

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 JUNE 1, 2023 PLANNING COMMISSION PUBLIC HEARING/MEETING)**

Township Attorney note: The proposed renumbering of various subsections of Zoning Ordinance text resulting from 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.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENTS RELATING TO
M22/GLOVERS LAKE ROAD BUSINESS DISTRICT**

ITEM 1

Sections 12.2 and 12.3 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) pertaining to the designated permitted uses and designated special land uses in the M-22/Glovers Lake Road Business District, respectively, are proposed to be amended to add “Farmers Market” as a permitted use in that District (as subsection 27, with existing subsections 27-30 to be renumbered as subsections 28-31), and to remove Farmers Market as a special land use in that District (by deleting existing subsection 11 of Section 12.3 and renumbering existing subsections 12-13 to instead be subsections 11-12); thus causing Sections 12.2 and 12.3 to read as follows:

“SECTION 12.2 PERMITTED USES

The following uses are designated as permitted uses in the M-22/Glovers Lake Road Business District, except as restricted by Section 12.5.7, and subject to all other applicable provisions of this Ordinance:

1. Retail shops and stores, including but not limited to bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, and similar uses.
2. Personal service business such as barber shop, beauty salon, shoe repair, and other similar businesses.
3. Professional office of doctor, dentist, lawyer, architect, and other similar professions.
4. Retail building supply sales (but not lumberyards).
5. Essential Public Service Equipment.
6. Vehicle service and/or refueling station not performing vehicle body work.
7. Financial and business service establishment, such as bank, insurance office, and other similar businesses.
8. Health and physical fitness salon.

9. Convenience store.
10. Indoor and outdoor community recreation establishment, such as bowling center, indoor theater, skating rink, miniature golf, and video amusement business.
11. Business contractor for such trades/services as painting, plumbing, electrical, cement work (but not including cement mixing plants), heating, air conditioning, and fencing; provided that any materials or equipment kept outdoors shall be screened from the view of nearby properties and roadways.
12. Eating and drinking business.
13. Auto wash facility.
14. Dry cleaning pick-up business.
15. Printing shop.
16. Towers and antennas which do not exceed 35 feet in height as measured from the ground to the top of the antenna or tower, whichever is higher, except that an antenna mounted on a building may extend to a maximum of ten feet above the highest point of the building; provided each such ground-mounted and roof-mounted tower/antenna shall be setback from all adjoining property lines and structures a distance of at least the total height of the tower/antenna.
17. Public and private business or trade school, and educational, music and art school.
18. Hotel and Motel.
19. Veterinary clinic.
20. Public and private club, lodge, banquet hall and similar places of assembly.
21. Food truck, including outdoor service area.
22. Food service module, including outdoor service area.
23. Businesses which service, repair, and/or store on-site motor vehicles, motor homes, mobile or modular homes, boats, recreational vehicles or similar items.
24. A business use which is not specified in this section but which is similar in nature and compatibility to a specified permitted use in this district, as determined the Planning Commission.
25. Existing single family dwelling.
26. Roadside Stand.
- 27. Farmers Market.**

- 278. Single family dwelling with a setback of at least 200' from the centerline of M-22 or Glovers Lake Road, with no minimum floor area and a maximum floor area of 1500 square feet per dwelling unit.
- 289. Single family dwelling located on the second floor or in the rear portion of the ground floor of a building where the front portion of the ground floor of the building is occupied by or designed for a permissible business use.
- 2930. Home Occupation, accessory to an otherwise permissible single family dwelling unit.
- 301. Permissible accessory uses.

SECTION 12.3 SPECIAL LAND USES

The following uses are designated as special land uses in the M-22/Glovers Lake Road Business District, except as restricted by Section 12.5.7, and subject to all applicable provisions of this Ordinance, including special land use and site plan approvals:

- 1. Open Air Business.
- 2. Go-cart track.
- 3. Wireless Communications Support Structure which is higher than permitted by Section 12.2.16.
- 4. Public and non-public school, including colleges or universities.
- 5. Any of the following land uses in an otherwise permissible single family dwelling unit:
 - Group Day Care Home.
 - Adult Foster Care Small Group Home.
- 6. Municipal, county, state, and federal administration or educational or service building, including municipal fire station.
- 7. Essential Public Service Structures and Buildings.
- 8. Child Care Center and Nursery School. (Note: separate special land use approval for this land use is not required if such use is located within a building where the principal use is a church or school or similar public or institutional use, and the child care facility was included in the zoning approval process for the principal use.)
- 9. Lumberyard.
- 10. Campground/RV park, where at least 60% of the footprint of the use is located more than 250 feet from the center of the M-22 right-of-way.
- 11. ~~Farmers Market.~~

- 121. Heli-pad.
- 132. A business 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.”

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS RELATING TO LI LIGHT INDUSTRIAL DISTRICT

ITEM 2

Chapter 14 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) pertaining to the LI Light Industrial District is proposed to be amended to:

- refine Section 14.1 regarding the Intent and Purpose of the District.
- change Section 14.2 presently incorporating by reference as permitted uses in the Light Industrial District all uses specified in Section 5.2 as permitted uses in the R-AG Rural Agriculture District, to instead incorporate by reference as permitted uses in the Light **Industrial** District all uses specified in Section 6.2 as permitted uses in the RR Rural Residential District.
- change Section 14.2 to add Farmers Market as a designated permitted use in the Light Industrial District as subsection 16 (with existing subsections 16-18 to be renumbered to be subsections 17-19).
- change Section 14.3 presently incorporating by reference as special land uses in the Light Industrial District all uses specified in Section 5.3 as special land uses in the R-AG Rural Agriculture District, to instead incorporate by reference as special land uses in the Light Industrial District all uses specified in Section 6.3 as special land uses in the RR Rural Residential District.
- change the Minimum Lot Area & Lot Frontage requirements in Section 14.4.1 from 2 acres and 175’, respectively, to 1 acre and 140’.

Sections 14.1-14.4 of the Zoning Ordinance are therefore proposed to read as follows pursuant to these proposed amendments:

“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 the development of such uses** that will be compatible with one another, and nearby land uses, through screening and landscaping requirements, ~~façade design requirements,~~ and other regulations intended to

ensure reasonable compatibility with other land uses and especially adjacent areas zoned for residential use.

SECTION 14.2 PERMITTED USES

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

1. All uses specified in Section ~~5.2~~ **6.2** as permitted uses in the Rural Agriculture **Residential** District, which are incorporated by reference as permitted uses in this district; ~~except Mobile Home Park and Seasonal Mobile Home Park.~~
2. The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
3. The manufacturing, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
4. Transportation, communication, and utility facilities.
5. Commercial fuel depot.
6. Vehicle body shop, provided all vehicles and materials are kept within a building or in an area screened from the view of nearby properties and roadways.
7. Bottle plant and dairy.
8. Contractor yard.
9. Crating and packing service.
10. Lumberyard and other building supply businesses.
11. Machine shop.
12. Printing shop.
13. Sign painting and servicing shop.
14. Tool and die manufacturing business.
15. Commercial and Private Warehouse and storage including self storage facilities.
- 16. Farmers Market.**
167. Essential Public Service Equipment.

178. A use which is not specified in this section but which is similar in nature and compatibility to a specified permitted land use in this district, as determined by the Planning Commission.

189. Permissible accessory uses.

SECTION 14.3 SPECIAL LAND USES

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

- 1. All uses specified in Section ~~5.3~~ **6.2** as special land uses in the Rural Agriculture **Residential** District, which are incorporated by reference as special land uses in this district.
- 2. Asphalt manufacturing or refining, tar distillation or tar products manufacture.
- 3. Iron, steel, aluminum, and other ferrous and nonferrous forging, casting, or rolling.
- 4. Manufacture, processing, and bulk storage of petroleum products and by-products.
- 5. Recycling station.
- 6. Sexually Oriented Business.
- 7. 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.

SECTION 14.4 DENSITY, AREA, PLACEMENT, AND HEIGHT REQUIREMENTS

All principal buildings/uses are subject to the following requirements, which shall also apply to accessory uses/buildings/structures, except where a different requirement is specified in this Chapter or elsewhere in this Ordinance:

- 1. Minimum Lot Area & Lot Frontage – ~~Two~~ **One** acre Lot Area; ~~175~~ **140** feet Lot Frontage.
- 2. Minimum Required Building Setbacks
 - A. Front Yard - 25 feet on a street or private road; except the minimum required front yard setback for lots abutting M-22 shall be 425 feet as measured from the centerline of M-22. Note: this minimum setback for lots abutting M-22 accounts for split-zoned lots with the LI District part of such lots beginning 400 feet from the centerline of M-22.
 - B. Side Yard - 20 feet.
 - C. Rear Yard - 20 feet.

- D. Waterfront Yard - 50 feet.
3. Maximum Building Height - 35 feet; except as otherwise provided in Section 4.6.2 of this Ordinance, as applicable to the uses allowed in this district.”

**PROPOSED ZONING ORDINANCE TEXT AMENDMENTS PERTAINING TO
CHILD DAY CARE LAND USES**

Township Attorney’s introduction and format note---the Zoning Ordinance provides for “Family Day Care Home” and “Group Day Care Home” child day care land uses in various zoning districts in accordance with relevant State statutes. One of those State statutes was recently amended so as to make both of these types of child day care facilities automatically eligible for “increased capacity” after satisfying certain criteria relating to holding a current State license and having been licensed to operate for a specified period of time without any license rescission problems (from 6 to 7 children in a “Family Day Care Home”, and from 12 to 14 children in a “Group Day Care Home”). These statutory changes are proposed to be incorporated into the definitions of those two land use terms in Chapter 2 of the Zoning Ordinance by adding the verbiage shown below in bold type. This proposed new verbiage will align the two terms as defined in the Zoning Ordinance with the current statutory framework, and should also cover any similar future statutory change relating to the number of children permissible for each of these land uses without necessarily having to again amend those provisions of the Zoning Ordinance.

ITEM 3

The definition of “Family Day Care Home” in Section 2.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) is proposed to be amended to read as follows:

“FAMILY DAY CARE HOME: A private home properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et. seq.) in which 1-6 minor children (**or such other increased capacity number of minor children permissible under State Law**) are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.”

ITEM 4

The definition of “Group Day Care Home” in Section 2.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) is proposed to be amended to read as follows:

“GROUP DAY CARE HOME: A private home properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 et. seq.) in which 7-12 minor children (**or such other increased capacity number of minor children permissible under State Law**) are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children

related to the resident of the home by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.”

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS PERTAINING TO QUALIFIED RESIDENTIAL TREATMENT PROGRAM LAND USE

Township Attorney’s introduction---this segment of this tentative text document pertains to amendments of the Zoning Ordinance required to comply Public Act 206 of 2022 requiring “qualified residential treatment program” to be a “permitted use” in all “residential zones”. These specific proposed amendments of the Township Zoning Ordinance are required to properly align the Zoning Ordinance with this new statutory limitation on local zoning authority.

The first proposed amendment adds a definition of “qualified residential treatment program” to the Zoning Ordinance. The subsequent proposed amendments amend the existing sections of the Zoning Ordinance in which the “permitted uses” are designated for the “residential zones” so as to add “qualified residential treatment program” as a permitted use in those zones.

ITEM 5

Section 2.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) is proposed to be amended to add a definition for the new term “qualified residential treatment program” reading as follows:

“QUALIFIED RESIDENTIAL TREATMENT PROGRAM: A program within a child caring institution as that term is defined in MCL 722.111(1)(c) that provides services for 10 or fewer individuals which:

- has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program’s culture, practices, and policies;
- has registered or licensed nursing or other licensed clinical staff on-site or available 24 hours a day, 7 days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518;
- integrates families into treatment, including maintaining sibling connections;
- provides aftercare services for at least 6 months post discharge;
- is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).

This term does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to

be delinquent; and also does not include adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.”

ITEM 6

Sections 6.2, 7.2, 8.2, 9.2 and 10.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) pertaining to the designated permitted uses in the RR Rural Residential District, CA Camp Arcadia District, VR Village Residential District, PA Point Arcadia Residential District and SP Star-Key Point Residential District, respectively, are each proposed to be amended to add “Qualified Residential Treatment Program” as a permitted use in each such district, as follows:

- Section 6.2 pertaining to the designated permitted uses in the RR Rural Residential District is proposed to be amended to renumber existing subsections 15 and 16 to be subsections 16 and 17, and add a new subsection 15 reading as follows:

“15. Qualified Residential Treatment Program.”

- Section 7.2 pertaining to the designated permitted uses in the CA Camp Arcadia District is proposed to be amended to renumber existing subsections 8 and 9 to be subsections 9 and 10, and add a new subsection 8 reading as follows:

“8. Qualified Residential Treatment Program.”

- Section 8.2 pertaining to the designated permitted uses in the VR Village Residential District is proposed to be amended to renumber existing subsections 9 and 10 to be subsections 10 and 11, and add a new subsection 9 reading as follows:

“9. Qualified Residential Treatment Program.”

- Section 9.2 pertaining to the designated permitted uses in the PA Point Arcadia Residential District is proposed to be amended to renumber existing subsections 7 and 8 to be subsections 8 and 9, and add a new subsection 7 reading as follows:

“7. Qualified Residential Treatment Program.”

- Section 10.2 pertaining to the designated permitted uses in the SP Star-Key Point Residential District is proposed to be amended to renumber existing subsections 9 and 10 to be subsections 10 and 11, and add a new subsection 9 reading as follows:

“9. Qualified Residential Treatment Program.”

ZONING ORDINANCE TEXT AMENDMENTS PERTAINING TO SHORT TERM RENTAL LAND USES

ITEM 7

Section 2.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) is proposed to be amended to add a definition for the new term “Short Term Rental” reading as follows:

“SHORT TERM RENTAL: Any building or structure or portion thereof with sleeping, bathroom and/or cooking facilities forming a single habitation unit for occupancy by one or more persons for a period of 1-29 days and/or nights for any monetary compensation or other form of non-monetary consideration; except this term does not include either of the following:

- A. any residential premises occupied for such compensation for a cumulative total of 14 or fewer days and/or nights within a calendar year.
- B. any motel/hotel or bed & breakfast lawfully operating in accordance with all applicable requirements of the Zoning Ordinance of the Township of Arcadia.”

ITEM 8

Sections 5.2, 6.2, 7.2, 8.2, 9.2, 10.2, 11.2, 12.2, 13.2, 16.2 and 17.2 of the Zoning Ordinance of the Township of Arcadia (Ordinance No. 183) pertaining to the designated permitted uses in the R-AG Rural Agriculture District, RR Rural Residential District, CA Camp Arcadia District, VR Village Residential District, PA Point Arcadia Residential District, SP Star-Key Point Residential District, LS Lake Street Historic Business District, M-22/Glovers Lake Road Business District, M22-2 Business District, MA Marina District and MA-2 Marina 2 District, respectively, are each proposed to be amended to add “Short Term Rental” as a permitted use in each such district, as follows:

- Section 5.2 pertaining to the designated permitted uses in the R-AG Rural Agriculture District is proposed to be amended to add a new subsection 21 reading as follows:

“21. Short Term Rental”.

- Section 6.2 pertaining to the designated permitted uses in the RR Rural Residential District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 16 reading as follows:

“16. Short Term Rental”.

- Section 7.2 pertaining to the designated permitted uses in the CA Camp Arcadia District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 9 reading as follows:

“9. Short Term Rental”.

- Section 8.2 pertaining to the designated permitted uses in the VR Village Residential District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 10 reading as follows:

“10. Short Term Rental”.

- Section 9.2 pertaining to the designated permitted uses in the PA Point Arcadia Residential District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 8 reading as follows:

“8. Short Term Rental”.

- Section 10.2 pertaining to the designated permitted uses in the SP Star-Key Point Residential District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 9 reading as follows:

“9. Short Term Rental”.

- Section 11.2 pertaining to the designated permitted uses in the LS Lake Street Historic Business District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 20 reading as follows:

“20. Short Term Rental”.

- Section 12.2 pertaining to the designated permitted uses in the M-22/Glovers Lake Road Business District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 30 reading as follows:

“30. Short Term Rental”.

- Section 13.2 pertaining to the designated permitted uses in the M22-2 Business District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 18 reading as follows:

“18. Short Term Rental”.

- Section 16.2 pertaining to the designated permitted uses in the MA Marina District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 3 reading as follows:

“3. Short Term Rental”.

- Section 17.2 pertaining to the designated permitted uses in the MA-2 Marina 2

District is proposed to be amended to renumber existing and otherwise proposed to be added subsections so as to add a new subsection 16 reading as follows:

“16. Short Term Rental”.

Note: Short Term Rental will also be a permitted use in the LI Light Industrial District pursuant to the above-proposed amendment of Section 14.2 to designate as permitted uses in that District all uses specified in Section 6.2 as permitted uses in the Rural Residential District.