuvering space for trucks using loading/unloading spaces shall be provided on-premise, and shall not necessitate the use of any public right-of-way.~~
- ~~5. The design, location, and screening of off-street loading/unloading areas shall be reviewed at the time of site plan approval to ensure adequate protection is afforded adjacent properties, especially any Residential District.~~

~~6. Off street loading/unloading spaces shall be no closer than 50 feet to any Residential District unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.~~

Part 13---Zoning Compliance Permits

ITEM 19

Section 26.4 of the Township of Arcadia Zoning Ordinance pertaining to Zoning Compliance Permits is proposed to be amended to read as follows:

SECTION 26.4 ZONING COMPLIANCE PERMITS

1. When Required. A zoning compliance permit is required before any of the following land uses/activities are initiated on any premises:
 - A. Construction **or placement** of any building or structure, parking area, or structural alterations of any existing building or structure. This zoning compliance permit requirement shall apply even if a building or structure is exempt from a building permit requirement pursuant to the Building Code.
 - B. Temporary dwelling pursuant to Section 4.7.6 of this Ordinance.
 - C. Temporary occupancy of a recreational vehicle pursuant to Section 4.7.7 of this Ordinance.
 - D. Accessory Apartment pursuant to Section 18.3 of this Ordinance.
 - E. Home Occupation pursuant to Section 18.4 of this Ordinance.
 - F. Accessory Wind Energy Structure pursuant to Section 18.5 of this Ordinance.
 - G. Accessory Solar Energy System pursuant to Section 18.6 of this Ordinance.
 - H. Swimming pool pursuant to Section 4.13 of this Ordinance.
 - I. Construction of private road pursuant to Section 4.14 of this Ordinance.
 - J. Removal of earth materials and/or fill operations involving an area exceeding two acres but not exceeding 10,000 cubic yards of earth material pursuant to Section 4.15.2 of this Ordinance.
 - K. Any other land use/activity that is subject to a zoning compliance permit pursuant to this Ordinance.
2. Application. An application for a zoning compliance permit shall be filed with the Zoning Administrator, on a form provided by the Township for this purpose, **and shall include a copy of all such permits for the land use/activity at issue as may be required or administered for that land use/activity by Manistee County (including but not limited to a water well permit, a sanitary septic/sewer system permit, and a soil erosion and sedimentation control permit, etc)**. The application shall specify the land use/activity for which the permit is requested, and the parcel identification number and street address for the subject property. The application form shall be accompanied by two duplicate site plans/site sketches,

drawn to scale, and showing the lot lines and dimensions of the subject property, the exact size and location on the lot of all existing and proposed structures and uses, and such other information as is necessary to demonstrate compliance with this Ordinance. The Zoning Administrator may waive or vary portions of these site plan/site sketch requirements that are not necessary for a determination of compliance with respect to the proposed use/activity, and may require additional information which is necessary to make a determination of compliance with respect to the proposed use/activity. Note: the site plan/site sketch required to accompany a zoning compliance permit application is not intended to be required to include all of the content for a final site plan specified in Chapter 19 of this Ordinance, unless the Zoning Administrator determines such content is necessary to make the required determination of compliance.

3. Review and Approval/Disapproval. The Zoning Administrator shall promptly review a complete application for a zoning compliance permit, and shall approve the application and issue the permit upon determining the proposed use/activity is in compliance with all applicable provisions of this Ordinance. The Zoning Administrator shall not approve any application for a zoning compliance permit if the application is not complete, or where the proposed use/activity for which the permit is requested does not comply with all applicable provisions of this Ordinance. The Zoning Administrator shall timely issue an approved zoning compliance permit on such permit form as may be prescribed by the Township for this purpose and/or in accordance with other applicable Township procedures for such matters.
4. Permit Duration. A zoning compliance permit shall be void unless the project for which the permit was issued is substantially implemented within **three one years** of the date of issuance. ~~The Zoning Administrator may renew an issued zoning compliance permit for up to one additional year.~~
5. Revocation. The Zoning Administrator is authorized to revoke a zoning compliance permit if the land use/activity authorized by the permit is not undertaken in compliance with the permit or any applicable provisions of this Ordinance.