

TOWNSHIP OF ARLINGTON
VAN BUREN COUNTY, STATE OF MICHIGAN
ORDINANCE NO. 2020-02
ADOPTED: MAY 20, 2020
EFFECTIVE: SEVEN DAYS AFTER PUBLICATION

AN ORDINANCE OF THE TOWNSHIP OF ARLINGTON, MICHIGAN TO AMEND THE ZONING ORDINANCE ESTABLISH REQUIREMENTS FOR MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS; AND TO CLARIFY SHORT TERM RENTALS.

THE TOWNSHIP OF ARLINGTON HEREBY ORDAINS:

1. Section 3.09 of the Arlington Township Zoning Ordinance (identified as the "Working Draft #1, Zoning Ordinance, as amended) is hereby amended as follows:

SECTION 3.09 SCHEDULE OF DISTRICT REGULATIONS

A-Agriculture District

Intent: To preserve substantial portions of those lands within Arlington Township which lend themselves to production of food and fiber for the region, state, and nation;

- to provide suitable open land areas for orderly, efficient future growth and development;
- to protect rural residential and agricultural properties which are present without public water and sewer facilities for a substantial period of time;
- to protect the right of farmers to fertilize, spray, till, cultivate crops, and husband traditional farm animals, consistent with Best Management Practices adopted by the state of Michigan;
- to protect and stabilize the essential rural characteristics of outlying areas of the township in order to promote and encourage agricultural activity and low- density rural life, until such time as it may be deemed in the public interest to promote development of higher densities requiring higher levels of public expenditure for services and utilities.

- A. Minimum Lot Area and Frontage Width: Two (2) acres; two hundred (200) feet of frontage
- B. Minimum Yard Dimensions: Thirty (30) feet front yard; Forty (40) feet side yard; Forty (40) feet rear yard.
- C. Maximum Building Height: Two and a half (2 ½) stories or twenty-five (25) feet.
- D. Principal Permitted Uses:
 - 1. Generally recognized buildings used in connection with active farming operations, including livestock and poultry, dairy, horticulture, grain, fruit, forestry, gardening and similar agriculture uses of land.
 - 2. Generally recognized recreational uses and activities including athletic fields, parks, playgrounds, hiking areas, nature preserves, riding stables, snowmobile trails, and similar uses except those specified as being subject to a special use permit.
 - 3. Detached one-family dwellings, including mobile and manufactured homes
 - 4. Churches, synagogues, temples, parish homes and parsonages.
 - 5. Cemeteries
- E. Uses Subject to Issuance of a Special Use Permit and the review procedures and standards stipulated in Article 13 of the Arlington Township Zoning Ordinance as well as the compliance with Article 5 Site and Sketch Plan Review
 - 1. Single Family Residence on less than two (2) acres but more than one (1) acre subject to the following conditions:
 - a. Evidence of a hardship such as the inability to purchase additional land; inability to obtain financing for additional land;
 - b. Demonstration of circumstances similar in nature.

2. Agri-business operations including the sales of farm equipment and supplies; feed stores, farm equipment repair shops, and other businesses related to the support of agriculture;
3. Sales of landscaping and gardening supplies and equipment;
4. Golf courses, driving ranges, pro-shops, and dining facilities;
5. Veterinary hospitals and animal boarding and breeding facilities;
6. Clinics, skilled nursing facilities;
7. Professional offices;
8. Community centers, museums, fire stations, EMT facilities, and buildings related to the administration of township government;
9. Recreational and primitive campgrounds, including travel trailer parks consistent with the requirements of the state of Michigan and Van Buren County;
10. Banquet halls and wedding venues;
11. Solar energy farms;
12. Cider mills (producing more than 25,000 gallons of cider per year);
13. Wineries (producing less than 50,000 gallons of wine per year) with accessory tasting rooms on the same site subject to the conditions and regulations of the Michigan Liquor Control Commission and all Van Buren County related agencies;
14. Manufacture, assembly, and sales (wholesale and retail) of wood products and by-products excluding the chemical treatment of wood;
15. Commercial Bed-N-Breakfast Inn subject to the following conditions:
 - a. Stays for guests shall not exceed fourteen (14) consecutive days;
 - b. Overnight accommodations must be a permanent feature of the dwelling and must be advertised as a bed-n-breakfast inn;
16. Short-term rental facility (e.g. Airbnb) subject to the following conditions:
 - a. Overnight accommodations are offered for a maximum of three (3) consecutive nights and not more than to two (2) transient guests by the resident owners;
 - b. No outdoor advertising is permitted;
17. Commercial trucking operations utilizing three (3) or more semi-trailer trucks and contractor operations utilizing heavy construction equipment subject to the following conditions:
 - a. Minimum lot or parcel size shall be two (2) acres';
 - b. the lot or parcel shall have a minimum frontage of two hundred (200) feet on a county primary road or M-43;
 - c. Ingress and egress from the site shall have a permit from the Van Buren County Road Commission;
 - d. Truck washing facilities shall have a permit from Michigan Department of Environment, Great Lakes, and Energy (EGLE)
 - e. Storage of hazardous material(s) shall be in accordance with Michigan Department of Environment, Great Lakes, and Energy.
18. Outdoor and/or indoor cultivation of marijuana for medical and/or recreational use subject to the following:
 - a. Front yard setback shall be two hundred (200) feet from the road right-of way;
 - b. Side yard setback shall be one hundred (100) feet from the nearest property line or two hundred (200) from the nearest occupied house on property adjacent to the growing operation;
 - c. Rear yard setback shall be one hundred (100) feet from the nearest property line or two hundred (200) feet from the nearest occupied house adjacent to the growing operation;
 - d. Any growing operation may not be extended into any non-tillable land (e.g. woodland, wetland, slopes, hills, or drainage areas that may affect lands that are part of designated watersheds) shown on the site plan at the time the site plan was approved;
 - e. Site preparation shall encompass minimal site clearance, excluding crops;

- f. Security fencing shall be provided at the edge of the growing operation and not at the property line;
 - g. Ingress and egress from the site(s) shall be in compliance with commercial driveway standards of the Van Buren County Road Commission;
 - h. All storm water drainage created by additional impervious surface on the site must contain the stormwater on site and have the approval of the Van Buren County Drain Commission and the Michigan Department of Environment, Great Lakes, and Energy, If applicable;
 - i. Hours of operation shall be limited to sunrise to 10:00 pm.
 - j. Odors emanating from the operation shall be held to the minimum that is technically and practically feasible.
 - k. No generators shall be used as an interim electrical supply
 - l. Gravel drives interior to the site shall be treated so as to reduce to a minimum airborne dust and particulate matter.
 - m. No lighting may be permitted other than motion sensor security lighting.
19. Facilities for the processing of medical and/or recreational marijuana subject to the following:
- a. All processing facilities shall comply with the setback requirements of Section 3.09 E.18;
 - b. All processing facilities shall either be on the same site as an outdoor or indoor marijuana growing operation or in a C Commercial zoning district.
20. Provisioning (retail sales) of marijuana for medical and or adult use marijuana subject to the following:
- a. The provisioning facility shall be located on a site zoned C Commercial as defined by the Arlington Township Zoning Ordinance and subject to the regulations therein;
 - b. The provisioning facility shall not be located closer than five hundred (500) feet to a school, church, day care center, playground, or any facility catering to children under the age of eighteen (18); the distance shall be measured from closest property line to closest property line.

2. Ordinance No. 2020-01 supersedes conflicting provisions, and supplements non-conflicting provisions, of Ordinance Nos. 2018-01 and 2018-02 from the the effective date of Ord. 2020-02 forward.

3. Effective Date: This ordinance shall take effect seven (7) days following publication.

Adopted by the Arlington Township Board on May 20, 2020.

YES: Phillippe, Pugsley and Pitts

NO: DeLeo and Peterson.

William R. Pugsley, Clerk
 ARLINGTON TOWNSHIP
 52022 34th Avenue
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