

MOFFATT TOWNSHIP

ZONING ORDINANCE

State of Michigan

Arenac County

Township of Moffatt

Ordinance No.: _____

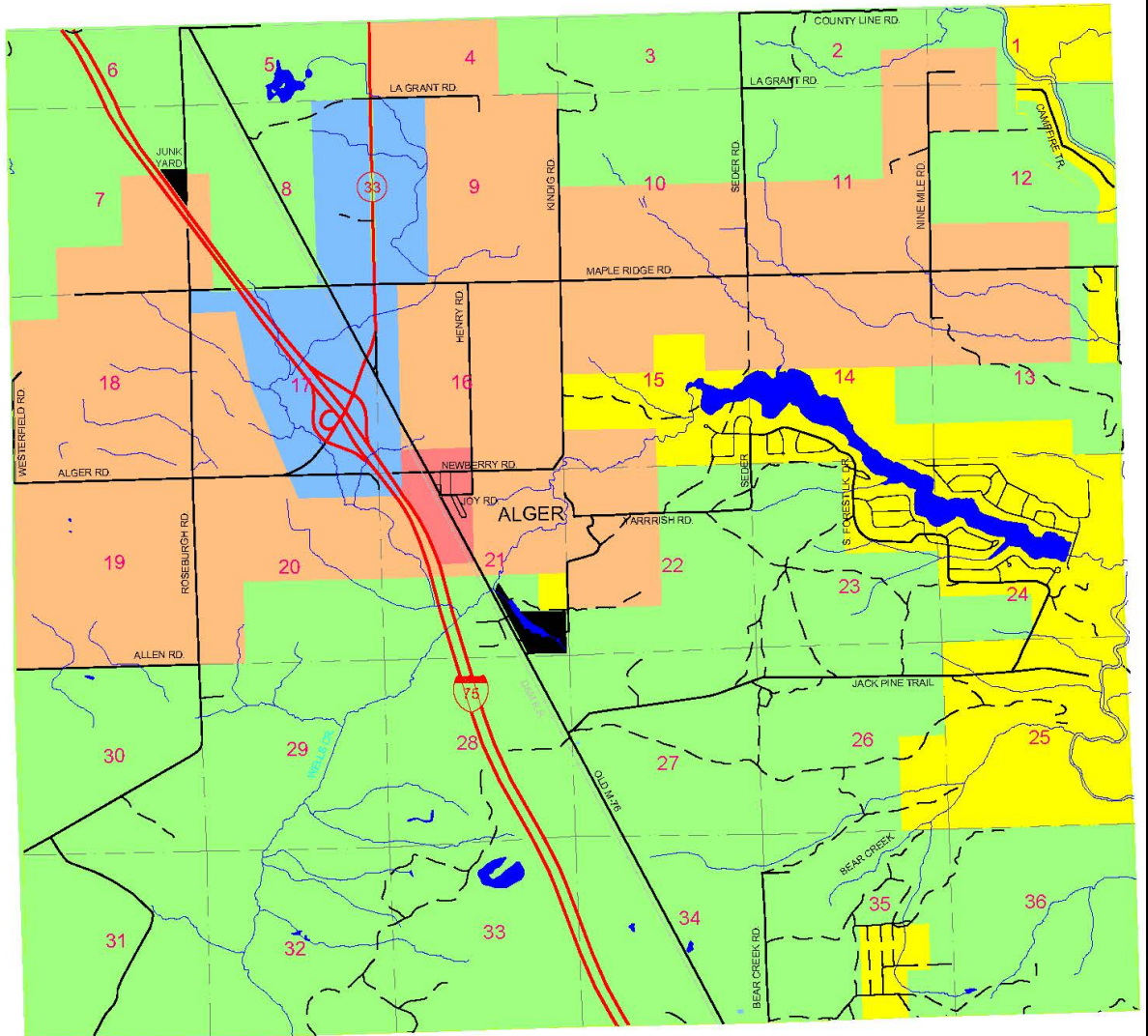
Adopted: _____

An ordinance to repeal and replace the current Township Zoning Ordinance and all other Township Ordinances in conflict herewith, establishing new districts and regulations to govern land use in the Township of Moffatt, Arenac County, Michigan, in accordance with the provisions of PA 110 of 2006, the Michigan Zoning Enabling Act, as amended.

The Township of Moffat, Arenac County, Michigan hereby ordains:

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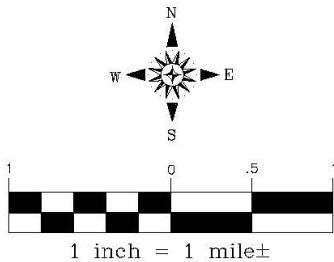


Source: Michigan Dept. of Natural Resources
Michigan Resource Inventory System

MOFFATT TOWNSHIP, ARENAC COUNTY, MICHIGAN

Zoning Use Legend

- | | | | |
|---|-----------------------------|---|--------------|
|  | Highway Commercial District |  | Highways |
|  | Agricultural District |  | County Roads |
|  | Residential District |  | Streets |
|  | Village Mixed Use District |  | Two-Track |
|  | Forested District | | |
|  | Commercial District | | |



LAPHAM ASSOCIATES ENGINEERING PLANNING ENVIRONMENTAL SURVEYING

Zoning District Map

ZONING ORDINANCE OF MOFFATT TOWNSHIP ARENAC COUNTY, MICHIGAN

CHAPTER 1 PREAMBLE

SECTION 1.1 TITLE

This Ordinance shall be known as the “Zoning Ordinance of Moffatt Township” and shall be referred to as “this Ordinance.”

SECTION 1.2 PURPOSE

This Ordinance is based on the Moffatt Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations for the uses of land, structures, and natural resources of the Township and for development, redevelopment, or restoration of all property by establishing requirements requisite to proper land use. This Ordinance, along with the Zoning Map, delineates allowed land uses and their restrictions within the Township. The Zoning Ordinance and the Zoning Map are organized into six basic zone areas:

- The Forested District
- The Agricultural / Rural Residential District
- The Residential District
- The Village Mixed Use District
- The General Commercial District
- The Highway Commercial District

In the Ordinance each district is divided into six parts that provide regulations for each in a clear, concise, and organized fashion:

- Purposes;
- Permitted and Conditional Uses;
- Property Development Standards;
- Performance Standards;
- Accessory Structures and Uses;
- Miscellaneous Regulations.

The objectives of the Moffatt Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
- B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;
- C. To provide for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
- D. To provide for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs; To cause and perpetuate the wise use of lands and natural resources in

- E. accordance with their character and their adaptability to development or not;
- F. To eliminate the improper use of land;
- G. To effect the proper and orderly development of the Township; and
- G. To accomplish the goals and objectives of the Township's Master Plan.

To meet these objectives, Moffatt Township is divided into districts of such number, shape and area, and of such common purpose, adaptability or use, that are deemed most suitable to protect the common rights and interests within each district and the Township as a whole, to preserve the property owners' rights to the use of their lands, and to promote quality of life and business vitality.

The regulations of this Ordinance accomplish the purpose and objectives as outlined above by providing for land uses within each district, by acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures by defining maximum residential density and specifying the percentage of a site available for building by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner, and by requiring various setbacks from property lines and public street rights-of-way.

SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- F. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Public Act 110 of 2006, as amended.

SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of the Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 1.6 EFFECTIVE DATE

- A. The previous Moffatt Township Zoning Ordinance adopted 10 October 2009 along with all amendments is hereby rescinded. This Ordinance shall take effect on the eighth (8th) day after publication thereof.

CHAPTER 2 DEFINITIONS

SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules of construction shall apply to the text of this Ordinance.

- A. Except with respect to the headings contained in Section 2.2, the headings that title a chapter, a section or a subsection of this Ordinance are for the purposes of clarity and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions that refer to them, and shall not have the effect of enlarging or restricting the terms or provisions which refer to them. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. A “building” or “structure” includes any part thereof unless specifically excluded. The word “person” shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- F. The word “person” shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words “used” and “occupied”, as applied to any land, building or structure, shall be construed to include the phrases “intended to be”, “arranged to be” or “designed to be” used or occupied.
- H. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built”, “constructed”, “reconstructed”, “moved upon”, or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The particular shall control the general.
- J. Terms not herein defined shall have common, customary meanings.

SECTION 2.2 DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

Abandonment A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.

Accessory Building or Structure is a building or structure that is detached from the principal building located on the same lot and is customarily incidental to the principal building. A permit is not required for an accessory structure 200 square feet or smaller.

Accessory Use shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

Adult Entertainment Establishment is any one, or combination of the following: adult bookstore, adult tavern or bar, adult cabaret, adult live entertainment, adult mini-motion picture theater, adult motion picture theater, adult novelty, adult video sales or rental, or related adult amusement. Any business that devotes more than thirty (30%) percent of its total sales, stock, or trade to adult uses shall be considered an adult entertainment establishment. “Adult” in this context shall mean sexually explicit materials and actions not intended for exhibit to minors.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

Alley, Lane or Service Drive is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

Boarding or Lodging House is a building other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more, but not exceeding twenty (20), persons.

Bonafide Commercial Agricultural Operation is the raising of plants or animals, commonly grown in Central Lower Michigan, on a parcel of land appropriate for a continuing agricultural enterprise.

Building is any structure which is erected having a roof supported by columns or walls.

Building Height shall mean the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

Building Integrated Photovoltaics (BIVPs) A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Building Site shall mean a legally created parcel or contiguous parcels of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

Commercial Shipping Container is a metal, or primarily metal, container designed and constructed to ship, store, or bundle bulk goods, also known as intermodal freight containers,

or bulk shipping containers.

Commercial Solar Energy System A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Development Site Plan is the documents and drawings required by the Zoning Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Drive-through Business is a business establishment organized so that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

Dwelling, Multiple-Family is a building containing three (3) or more dwelling units with a minimum 720 square feet per dwelling unit, designed for exclusive use and occupancy by three (3) or more families.

Dwelling, Single-Family is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family, complying with the following standards:

1. A single-family dwelling shall have a minimum of 720 square feet of living space.
2. It complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of Public Act 230 of 1972 as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in that event, such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the District Health Department.
6. The dwelling contains no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal structure.

7. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
9. All construction required herein shall be commenced only after a land use permit and building permit have been obtained in accordance with the applicable building code provisions and requirements.

Dwelling, Two-Family (Duplex) is a building containing two (2) separate dwelling units, both units having a minimum 720 square feet, designed for residential use by no more than two (2) families and connected by either a common wall or an attached garage area.

Dwelling Unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation.

Essential Service is a service utility which is needed for the health, safety, and welfare of the community. In Michigan, these services are controlled by the Public Services Commission.

Family Day Care Home means a private home in which one but fewer than seven minor children 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. Family Day Care Home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Family is an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Flag Lot is a lot not fronting on or abutting a road where access to the road is by a narrow, private right-of-way.

Floor Area is the total area of the floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.

Frontage is the continuous length along which a parcel of land fronts on a road or street, measured along the line where the property abuts the street or road right-of-way.

Garage - Private is a detached accessory building or portion of a main building used only for

the parking or storage of vehicles.

Garage - Public is a building other than a private garage primarily used for the purpose of parking, storing, repairing or equipping motor vehicles therein as commercial use.

Ground Mounted Solar Energy System A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

Group Day Care means a private home in which more than six but not more than twelve minor children 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. **Group Day Care Home** includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Home Occupation is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes. An accessory building may be used for a home occupation by special use. No more than two non-family members may be employed in such activity; outdoor storage shall be completely screened; and no activity shall become a nuisance to its immediate neighbors or neighborhood.

Indoor Recreation Establishment is a facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Junk Yard is any land or structure used for a salvaging operation including, among other things, the storage and/or sale of waste paper, rags, scrap metals, used and discarded materials and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Kennel is any premises or portions thereof on which four (4) or more dogs, cats or other household domestic animals over four months of age are kept, or in which more than three (3) such animals are maintained, bred or cared for, for remuneration or sale.

Land Division is any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.

Large Scale Livestock Enterprises is a farming operation where numbers of animals significantly more than historically raised in general agriculture are raised usually in confinement or dry lot, also known as a large confined animal feeding operation.

Loading Space is a space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision, having frontage upon a public or private street and having sufficient size to comply

with the requirements of this Ordinance.

Lot Area is the total area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot Coverage is a part or percent of a lot occupied by buildings or structures and other impervious surfaces.

Lot Depth is the arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.

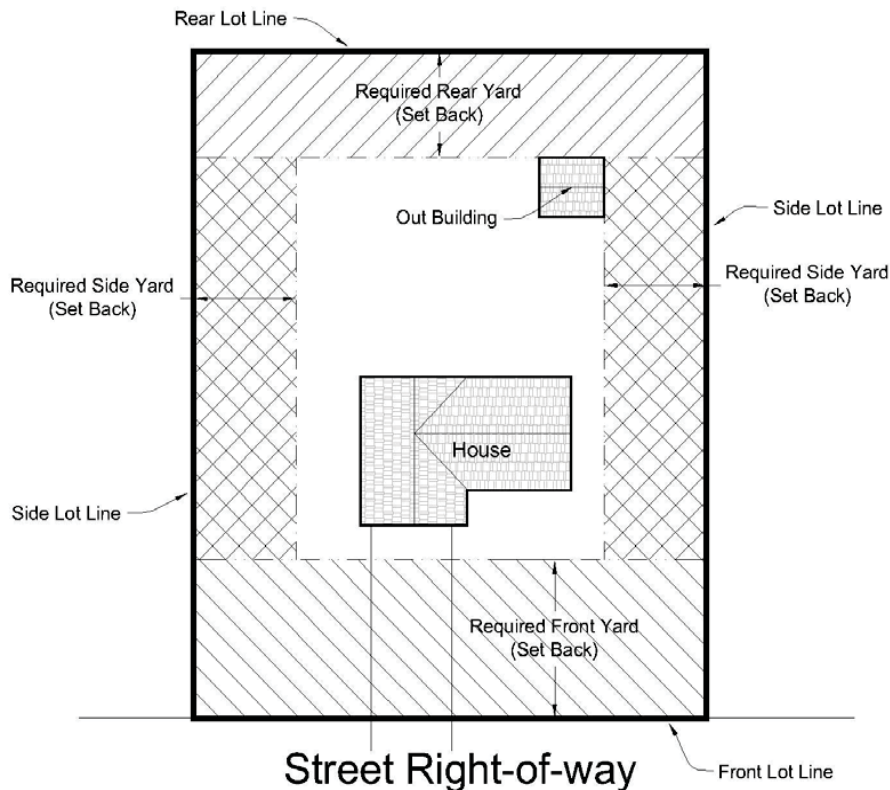
Lot Line is the line bounding a lot, parcel, or general common element (if there is no limited common element) that separates the lot, parcel, or general common element (if there is not limited common element) from another lot, parcel, general common element (if there is no limited common element), existing street right-of-way, approved private road easement, or the ordinary high water mark.

Lot Line, Front is the lot line separating a lot or parcel from a street right-of-way (refer to Figure 1), or in the case of a lake lot, the ordinary high water mark.

Lot Line, Rear is the lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure 1).

LOT LINES AND MINIMUM REQUIRED YARDS

Figure 1



Lot Line, Side is any lot line not a front or rear lot line (refer to Figure 1).

Manufactured Home is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected.

Mobile Home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure. Mobile home does not include a recreational vehicle or motor home.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pick-up trucks, recreational vehicles, or travel trailers, or a business performing repairs on such vehicles.

Motor Vehicle Service Facility is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pick-up trucks, or other motor vehicles.

Non-Conforming Structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective and fails to meet the minimum requirements of the zoning district in which it is located.

Non-Conforming Use is the use of a building or of land lawfully existing at the time this Ordinance or amendments become effective but does not conform with the use regulations of the district in which it is located.

Off-Site Sign is a sign which advertises or directs attention to products or activities that are not provided on the parcel upon which the sign is located.

Ordinary High Water Mark is the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, levee, or other water-controlling device, this shall be the natural ordinary high water mark.

Outdoor Advertising Structure - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

Outdoor Recreation Establishment is a facility designed and equipped for the conduct of sports, amusement or leisure time activities, and other customary recreational activities outdoors

(outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Owner(s) shall mean any combination of persons who have equitable or legal title to the premises, dwelling, or dwelling unit.

Planned Development is an area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

Principal Use is the main use to which a premises is devoted and the principal purpose for which a premises exists.

Private Road is any road or thoroughfare for vehicular traffic which is privately owned and maintained and provides the principal means of access to abutting properties.

Private Solar Energy System A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Public Road or Street is a public thoroughfare for vehicular traffic which is publicly owned and maintained and provides the principal means of access to abutting properties.

Public Utility Facility is a structure constructed as a part of, or in conjunction with, a public energy system, including battery storage facilities.

Recreational Vehicle is a vehicle intended and designed primarily for recreational use, such as a motor home, camper trailer, boat, snowmobile, off-road and all-terrain vehicle, or similar vehicle or trailer. The term "recreational vehicle" shall not include a motorcycle or motorbike or other similar means of transportation intended primarily for daily on-street use.

Retail Store is any building or structure in which goods, wares, or merchandise are sold to a customer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the right-of-way.

Road refer to definitions of "Private Road" and "Public Road or Street".

Roof or Building Mounted Solar Energy System A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

Screen is a structure such as a fence or wall, providing enclosure and visual barrier between the

area enclosed and the adjacent property.

Seasonal is any use or activity that cannot or should not be performed during the entire year.

Setback is the required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

Sign is an outdoor sign, display, figure, painting, drawing, message, placard, or poster which is designated, intended, or used to advertise or inform.

Site Condominium Projects are land developments done in accordance with the Condominium Act (Public Act 59 of 1978), as amended. All such developments shall follow the standards and procedures of Section 5.11, Planned Developments, and meet the requirements of the district(s) for which they are intended.

Solar Energy System Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

State Licensed Residential Facility is a structure that is constructed for residential purposes that is licensed pursuant to Public Act 287 of 1972 or Public Act 116 of 1973, which provides resident services for six (6) or less persons.

Structure is anything constructed, assembled or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word “structure” shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

Theater: A commercial entity engaged in the business of showing motion pictures through visual media for a profit.

Uniform Setback is where fifty (50%) percent or more of the frontages of existing structures along a roadway between two (2) intersecting streets maintain the same minimum setback.

Use is the purpose for which land or a building (or buildings) is arranged, designed or intended, or for which land or a building (or buildings) is or may be occupied and used.

Variance is a modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of this Ordinance.

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Wind Energy Conversion Systems – see Public Utility Facilities and Wind Energy Conversion Systems definitions below.

Yard is a space open to the sky and unoccupied or unobstructed, except by structures or uses specifically permitted by this Ordinance. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Yard, Front is the yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the main building (refer to Figure 1).

Yard, Rear is the yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear foundation line of the main building (refer to Figure 1).

Yard, Side is the yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (refer to Figure 1).

PUBLIC UTILITY FACILITIES AND WIND ENERGY CONVERSION SYSTEMS (WECS)

DEFINITIONS

Participating Landowner A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Arenac County Register of Deeds said agreement, and has a contract with the WECS Applicant. A Participating Landowner may also be called a WECS contract leaseholder. A Participating Landowner may or may not have turbines or infrastructure located on his or her property.

Non-Participating Landowner A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to his or her owned land to the WECS Applicant.

SCADA (supervisory control and data acquisition) A computer system that monitors and controls WECS units.

dBA The A-weighted sound level.

dBC The C-weighted sound level.

Pasquill Stability Class Reference, wikipedia.org “Outline of air pollution dispersion”.

Adverse Sound Character Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.

ANSI the American National Standards Institute.

Audible The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.

Decibel (dB) The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."

Emergency work Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.

Equivalent Sound Level (or Leq) The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.

Excessive noise Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.

Ambient Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.

Noise A sound, especially one that is loud or unpleasant or that causes disturbance. Any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare (well-being) or that would unreasonably interfere with activities or the enjoyment of life or property.

Quiet Rural or Residential property Any property where there is an inherent expectation of quiet, including, but not limited to, residences, businesses, single family homes, and retirement homes.

Sound level meter An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).

GIS: Geographic Information System and is comparable to GPS (global positioning system) coordinates.

Survival Wind Speed The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Tip Height The height of the turbine with a blade at the highest vertical point.

Wind Energy Conversion System (WECS) Any combination of the following:

1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
2. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;

3. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
4. The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;
5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
6. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WECS Applicant The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Participating Landowner, or lessee, who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the WECS or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing Facility if different than the WECS owner.

Wind Energy Conversion System (WECS) Testing Facility A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

L10 Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.

L90 Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.

CHAPTER 3 NON-CONFORMITIES

SECTION 3.1 INTENT AND PURPOSE

It is the intent of the Chapter to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue, even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such non-conforming lots, uses of land, structures, and uses of structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and non-conforming uses, buildings, and structures, the regulations that follow are enacted.

SECTION 3.2 NON-CONFORMING LOTS

See Chapter 4 General Provisions (Section 4.4)

SECTION 3.3 NON-CONFORMING USES OF LAND & DISTINCT CLASS OF NON-CONFORMING USE

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a parcel of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful.

Residences and other existing uses in the Highway Commercial District are hereby deemed a distinct class of non-conforming use. These uses may continue and may be improved, added to, or otherwise amended as long as Highway Commercial District setbacks are followed. Abandoned non-conforming uses of this class, in accordance with Section 3.7, cannot re-establish a use within this class but must conform to all Highway Commercial Standards.

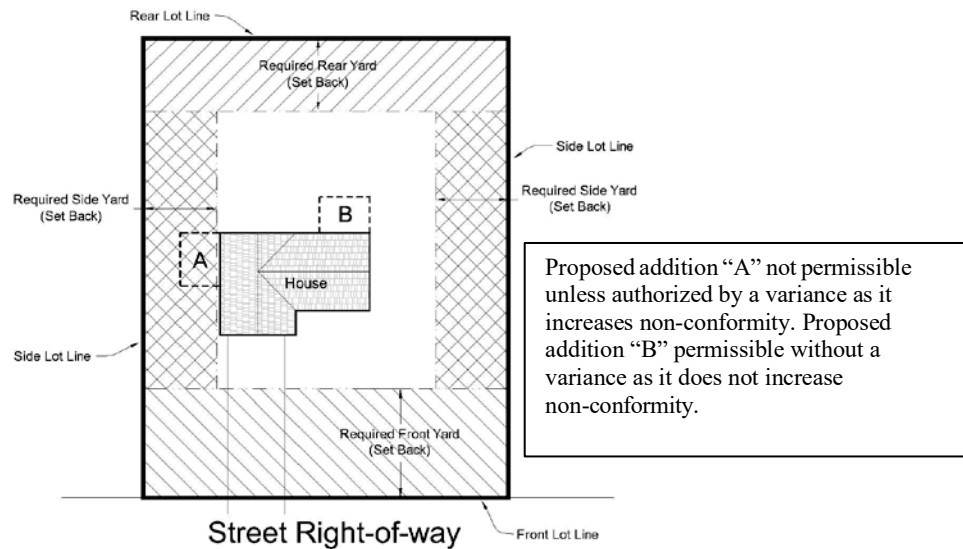
SECTION 3.4 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions (refer to Figure 2):

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.
- B. Any such structure destroyed by fire or an act of God may be reconstructed, but as nearly conforming with the provisions of this Ordinance as possible.
- C. Should such nonconforming structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area into which it is located.

Residential and farm structures in the Highway Commercial District may be enlarged or altered as long as district setbacks are maintained.

Figure 2



SECTION 3.5 REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, ordinary maintenance may be done. 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 the public safety, upon order of such official.

SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be change of tenancy, ownership or management of any existing non-conforming use of land, structure, or premises provided there is no change in the nature of the character of such non-conforming use that would be at variance with the provisions of this Chapter and Ordinance.

SECTION 3.7 ABANDONMENT OF NON-CONFORMING USES AND STRUCTURES

- A. If for any reason a non-conforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to be re-established, and any subsequent use shall conform to all the requirements and provisions of this Ordinance. Under extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the non-conforming use.
- B. If for any reason the use of a non-conforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

CHAPTER 4 GENERAL PROVISIONS

SECTION 4.1 INTENT AND PURPOSE

In addition to the development and performance requirements set forth in Chapter 5, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. **It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.**

SECTION 4.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulation:

Where an accessory building is structurally attached to a main building, except where otherwise noted, it shall be subject to and must conform with all regulations applicable to the main buildings.

A Land Use Permit is required for all buildings and structures erected and used on farms in the Township. No other permit is required for construction of farm building structures.

SECTION 4.3 LOT ALLOCATION

No portion of any lot or parcel used once to comply with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

SECTION 4.4 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided the following conditions are met, to-wit:

- A. That the lot or parcel complies with Section 4.8 of this Chapter; and
- B. That a proposed building, structure, or use for the lot satisfies the yard requirements set forth in Chapter 3 and Chapter 5 of this Ordinance; and
- C. That the requirements set forth in Section 4.13 of this Chapter are fulfilled.

A lot or parcel owner may apply for a variance if the above conditions cannot be met. SECTION

4.5 CORNER CLEARANCE

No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) inches within a triangular area formed by the intersection of any street or

road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.

SECTION 4.6 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one lot meeting the minimum lot area requirements set forth in Chapter 5. In the case of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements. General common areas shall not be applied toward satisfying minimum lot area requirements.

SECTION 4.7 PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a zoning permit and building or grading permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one (1) year after the date the permit was issued.

SECTION 4.8 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

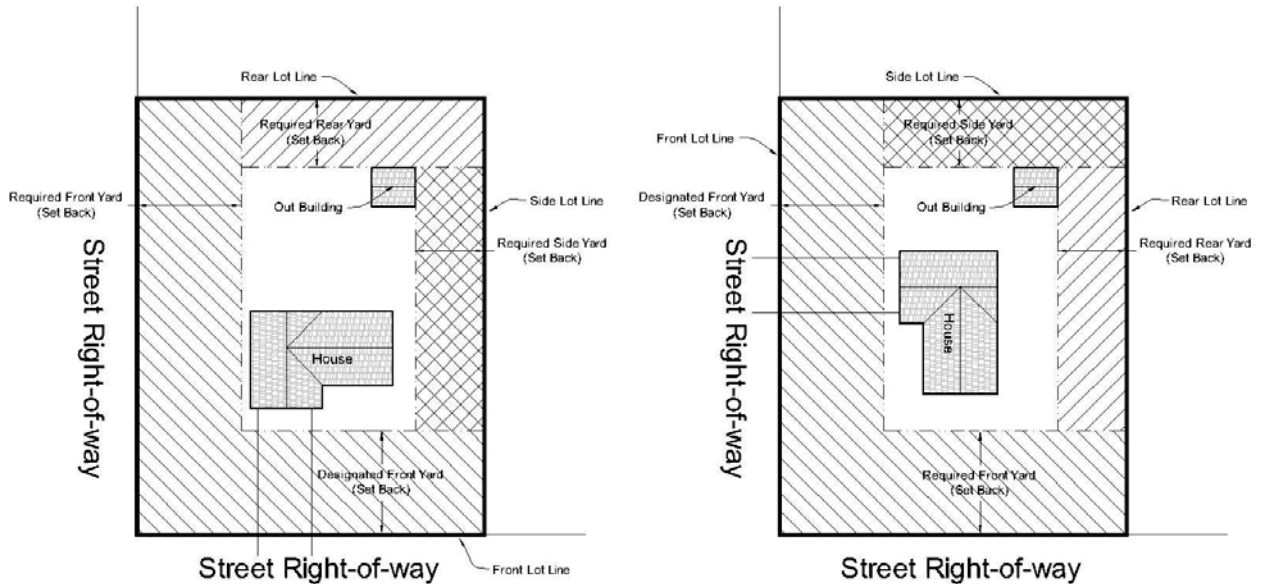
No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, or industrial waste. All such installations and facilities shall conform with the requirements of the District Health Department and applicable state agencies and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit shall demonstrate the availability of potable water and public sewer connections or adequate space for septic fields with appropriate reserve areas and setbacks specific to site conditions, but in no case should a septic field be closer than ten (10) feet to a lot line.

SECTION 4.9 CORNER LOTS

Lots or parcels which have frontage on two (2) or more streets shall be subject to the following (refer to Figure 3):

The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.

Figure 3



SECTION 4.10 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas or other similar utilities, are permitted in all districts, provided, that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services however, are subject to the requirements set forth in this Ordinance. Telecommunication towers and antennas are not essential services (see Section 4.13).

SECTION 4.11 FENCE REGULATIONS

Fences are permitted, subject to the following:

1. Fences on lots of record which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the existing natural ground level and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. In addition, no fence located within the front yard shall exceed four (4) feet in height, shall be set back at least ten (10) feet from the road right-of-way, and shall not obstruct the vision of motorists.
2. Fences shall not contain barbed wire, electric current or a charge of electricity except when used as part of a garden.
3. The use of tires for fencing is prohibited in all districts.
4. All fences must be maintained in a sturdy and upright condition.
5. All newly constructed fences must have a finished side facing the neighboring property.

Recorded lots having a lot area in excess of two (2) acres and a frontage of two hundred (200) feet or more and acreage and parcels not included within the boundaries of a recorded plat in Forested or Agricultural Districts are excluded from these regulations.

SECTION 4.12 PORCHES AND DECKS

Open, unenclosed porches, decks, or paved terraces may project into a required rear, side or front yard provided that the porch, deck or terrace is located no closer than ten (10) feet from any lot line.

SECTION 4.13 SATELLITE DISH ANTENNAS, TELECOMMUNICATION TOWERS AND ANTENNAS, AND SIMILAR STRUCTURES

- A. Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:
 - 1. All satellite dish antenna, television antenna, amateur radio antennas and other similar structures shall be subject to the following setback requirements:
 - a. All satellite dishes shall be located no closer than ten (10) feet from any side or rear lot lines.
 - b. All antennas and antenna towers shall be located no closer than the height of the tower from any lot line. Antennas and antenna towers greater than ninety (90) feet in height shall require a Special Use Permit.
 - c. Satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard unless there is no other placement for acceptable reception.
 - d. Satellite dishes may be placed or mounted on poles, however, they shall be subject to set back and accessory building height limitations.
- B. Telecommunication towers and antennas shall be subject to the regulations of the districts in which they are allowed in addition to the following:
 - 1. All towers, tower structures, poles for holding telecommunication antennas, and other like structures require land use and building permits.
 - 2. All towers and antennas must meet applicable state and federal regulations.
 - 3. All towers shall be designed to accommodate collocation of antennas by additional users.
 - 4. Tower height shall be limited to one hundred ninety-nine (199) feet unless justified to the Township's sole satisfaction.
 - 5. No tower shall be closer to any boundary of the lot on which it is sited than its height.
 - 6. Towers shall be separated from one another in accordance with the following table:

Table 1: Separation distances between towers (feet)

	Lattice	Guyed	Monopole Greater Than 75 Ft in Height	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole Greater Than 75 Ft in Height	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

7. Towers shall be of galvanized steel or be painted to blend with the surrounding environment.
8. No advertising or signage of any kind shall be attached to a tower or its appurtenant structures.
9. No lighting of any kind shall be allowed on or to illuminate a tower or its appurtenant structures except that required by FAA requirements if the structure is allowed to exceed one hundred ninety-nine (199) feet.
10. Plantings and fencing are required to screen a tower and its appurtenant structures from public view as much as possible. Native trees and other vegetation shall be retained on site and landscaping installed to achieve this objective.
11. An applicant for the installation of a telecommunication tower shall provide the Township a statement explaining the necessity for such a proposed tower.
12. The owner of any tower installed in the Township shall provide a Certificate of Insurance listing Moffatt Township as an additional insured party.
13. The Township may require the owner of any tower installed in the Township to provide a bond or performance guarantee that will ensure the removal of its tower and all appurtenance structures and equipment if its use shall be discontinued for more than 365 consecutive days.
14. The Township may retain a qualified expert to aid in its review of an applicant's request; the expense of this review shall be borne by the applicant.

SECTION 4.14 ROAD ACCESS REQUIREMENTS

- A. Each lot shall have access to a public road or dedicated easement.
- B. A new road or driveway access to an existing primary county or state highway shall be allowed no closer than three hundred fifty (350) feet from another existing or proposed road or driveway. If the lot and driveway configurations existing prior to the date of adoption of this Ordinance preclude this action, or the lay of the land is such that meeting this requirement would create an unsafe or non-functional condition, the Planning Commission shall approve the location for a new proposed driveway which will meet the required distance as closely as possible. In industrial and commercial areas, service drives shall be used to meet this requirement.

- C. Driveway areas or easements shall be a minimum of thirty-three (33) feet wide.
- D. All parcels shall be required to maintain adequate access of ten (10) feet minimum for emergency vehicles to all dwellings and structures.

SECTION 4.15 LANDSCAPING, SCREENING, BUFFERS AND FENCING

- A. The intent of this Section is to promote the public health, safety, and general welfare in commercial districts and for commercial activities in other districts by:
 - 1. Minimizing the nuisances that new development may cause, including additional noise, air and water pollution, and the destruction of scenic views.
 - 2. Improving the appearance of off-street parking and other vehicular use areas.
 - 3. Requiring buffering between incompatible land uses.
 - 4. Regulating the appearance of property abutting the public rights-of-way.
 - 5. Protecting and preserving the appearance, character and value of the community and its neighborhoods.
 - 6. Preventing soil erosion and soil depletion.
 - 7. Promoting soil water absorption.

Sizes and amounts of landscaping and plant types shall be dependent upon what is already present in the area and landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set forth in this Section, and other applicable sections of this Ordinance, but plantings covering a minimum of twenty (20%) percent of any site shall be used as a guideline.

- B. The following standards shall be followed:
 - 1. Additional landscaping shall be added to the retained natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
 - 2. Except in urban areas where more exacting conditions may require selection of more specific and hardy species, plant materials shall be used that complement the natural landscape. Minimum required plant material sizes shall be as follows: evergreen trees, six (6) feet in height; deciduous trees, two (2) inch caliper; shrubs, two (2) gallon pot or 18-24" in height and width.
 - 3. Ground cover shall be primarily of living materials.
 - 4. Areas that are intended to be planted shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.
 - 5. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.
- C. The Township may retain a qualified expert to aid in reviewing landscaping requirements. The expense of a review shall be borne by the applicant.

SECTION 4.16 PRIVATE ROAD STANDARDS

Landowners installing a private roadway or driveway for three (3) or more dwellings shall meet the following standards:

- A. Road construction details shall be provided as part of a site plan review in accordance with the requirements of Chapter 9 Development Site Plan Review. Review and approval of a private road will be based upon at minimum:
 - 1. The number of parcels to be served;
 - 2. How the proposed road will fit into the thoroughfare system of the township and county;
 - 3. The topography and design of the development.

The Township may hire or require an analysis by a qualified engineer or other traffic expert at the applicant's expense to aid in its review. If reasonable standards for road design and construction cannot be agreed upon, Arenac County Road Commission standards for subdivision plat development shall be required.

- B. The edge of the travelway or paved portion of the road shall be a minimum of six (6) feet from the property boundary unless it is a shared driveway. The Planning Commission may require a greater distance if surrounding uses indicate a greater distance necessary to separate existing or future uses.
- C. All dead end roads shall terminate in a cul-de-sac with at least a forty-eight (48) foot radius or a T-shaped or hammer-head turn-around sufficient for emergency vehicle turn-around.
- D. Roads shall be named and names shall be approved by the County Road Commission and County Emergency Management Authority. Road signs shall be installed and maintained. Where stop signs or other traffic regulations signs are indicated, they shall conform to uniform traffic sign size, shape, color and installation.
- E. The Township may require installation of a private road, and the posting of a sufficient bond for construction thereof, before land use or building permits are issued.
- F. As-built drawings of installed roads certified by a registered engineer shall be supplied to the Township upon completion of road construction.
- G. A copy of the maintenance agreement providing for safe travel on the road at all times, which shall be a deed-recorded covenant for all parcels to be served by a private road, shall be provided to the Township.
- H. Landowners creating private roads shall provide the Township with a recorded easement, master deed or plat containing the said private road(s) with recorded deed restrictions including that:
 - 1. the road(s) to be constructed shall never become public roads, unless brought to the Arenac County Road Commission standards in effect at the time of application and are accepted by the Road Commission, and
 - 2. that these landowners shall indemnify and hold harmless the Township and its representatives from any and all claims for personal injury or property damage arising from the use of the private road(s).

SECTION 4.17 RIFLE RIVER NATURAL RIVER PLAN

Portions of the Rifle River in Moffatt Township have been designated as a wild scenic river by the Department of Natural Resources (DNR) under Michigan Natural River Act (Public Act 231 of 1970). Regulations promulgated by the DNR or the Natural Resources Commission governing these designated lands shall be followed.

SECTION 4.18 SHORT TERM AND SEASONAL USE OF TRAILERS, CAMPERS, AND RECREATIONAL VEHICLES AS TEMPORARY RECREATIONAL LIVING QUARTERS

This Section establishes regulations that permit the temporary placement and occupancy of campers, small trailers, or other recreational vehicles on lots outside of licensed campgrounds for the purpose of providing temporary living quarters for recreational use. It shall be unlawful for any individual to place or occupy a recreational vehicle on a lot or parcel outside of a licensed campground except as provided in this section.

In addition, this Section shall not be construed to permit the temporary placement and occupancy of mobile homes, campers, trailers or other recreational vehicles on vacant lots outside of mobile home parks unless all other provisions of this Ordinance that apply to the use and occupancy of single-family dwellings have been met.

Trailers, campers, and other recreational vehicles may be placed and occupied as temporary living quarters on a vacant lot, or on a lot occupied by a single-family dwelling, subject to the following conditions:

- A. A permit for placement of a recreational vehicle on a vacant lot must be obtained from the Zoning Administrator by the property owner within thirty (30) days of placing the unit on the lot.
- B. No more than one (1) trailer, camper, or other recreational vehicle may be placed on a vacant lot for temporary dwelling purposed by the property owner. However, guests of the owner may place additional units on the same lot for periods not to exceed two (2) weeks.
- C. A trailer, camper, and other recreational vehicle shall be vacated and removed from the property on which it was placed for at least ninety (90) consecutive days during each calendar year.
- D. Trailers, campers, and other recreational vehicles placed on vacant lots shall comply with all applicable setbacks and other regulations.
- E. All recreational vehicles placed and occupied under the provisions of this Section shall comply with all Health Department regulations that apply to the use and occupancy of trailers, campers, and other recreational vehicles outside of licensed campgrounds.
- F. Recreational vehicles placed under the provisions of this Section shall be legally operable on the highways of the State of Michigan and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

SECTION 4.19 DISMANTLED VEHICLES AND DISCARDED MATERIALS

- A. No person, firm or corporation shall park, store or place upon any public or private property, public right-of-way or any premises zoned for any type of residential purpose any discarded materials, dismantled or partially dismantled motor vehicles, house trailer or any new or used parts unless the same is completely contained within a fully enclosed building and does not violate any township, county, state or federal laws, except for the following:
1. Licensed and legally operable motor vehicles or trailers.
 2. Licensed and legally operable motor vehicles or trailers that are temporarily inoperable because of minor mechanical failure but which are not in any manner dismantled and have substantially all main components attached may remain on such private property for up to thirty (30) days.
 3. Not more than one vehicle in operable condition that has been redesigned or reconstructed for a purpose other than originally manufactured (such as a stock car or unlicensed vehicle) may be parked, stored or placed in the open, providing there is no building or garage where such may be stored. No such modified vehicle may be parked in the front or side yard areas.
 4. No repairing, modifying or dismantling operations shall be allowed upon any vehicle, trailer or parts upon any public property, public right-of-way or property zoned for residential purposes for a period in excess of seventy-two (72) hours except that which can be accomplished within a fully enclosed building or back yard and will not constitute a nuisance or annoyance to neighboring property owners or occupants and does not violate the provisions of this Ordinance. All work done within the seventy-two (72) hour period shall not consist of any major repair, modifying or dismantling but only such occasional minor repair as may be required to maintain a vehicle, trailer or parts in normal operating condition.
- B. In the event of foregoing regulations create any special hardship beyond the control of a person, the Zoning Administrator may grant an additional period up to fourteen (14) days to accomplish the repairs provided that no neighboring property owners or occupants are adversely affected and the purpose of the regulations are maintained.
- C. Any parking, storing, placement or operation in violation of these regulations shall be declared a public nuisance by the Zoning Administrator (or other person designated by the Township Board to administer this Ordinance) and those responsible shall be subject to fines and/or other penalties specified herein.
- D. These regulations shall not prevent the operation of any licensed junkyard, salvage yard, body or paint shop legally operating within a proper zone as defined by this Ordinance and shall be in addition to any other laws or ordinances regarding refuse, litter, trash or junk control.
- E. In addition to any fine and/or penalty imposed by the Zoning Administrator or other person designated by the Township Board, the Board may cause the removal of any items which violate the terms of these regulations to be properly disposed of or sold. Any costs incurred in this action shall be the responsibility of the person (s) in violation and may be subtracted from any proceeds if such items were sold, the balance being returned to the

person(s) in violation.

SECTION 4.20 TRASH / GARBAGE DISPOSAL

No trash or refuse shall be stored on any premises unless contained and not a health hazard. Burying of non-biodegradable or toxic waste, trash or refuse is prohibited. If Moffatt Township Board does not provide a trash collection system, then each resident is responsible for obtaining legal and timely trash / garbage collections services.

SECTION 4.21 NATURAL RESOURCE EXTRACTIONS

The removal of any substance from the earth (over four (4) feet deep) except for permitted structure or dwelling uses is prohibited without a Special Use Permit and only in designated districts. The following regulations apply to any allowed extractions within the Township.

- A. The operation must provide a natural scenic barrier on all sides of any extraction operation over two and one-half (2 ½) acres in size.
- B. All extractions (except pools) must be one hundred (100) feet from any road right-of-way or adjoining property.
- C. The operation must restore roads and landscape to original or better condition when work is completed, as determined by the Planning Commission.
- D. Any extraction over four (4) feet deep that creates hazardous conditions, such as standing water, must be posted and fenced.
- E. Any extractions or pond bank slopes must be maintained at a thirty (30) degree slope or less.

All elements of the operation shall be shown on the required site plan and shall be reviewed in accordance with Chapters 8 and 9 of this Ordinance.

SECTION 4.22 DANGEROUS BUILDINGS

- A. Definition: All buildings and structures that are or hereafter become unsafe or deficient in adequate exits or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare or by any reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion or natural disaster shall be deemed unsafe buildings or structures are deemed dangerous buildings. A vacant building or portion of a building unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this ordinance. Unsafe buildings shall be reported to the Township Zoning Administrator who shall take appropriate action to secure abatement by repair and rehabilitation or by demolition.
- B. Disposal of Dangerous Buildings: A burned out building is to be razed and repaired and the resulting material to be completely disposed of in a manner acceptable to the Township Zoning Administrator or other township official designated by the Township Board. A dangerous building is to be repaired and returned to a condition of usability for

which it was originally intended or it is to be razed and the resulting material to be completely disposed of. Determination of any or all the above is to be made by the Township Zoning Administrator or other township official designated by the Township Board. Disposal shall be in accordance with all DEQ regulations.

- C. Notification of Non-Compliance: If, upon inspection, the Township Zoning Administrator or other township official shall find that any property within the township is being used in violation of the above sections of this ordinance, the owner and occupant shall be notified of such violation in writing by the Township Zoning Administrator. Compliance: Upon
- D. notification of the existence of a violation the owner shall make the building secure within thirty (30) days. All buildings found to be in violation shall be razed or repaired within one hundred eighty (180) days of notification: If these requirements have not been met, the Township Zoning Administrator shall notify the Building Inspector of the State of Michigan of the violation.
- E. Non-Compliance: If the owner of such premises shall not cause such building or structure in violation of the ordinance, as described above, to be eliminated or removed, or shall fail to cause buildings which are burned out or in a dangerous condition to be razed or repaired, the Township Board shall direct some person(s) to remove and/ or eliminate the same.
- F. Penalty/Payment: After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the Tax Roll and collected in the same manner as taxes.

SECTION 4.23 EXOTIC, DANGEROUS AND WILD ANIMALS

Exotic dangerous or wild animals may not be kept by Moffatt Township property owners or occupants except as permitted by the State of Michigan and the Department of Natural Resources but shall be totally prohibited in Residential Districts.

SECTION 4.24 PETS AND LIVESTOCK

- A. The keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs or other livestock is prohibited within any Residential District, provided, however, that any litter of dogs or cats which causes the limit of three (3) to be exceeded shall not constitute a violation for a period of six (6) months after birth. However, no more than two (2) such litters shall be allowed to remain on said premises within any consecutive twelve (12) month period.
- B. The keeping of livestock for any purposes shall be permitted in a Residential or Agricultural District provided that the minimum land area shall be five (5) acres (for the first animal) and that such use shall be for the private personal use of the owner or occupant of such land, his family and friends, and shall not constitute a commercial operation or public stable in accordance with the following ordinances:
 - 1. No barns, pens or corrals shall be located closer than two hundred (200) feet from any property line nor less than one hundred fifty (150) feet from all road

right-of-way lines; provided that the minimum side yard set back shall be reduce one (1) foot for each additional foot that the barn, pen or corral is set back from the existing right-of-way over one hundred fifty (150) feet; and provided further that the side yard set back shall not be reduced below a minimum of fifty (50) feet.

2. Minimum land area shall be five (5) acres for the first animal and at least one (1) acre shall be provided for each additional animal kept, except that the number of livestock now existing on each parcel where livestock are presently kept for recreational purposes may be continued under the nonconforming use provisions of this Ordinance.
 3. Livestock born on parcels where livestock are presently kept may be kept on said parcel for two (2) years even though such additional livestock may increase the number of livestock on such parcel beyond the one (1) animal per acre limitation, but in no case shall there be more than one (1) animal and one (1) immature animal per acre.
 4. Parcels that meet the 10-acre requirement as set forth in paragraph 21.04.2 to be called a farm are exempt from this Section (4.24), with the exception of 4.24.C on all new farm establishments.
- C. The keeping of poultry, hogs, horses, livestock shall comply with the State of Michigan GAMPS for agriculture. The keeping of any animals (including dogs and cats) shall not become unlawful due to odor, noise or other nuisance.

SECTION 4.25 EXTERIOR LIGHTING

- A. All outdoor lighting in all Districts shall be shielded to reduce glare and shall be so arranged as to reflect light away from all adjacent residences.
- B. All outdoor lighting in all Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- C. All lighting in non-Residential Districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent properties.
- D. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent highways or adjacent properties.
- E. All illumination of signs and any other outdoor features shall not be of flashing, moving or intermittent type.

SECTION 4.26 ACCESSORY STRUCTURES/USES

- A. The use of mobile homes and busses for storage is prohibited in all Districts for storage structures.
- B. The use of semi trailers, U-Haul-type trailers or other mobile units is prohibited in the Residential and Village Mixed Use Districts. The use of semi trailers, U-Haul-type trailers or other mobile units not originally intended for storage in all other Districts must be located in the rear yard of the parcel.

SECTION 4.27 NOISE

Engine Braking is prohibited in accordance with the Township Noise Ordinance from Sunset to Sunrise.

SECTION 4.28 SOLAR ENERGY SYSTEMS

A. **General Provisions.** All Solar Energy Systems are subject to the following requirements:

1. All Solar Energy Systems must conform to the provisions of this ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).
2. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.
3. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.
4. Solar Energy Systems are permitted in the Township as follows, subject to this Section 4.28 and other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Private Solar Energy Systems	All zoning districts	Not required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	Agricultural/ Rural Residential AG/RR	Required

B. Private Solar Energy Systems.

1. Private Solar Energy System BIPVs. Private Solar Energy System BIPVs are permitted in all zoning districts. A building permit is required for the installation of BIPVs.
2. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following requirements:
 - a. No part of the Solar Energy Systems erected on a roof is permitted to extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted.
 - b. No part of the Solar Energy System mounted on a roof is to be installed closer than three (3) feet from the edges of the roof, the peak or eave or valley to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof is permitted to extend more than two (2) feet above the surface of the roof.
 - d. If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three (3) months after the date of abandonment.
 - e. A building permit is required for the installation of Roof or Building Mounted Private Solar Energy Systems.
3. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are allowed in all zoning districts and require a site plan review. In addition, Ground Mounted Private Solar Energy Systems are subject to the following requirements:
 - a. *Site Plan.* Before installation of a Ground Mounted Private Solar Energy System, the property owner must submit a site plan to the Zoning Administrator. The site plan must include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - b. *Maximum Height.* A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - c. *Location.* A Ground Mounted Private Solar Energy System must be located in the rear yard and meet the rear yard setback requirements applicable in the A-1 zoning district.
 - d. *Underground Transmission.* All power transmission or other lines, wires or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used

as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.

- e. *Screening.* Screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. In lieu of plantings, a decorative fence that is at least 50% opaque (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission.
- f. *Lot Area Coverage.* No more than 20% of the total lot area may be covered by a Ground Mounted Private Solar Energy System.
- g. *Appearance.* The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
- h. *Abandonment.* If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three (3) months after the date of abandonment.
- i. *Transferability.* A special use permit for a Ground Mounted Private Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- j. *Remedies.* If an applicant or operator of a Ground Mounted Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the land use permit and site plan approval after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

C. **Commercial Solar Energy Systems.** Commercial Solar Energy Systems are allowed only in the Agricultural/Rural Residential (AG/RR) zoning district and require a special land use permit and site plan review in accordance with Chapter 8 and Chapter 9. In addition to all requirements for a special land use permit, site plan review and approval under Chapter 4, Commercial Solar Energy Systems are also subject to the following requirements:

- 1. *Application Requirements.* The applicant for a commercial Solar Energy System must provide the Township with all the following:
 - a. Application fee in an amount set by resolution of the Township Board.
 - b. A list of all parcel numbers that will be used by the Commercial Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

- c. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- d. Current photographs of the subject property.
- e. A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Commercial Solar Energy System will be connected to the power grid.
- f. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial Solar Energy System.
- g. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
- h. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Commercial Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Commercial Solar Energy System and restore the subject parcels, which is subject to the Township's review and approval.
- i. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- j. A plan for resolving complains from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval.
- k. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- l. A transportation plan for construction and operation phases, including any applicable agreements with the Arenac County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- m. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
- n. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental

Protection Act; (MCL 324.3101 et. seq.); Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303 Wetlands (MCL 324.30301 et.seq.); Part 365, Endangered Species Protection (MC 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application considered by the Township.

- o. Any additional information or documentation requested by the Planning Commission, Township Board, or other township representative.

2. *System and Location Requirements.*
 - a. Commercial Solar Energy Systems must be ground mounted.
 - b. Commercial Solar Energy Systems must be located on parcels of land twenty (20) acres in size or larger.
 - c. Commercial Solar Energy Systems (including all solar panels, structures, and equipment) must be set back 500 feet from all lot lines and public road rights-of-way. If a single Commercial Solar Energy System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
 - d. The height of the Commercial Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed fifteen (15) feet when oriented at maximum tilt. Lightning rods may exceed fifteen (15) feet in height, but they must be limited to the height necessary to protect the Commercial Solar Energy System from lightning.
3. *Lot Area Coverage.* No more than 20% of the total lot area may be covered by a Commercial Solar Energy System.
4. *Permits.* All required county, state, and federal permits must be obtained before the Commercial Solar Energy System begins operating.
5. *Screening.* Greenbelt screening is required around any Commercial Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plans must be evergreen trees that are at least six feet tall at the time of planting. In lieu of planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.
6. *Lighting.* Lighting of the Commercial Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Commercial Solar Energy System. The Commercial Solar Energy System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
7. *Security Fencing.* Security fencing must be installed around all electrical equipment

related to the Commercial Solar Energy System, including any transformers and transfer stations. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Commercial Solar Energy system.

8. *Noise.* The noise generated by a Commercial Solar Energy System must not exceed the following limits:
 - a. Forty (40) Dba Lmax, as measured at the property line of any adjacent residentially or commercially zoned land in existence at the time the Commercial Solar Energy System is granted special land use approval.
 - b. Forty (40) Dba Lmax, between the hours of 9:00 p.m. and 7:00 a.m., as measured at any neighboring residence in existence at the time the Commercial Solar Energy System is granted special land use approval.
 - c. Forty (40) Dba Lmax, as measured at the lot lines of the project boundary.
 - d. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than ten (10) feet from all inverters, must be at least as tall as all inverters but not more than three (3) feet taller than the height of all inverters.
9. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Commercial Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.
10. *Drain Tile Inspections.* The Commercial Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Commercial Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
11. *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.

12. *Decommissioning.* If a Commercial Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the County Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of the subsection also apply to a Commercial Solar Energy System that is never fully completed or operational if construction has been halted for a period of one (1) year.
13. *Financial Security.* To ensure proper decommissioning of a Commercial Solar Energy System upon abandonment, the applicant must post financial security with the Township in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted with the Township before the special land use permit is issued.
14. *Extraordinary Events.* If the Commercial Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
15. *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security; and
 - c. A summary of all complaints, complaint resolutions, and extraordinary events.
16. *Inspections.* The Township may inspect a Commercial Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.
17. *Transferability.* A special use permit for a Commercial Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
18. *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

SECTION 4.29 COMMERCIAL MARIJUANA OPERATIONS

No commercial Marijuana Operations of any kind are allowed in Moffatt Township

SECTION 4.30 SHIPPING CONTAINERS

- A. A Commercial Shipping Container may be used for storage as an accessory structure in all districts, where not otherwise prohibited, subject to development site plan approval and a zoning permit.
- B. Generally, one (1) container is allowed for storage on a parcel of one to three acres; two (2) containers on a parcel of 3 to 5 acres; on a parcel of six (6) or more acres a maximum of four (4) containers or as set forth in an approved site plan.
- C. A shipping container may be used for another purpose other than individual storage and will follow the regulations for that use, e.g., a workshop, living quarters, a multi-unit storage facility.
- D. General Standards
 - 1. All containers shall be free of damage or rust and shall not have exposed bare metal. Containers shall be maintained to remain in said condition.
 - 2. Containers shall not display advertising, company names, logos, or other markings unless approved as part of a site plan approval.

SECTION 4.31 PUBLIC UTILITY FACILITIES AND WIND ENERGY CONVERSION SYSTEMS

- A. INTENT AND PURPOSE
 - 1. The intent of these regulations is to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial and other areas within the Township.
 - 2. With advances in technology of wind energy development in general, specific locations within the Township may support the implementation of Utility Grid Wind Energy Systems. To prepare for potential “wind development projects” within the Township, these regulations will require such developments to obtain a Special Use Permit to ensure wind development sites are appropriately located so as to protect the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and character while simultaneously preserving and protecting the Township’s important and sensitive environmental and ecological assets

and areas, open space, viewsapes and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Township residents are especially apprehensive regarding the effects of WECS night lighting on the health, safety and welfare of Township residents. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this land use upon adjacent properties.

B. FINDINGS

1. These regulations have been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewsapes and aesthetics, wetlands, and other ecological and environmentally sensitive areas.
2. Based on evidence presented in this State and others concerning the adverse secondary effects of wind energy systems on communities, including, but not limited to, findings from the "Wind Turbine Health Impact Study: Report of Independent Expert Panel," prepared for the Massachusetts Department of Environmental Protection (2012); "Strategic Health Impact Assessment on Wind Energy Development in Oregon," prepared for the State of Oregon (2012); "Potential impact on the Public's Health from Sound Associated with Wind Turbine Facilities," prepared for the State of Vermont's Department of Health (2010); "Analysis of the Research on the Health Effects from Wind Turbines, Including Effects From Noise," prepared for the Maine Department of Health and Human Services (2012); "Adverse Health Effects of Industrial Wind Turbines," 59 Can Fam Physician 473-475 (2013); "Infrasound From Wind Turbines Could Affect Humans," 31(4) Bulletin Science, Technology and Society, 296-302 (2011), the following are among the potential harmful secondary effects of wind energy systems:
 - a. Falling ice or "ice throws" is physically harmful and measures should be taken to protect the public from the risk of "ice throws."
 - b. Nighttime wind turbine noise and night lighting can cause sleep disturbance. Generally, sleep disturbance can adversely affect mood, cognitive functioning and one's overall sense of health and well-being. Chronic stress and sleep disturbance could increase the risk for cardiovascular disease, decreased immune function, endocrine disorders, and mental illness. In addition, possible health effects include increased heart rate, insomnia, fatigue, accidents, reduction in performance and depression.
 - c. Sound from wind energy facilities could potentially impact people's health and well-being if it increases background sound levels by more than 10 dB(A) or results in long term outdoor community sound levels above 35-40 dB(A).

- d. There is evidence that wind turbine sound is more noticeable, annoying, and disturbing than other community industrial sounds at the same level of loudness.
- e. People who live near wind turbines are more likely to be impacted by wind turbine than would those far away.
- f. Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, also known as shadow flicker, can cause health issues.
- g. The Township desires to protect ecological and environmentally sensitive areas in the Township, including, but not limited to, habitats for endangered species or heavily used migration routes for species of waterfowl and other migratory birds (some of which are protected species), including tundra swans and sand hill cranes. Thus, the Township has determined that wind development sites can adversely impact wildlife and their habitats and makes evaluation of proposed wind development sites essential. The Township finds that any wind development sites should have the lowest potential for negative impacts on wildlife resources and avoid locations with higher concentrations of migratory birds. Further, any wind development sites that would fragment sensitive habitat areas, like rivers, streams, and wetlands, should be avoided.
- h. The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of these regulations.

C. PUBLIC UTILITIES

- 1. Transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements of Chapter 9. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of section “Public Utility and Wind Energy Conversion Systems (WECS)”. Unless specifically noted, all WECS permit information and supporting documentation shall be allocated reasonable Township review time based on project complexity and outside expertise review. Requirements shall be presented in written form and allow minimum thirty (30) days before Township discussion. Township may at its discretion review provided documents sooner than thirty (30) days. Providing documents without time for the Township Board to review shall result in permit denial and require WECS applicant to reapply. Each ordinance section requires approval by the Township Board unless otherwise noted. Township shall review all documentation to assure that residents’ health, welfare, and safety are not negatively impinged.

D. EXEMPT TOWERS AND WIND ENERGY CONVERSION SYSTEMS (WECS)

1. Communication towers, antennas, wind energy conversion systems (windmills, turbines) and related facilities located on the premises of a farm, home, or business and which do not involve the sale of electricity or communication services off the premises shall be exempt from the requirements of section “Public Utility and Wind Energy Conversion Systems (WECS)” except for the requirement to comply with “Noise” sections 23 (a) and 23 (b). Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended (Tip Height) shall not exceed one hundred thirty (130) feet, and the minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The minimum set-back from property lines and road right of way lines shall be equal to three (3) times the Tip Height of the unit.

E. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS)
APPLICATION

1. Wind energy conversion systems and WECS testing facilities, other than those exempted under section 4. “Exempt Towers and Wind Energy Conversion Systems (WECS)”, shall be allowed as special uses in the Agricultural/Residential Zoning District. An application for a special use permit shall be filed with the Township pursuant to Chapter 8 as to Special Use approvals. Supporting data and documentation must be submitted in their entirety at time of application. Applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board. Applicant shall also include the following:
 - a. Permitting Costs: An escrow account shall be set up when the Applicant applies for a Special Use Permit for a WECS and WECS Testing Facilities. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated

with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.

- b. Environmental Assessment: The Applicant shall fund an environmental assessment or impact study and other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as require by the Township for review. Studies shall be limited to the area within three (3) miles outside the Township boundaries.
- c. Sound Study: A background (ambient) sound study shall be performed, and a report provided which indicates Leq 1 second, L10, and L90 sound levels using A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining Non-Participating and Landowners Participating. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.
- d. Economic Impact: The Applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum. Business and residential growth potential shall be considered.
- e. Site Plan: The Applicant shall submit a site plan prepared by a licensed civil engineer in full compliance with Chapter 9 of this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Additional requirements for a WECS site plan are as follows:
 - 1) Building Siting: GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECS.
 - 2) Nearby Building Siting: GIS locations and height of all adjacent buildings, structures, and above ground utilities located within three (3) times minimum set-back distance for Non-Participating Landowners where the proposed WECS and WECS Testing

Facility will be located. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved.

- 3) Access Driveways: GIS location of WECS and Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the Access Driveway that serves a WECS or Testing Facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 50' to an adjacent property unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Such approval shall be recorded with the Arenac County Register of Deeds using only the WECS Waiver Form.
- 4) Facility Security: Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.
- 5) Maintenance Program and Resolution Program: The Applicant shall provide to the Township a written description of the potential problems and failures program to be used to resolve a WECS and WECS Testing Facility issue, including procedures and schedules for removal of the WECS structure when determined to be obsolete, dangerous, or abandoned.
- 6) Site Lighting: A lighting plan for each WECS and Testing Facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR activated lighting shall be utilized if allowed by FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods, effect on Township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, Applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground, be FAA compliant, and be of most current design to minimize lighting blinking and brightness nuisance. Flashing night lights are prohibited.
- 7) Proof of documents recorded at the Arenac County Register of Deeds utilizing Chapter 8 WECS Waiver Form.
- 8) Supplemental: Additional detail(s) and information as requested by

the Township Board.

- f. Site Insurance: The Applicant shall provide proof of insurance for each WECS at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Participating Landowners, and Non-Participating Landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied, and coverage is provided for every site where Applicant's equipment is located.

- g. Removal Insurance (decommissioning): To ensure proper removal of each WECS structure when it is abandoned or non-operational, application shall include a proof of the financial security in effect before permit is approved. The security company shall be licensed in the State of Michigan and the required insurance shall be in the form of 1) cash deposit or 2) performance (surety) bond selected by the Township Board and bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties -Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in the ordinance. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Township Board.
 - 1) The amount of each WECS security guarantee (surety) shall be the average of at least two independent (of Applicant) demolition removal quotes, obtained and approved by the Township Board, plus 10%. For example, if the quantity of quotes obtained is two, the formula shall be: $\text{quote 1} + \text{quote 2} \div 2 \times 1.10$. The security guarantee shall be no less than \$800,000 per WECS. Quotes shall be based on individual WECS removal and shall not group multiple simultaneous WECS removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. Security guarantee shall be updated every five (5) years at the rate of 1.5 times CPI (consumer price index) for each year.
 - 2) Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved and before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and of this ordinance and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.

- 3) The Applicant 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.
 - 4) In the event the WECS owner, operator, parent company, performance bond company defaults on any or all of the previously outlined decommissioning requirements, the Participating Landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the Participating Landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the Participating Landowner. If funding is not available to cover the costs of removal by the Participating Landowner, legal action to pursue the seizure of Participating Landowner property(ies) will take place to cover such costs.
- h. Safety Manual: The Applicant shall provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Township Board or local first responders. The Manual shall include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc. The Applicant shall provide information and training to the Township or area Fire Department regarding fire and other possible hazards associated with the WECS.
 - i. Repair Policy Documentation: Applicant shall provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.
 - j. Noise: Applicant shall provide an initial sound modeling report and a post-construction report for the project with a schedule and documentation which adhere to the following:
 - 1) Chart outlining ordinance requirements and a description of compliance or non-compliance.
 - 2) Declaration whether submitted data is modeled or measured.
 - 3) Declaration of values, test methods, data sources, and similar information for all modeled or measured data.
 - 4) Estimated timeline for project including ordinance requirements completed, construction, post construction, and validation testing.
 - 5) Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods

and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.

- 6) Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
- 7) It is acknowledged that WECS units sustain wear over time. Applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this ordinance for 5, 10, and 15-year-old units.
- 8) Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (non-porous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Non-disclosure of modeling method deficiencies shall require resubmission of SUP application in its entirety with complete modeling deficiencies disclosed.

F. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS)
STANDARDS AND REQUIREMENTS

1. The WECS project shall meet the following standards and requirements:
 - a. Set-Back: The minimum set-back from any property line of a Non-Participating Landowner or any road right-of-way shall be no less than 2,000 feet unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners waiving these requirements. Documents in full shall be recorded, using only the WECS Waiver Form, with the Arenac County Register of Deeds. For WECS, use turbine pole centerline as WECS measuring point.
 - b. Density: A proposed WECS shall be one-half mile from the nearest existing WECS. Only two (2) WECS shall be allowed per square mile.
 - c. Ground Clearance: The minimum clearance from ground level to the blade at its lowest point shall be one hundred (100) feet.
 - d. Applicant Compliance: The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements.
 - e. Blade Clearance: Blade arcs created by a WECS shall have a minimum of one hundred (100') feet of clearance over and from any structure.
 - f. Braking: Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete grid power failure where WECS are unable to communicate with SCADA control or receive power.
 - g. Identification Signage: Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout all four seasons. Signs shall be at least two square feet in area. Signs shall be the same and shall uniquely identify each WECS. Signage shall comply with Chapter 7 of the Zoning Ordinance. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
 - 1) Warning high voltage.
 - 2) Participating Landowner's name, WECS owner's name, and operator's name.
 - 3) Emergency telephone numbers and web address. (list more than one number).
 - 4) If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
 - 5) Unique identification such as the address of the WECS. If more than one WECS is on an access drive, units shall have further identification such that first responders can positively identify each one. An identification example is: "321 Ruger Rd, Caro, MI, Unit A"

- h. Communication Interference: Each WECS and Testing Facility shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to property owner's satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution section F.18.
- i. Infrastructure Wiring: All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of six (6) feet below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer Code standards. The Township Board may waive the burial requirement and allow above-ground systems in limited circumstances, such as unworkable geography or a demonstrated benefit to the Township. The waiver shall not be granted solely on cost savings to Applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- j. Road Damage: Any damage to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired the Applicant/Owner's expense pursuant to Arenac County Road Commission requirements within ninety (90) days of project completion, or maintenance completion. In difficult circumstances, the Township may allow repairs to exceed 90 days, but no repairs shall exceed 365 days from project commencement or maintenance completion.
- k. Liability Insurance: The current WECS owner and operator shall insure for liability for the WECS without interruption until removed and comply with section "Site Insurance" to protect the current WECS owner and operator, the Township and the property owner.
- l. Coating and Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area, if any. No striping of color or advertisement shall be visible on the blades or tower.
- m. Strobe Effect: 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 Arenac County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Arenac County Register of Deeds using only the WECS Waiver Form.
- n. Voltage: The Applicant shall be responsible for compensation to residents for

property, including livestock, health or other damage by stray voltage caused by a WECS. The Applicant shall demonstrate WECS prohibits stray voltage, surge voltage, and power from entering ground.

- o. Protection of Adjoining Property: In addition to the other requirements and standards contained in this section, the Township Board shall not approve any WECS or Testing Facility unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or to wildlife on adjoining properties.
- p. Removal and Site Renovation: A condition of every WECS approval shall be adequate provision for the removal of the structure and appurtenances in their entirety whenever it ceases to produce power for one hundred eighty (180) days or more. The Township Board can grant an extension of an additional one hundred eighty (180) days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Township code authority and proper restoration of the site to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the tower caisson and all other components in their entirety. Restoration must be completed within 365 days of non-operation.
 - 1) Participating Landowners may waive complete underground wiring removal if they can demonstrate that any and all remaining underground wiring will not negatively affect the environment, such as but not limited to, water quality, natural water flow, or area wildlife. Participating Landowner shall execute a waiver and record same in full with Arenac County Register of Deeds waiving these requirements.
- q. Aesthetic and Scenic Vista: The maximum Tip Height of any WECS or WECS Testing Facility shall not exceed 450 ft.
- r. Operational, Maintenance, and Issue Resolution: Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including a WECS removal. The Applicant shall keep a maintenance log on each WECS and shall provide the complete log to the Township within thirty (30) days of request. Any inspection of a WECS requiring inspection by a Township expert shall be at the expense of the facility owner/operator.
- s. Complaint Resolution: A complaint resolution process shall be established by the Township as follows:
 - 1) Receiving and Forwarding of Complaints: A third party answering switchboard, website or equivalent, paid for by the Applicant or WECS or Testing Facility owner shall be established. The cost to

maintain and support this shall be funded in the amount of \$10,000.00 as approved by the Township and be replenished at least every five (5) years by the Applicant or WECS owner. The complaint resolution process shall be independent of the facility operator or owner and shall report to the Township first and WECS operator second.

- 2) Investigation of Complaints: Township shall initiate an investigation into a complaint within sixty (60) days, utilizing escrow funds, to hire the appropriate expert(s).
 - 3) Hearing of Complaints: Township Board shall set a hearing date within sixty (60) days of the completion of the Investigation of Complaints where experts, residents and the Applicant/Owner may present information before the Township Board. Notice of the hearing shall be sent to the property owner, the facility owner/operator and to all property owners within 3,000 feet of the WECS via first class mail in accordance with standards in Section 8.6A of the Township zoning ordinance.
 - 4) Decision Regarding Complaints: Township Board shall issue a decision and the required corrective actions within forty-five (45) days of the Hearing of Complaints.
- t. Applicant/Owner shall be required as a condition of approval to fund with the Township an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000.00 to be used at the discretion of the Township Board. When escrow account balance is below \$5,000.00, Township shall notify the Applicant/Owner and the Applicant/Owner shall replenish account in the amount of \$15,000.00 within 45 days.
- u. Regulation of WECS Commercial and Industrial Noise: To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment. This ordinance establishes the acoustic baseline, background sound levels for project design purposes, and limits the maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.
- v. The Township Board reserves the right to require a WECS Applicant/Owner to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements.
- w. Complaints: If the Township Board confirms a complaint and issues a corrective action, SCADA data from WECS within two miles of issue shall be required and delivered to Township within twenty (20) days of notification. SCADA data format shall be determined by Township, Township licensed engineers, or Township professional acousticians. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr

periods and one second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch. Fees for providing SCADA data are not to exceed \$100/request. Residents shall have the right to also request SCADA data in at least the minimum format at the cost of \$200/WECS per time period requested. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format shall be determined by Township, such as “csv” or “xlsx”.

x. Noise:

- 1) No WECS shall generate or permit to be generated audible noise that exceeds 40 dBA or 45 dBC (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) during the night, 10 pm to 7 am, for any duration, at a property line or any point within a non-Participating property, unless Applicant/Owner provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using the WECS Waiver Form.
- 2) No WECS shall generate or permit to be generated plainly audible noise from commercial or industrial permitted facilities that exceeds 45 dBA or 50 dBC during the day, 7 am to 10 pm, for any duration, at a property line or at any point within a non-Participating property, unless Applicant/Owner provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using the WECS Waiver Form.
- 3) No WECS shall generate or permit to be generated from permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a Non-Participating Landowner’s property line or at any point within a Non-Participating Landowner’s property.
- 4) No WECS shall generate or permit to be generated from permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration

level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a Non-Participating Landowner's property line or at any point within a Non-Participating Landowner's property.

- 5) A tonal noise condition generated from permitted facilities shall be assessed an upward noise penalty of 5 dBA (example 42 increased to 47 dBA) for assessment to the nighttime and daytime noise limits.
- 6) A noise level measurement made in accordance with methods in section "NOISE MEASUREMENT AND COMPLIANCE" that is higher than 40 dBA or 45 dBC during the nighttime hours or 45 dBA or 50 dBC during the daytime hours, adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
- 7) An acoustic, vibratory or barometric measurement documenting oscillations associated with permitted facilities with levels exceeding the limits in this subsection and subsection 7 below shall constitute prima facie evidence of a nuisance.
- 8) All WECS activity shall comply with limits and restrictions anywhere at any time on another property unless Applicant/Owner provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using the WECS Waiver Form.
- 9) Leq 1-sec shall be used for all measurements and modeling.

G. NOISE MEASUREMENT AND COMPLIANCE

1. Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Township Board. Compliance noise measurements shall not exceed the stipulated noise limits; the Township shall assess for and apply tonal noise penalties when warranted.
2. Quality: Measurements shall be attended by an observer. All noise measurements shall exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSI S12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
3. Noise Level: Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (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.
4. Tonal Noise: Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high- frequency bands (500–10,000 Hz).
5. Sample Metric and Rate: Noise level measurements for essentially continuous non-time-varying noise sources shall be acquired using the Leq (Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
6. Reporting: Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables.

Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30- second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and the Pasquill Class occurring during testing.

H. ORDINANCE COMPLIANCE

1. Non-compliance with ordinance requirements during Special Use Permit process shall result in denial or revocation of the permit.
2. Non-compliance with post-construction ordinance requirements shall result in permit revocation, and WECS decommissioning, and shall be subject to all applicable actions allowed by law. The Owner/Operator shall be responsible for attorney and expert investigation fees regarding any non-compliance.
3. Nuisance compliance complaints shall be resolved after subsection F.18 “Complaint Resolution“ is completed. Applicant shall provide resolution plan within 30 days and resolve complaint within 90 days. WECS may be shut down during the resolution time to extend the resolution time to 180 days.
4. For non-nuisance compliance issues, and upon formal notice from Township to the WECS permit holder, the WECS permit holder shall respond within thirty (30) days with resolution plan and shall have up to one hundred eighty (180) days to resolve compliance breach. Failure to resolve any compliance breach shall result in permit revocation. Unless otherwise stated, Applicant shall provide in advance and comply with ordinance requirements prior to Township granting the special use permit. Conditional permits shall not be allowed.
5. Upon change of ownership, operator, or parent company, the Township shall receive from the new owner, operator or parent company notification and updated documents within 90 days including, but not limited to, legal proof of change, corporate legal contact, security bond updates, emergency contacts, and local contact.
6. The owner/operator of a WECS shall submit a report to the Township annually that will include:
 - a. The status of the WECS operation and maintenance and any planned changes to the operation
 - b. The status of any complaint(s) and complaint corrective actions
 - c. A confirmation of sufficient liability insurance (certificate of insurance)
 - d. A confirmation of the current security guarantee.

CHAPTER 5 DISTRICT REGULATIONS

SECTION 5.1 INTENT AND PURPOSE

For the purposes of this Ordinance, all land within Moffatt Township, excepting the roadways and alleys, is divided into the following Zoning Districts:

F	Forested District
AG/RR	Agricultural / Rural Residential District
R	Residential District
GC	General Commercial District
VM	Village Mixed Use District
HC	Highway Commercial

For the specific regulations and requirements of each of the districts listed above, refer to Sections 5.5 - 5.10. Section 5.12 allows for and regulates Planned Developments (PD) within the above districts.

SECTION 5.2 OFFICIAL ZONING MAP

The boundaries of zoning districts are defined and established as shown on a map entitled the Moffatt Township Zoning Map. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept by the Township Clerk and shall be maintained by the Zoning Administrator.

SECTION 5.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries shown following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries shown approximately parallel to the centerline of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

SECTION 5.4 CLASSIFICATION OF USES NOT LISTED

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Chapter 11. Said use shall be treated in a like manner with comparable uses, as determined by the Zoning Board of Appeals, and permitted or prohibited in accordance with the District Regulations found in any Zoning District.

SECTION 5.5 FORESTED DISTRICT (F)

The purpose and intent of this district is to preserve the forests and woodlots of the Township while allowing residential development and a wide range of uses in such ways that will not detract from this end. To the greatest degree practicable, the integrity and contiguity of forest lands shall be maintained.

SECTION 5.5.1 PERMITTED USES

Accessory structures as identified in Section 5.5.5.
Agricultural uses.
Home occupations.
Single-family dwellings.
State licensed residential facilities.
Planned developments (see Section 5.12).

SECTION 5.5.2 CONDITIONAL USES

- A. The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.15 for Landscaping Standards.
- Agricultural businesses.
Lodges and clubs.
Bed and breakfast establishments.
Cemeteries.
Churches and other religious institutions.
Horse and Riding stables.
Kennels.
Landfills.
Natural resource extraction operations (see Section 4.21).
Outdoor recreation establishments.
Sawmills and other forestry operations requiring structures.
Schools and day care facilities.
Telecommunication Towers (see Section 4.13).
- B. A stand for the sale of agricultural products, provided that:
1. No more than one stand be allowed for each six hundred (600) lineal feet of road frontage.
 2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
 3. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary house trailer or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member, provided that:
1. The trailer or structure will be connected to an approved well and septic system—a separate septic system is required for each dwelling unit and no

- more than two dwelling units per well; and,
- 2. Will be anchored securely and properly and will follow all other applicable Township, county, state, and federal regulations.

SECTION 5.5.3 DEVELOPMENT STANDARDS

- A. Minimum parcel size: twenty (20) acres; or one dwelling unit per two and one-half (2 ½) acres density with sixty (60%) percent permanently preserved unbuilt reserved land in accordance with Section 5.12, Planned Developments.
- B. Minimum parcel size for a Planned Development: twenty (20) acres.
- C. Minimum lot frontage: 220 feet

	<u>Agricultural Businesses and Other Commercial and Industrial Uses</u>	<u>All Other Uses</u>
D. Minimum front setback	150 ft.	50 ft.
Minimum side setback	100 ft.	25 ft.
Minimum rear setback	100 ft.	50 ft.
Maximum height	2½ stories or 35 feet or as approved in a Planned Development.	

SECTION 5.5.4 PERFORMANCE STANDARDS

- A. All structures, roads and other infrastructure shall be placed in such a manner that will avoid the destruction of as few trees and natural terrain on a site or parcel as possible.
- B. Wooded unbuilt areas of a site or parcel shall be contiguous with forested areas of adjoining sites to promote the maintenance of large forested expanses without buildings, other structures, or infrastructure.
- C. Trees and other vegetation within buffer or setback areas shall be preserved to the greatest degree practicable.
- D. Unbuilt areas, suitable for such, may be reforested as part of a parcel’s Development Site Plan.
- E. All non-residential uses shall be situated and designed such that any potential nuisances or disturbances of surrounding properties shall be eliminated or mitigated to the greatest degree possible.
- F. Residences or other structures shall not be placed within fifty (50) feet of a creek or stream and a streamside non-disturbance area of twenty-five (25) feet shall be maintained except for an access route of cleared area to the water of no more than twenty (20) feet in width.

SECTION 5.5.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may be used for home occupations.

One accessory structure 48 ft. x 60 ft. or less is allowed by right; additional buildings or buildings of greater size shall require a Special Use Permit. A pole building or other storage building may be constructed without a principal structure provided setbacks are followed as set forth in Section 5.5.3.

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.5.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies, or other livestock shall require a minimum of five (5) acres for the first animal and one (1) additional acre for each additional animal. No manure piles or other similar debris shall be kept within fifty (50) feet of any lot line.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.6 AGRICULTURAL / RURAL RESIDENTIAL DISTRICT (AG/RR)

The purpose and intent of the Agricultural / Rural Residential District is to provide areas for commercial agricultural and farming operations as well as limited residential areas. This district is established to conserve and protect agricultural lands as an ecologically and economically valued resource by preventing the encroachment of urban land uses in predominantly agricultural areas where geographic, social, and economic conditions favor continued agricultural production. A range of farming activities shall be permitted in this zone in order to foster the continuation of agriculture.

SECTION 5.6.1 PERMITTED PRINCIPAL USES

In an Agricultural / Rural Residential District, no building, structure, land or water use shall be permitted except for one or more of the following:

- A. Accessory structures as identified in Section 5.6.5.
- B. All historically practiced general agricultural uses. (Large scale livestock enterprises see “Conditional Uses.”)
- C. Farm dwellings, accessory buildings, farm labor housing:
 - 1. More than one farm dwelling shall not be permitted unless substantial evidence is provided that shows that the additional farm dwelling is necessary for the operation of the commercial farm. In making the determination whether the additional farm dwelling is necessary for the farm operation, the Zoning Administrator shall take into consideration whether any non-farm dwellings already exist on the farm that may be used for that purpose. Migrant housing shall be allowed in accordance with state regulations.
 - 2. A dwelling may be considered to be in conjunction with farm use or the propagation or harvesting of a forest product when located on a lot or parcel that is managed as part of a farm operation or woodlot. A separate parcel one acre or larger must be delimited for a new dwelling unit so that all setbacks may be established.
 - 3. Farm dwellings in addition to the principal dwelling shall be located to minimize adverse affects upon productive areas for farm crops and livestock.
- D. Residential single-family and two-family duplex dwelling units in non-productive agricultural areas.
- E. Home Occupations in accordance with the use as defined in Section 2.2.
- F. Planned Developments (see Section 5.12).

SECTION 5.6.2 CONDITIONAL USES

- A. The following uses are permitted in this district upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9 and are subject to lot, building and other requirements of Section 5.6. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or surrounding properties:
- Large scale livestock enterprises.
 - Agricultural research and development facilities, public or private.
 - Agricultural businesses.
 - Churches and other religious buildings.
 - Schools and day care operations.
 - Bed and breakfast establishments.
 - Horse and Riding stables.
 - Kennels.
 - Cemeteries.
 - Natural resource extraction operations (see Section 4.21).
 - Public or private outdoor recreation establishments or park facilities.
 - Telecommunication towers and antennas (see Section 4.13).
 - Commercial Solar Energy Systems (see Section 4.28)
- B. A roadside stand for the sale of agricultural products, provided that:
1. No more than one stand be allowed for each six hundred (600) lineal feet of road frontage.
 2. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
 3. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary house trailer or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member, provided that:
1. The trailer or structure will be connected to an approved well and septic system—a separate septic system is required for each dwelling unit and no more than two dwelling units per well; and,
 2. Will be anchored securely and properly and will follow all other applicable Township, county, state, and federal regulations.

SECTION 5.6.3 DEVELOPMENT STANDARDS

- A. Minimum farm parcel size: Ten (10) acres, or as specified in a project for which a Special Use Permit has been secured.

	<u>Farms, Commercial or Other Non-farm Uses</u>
Minimum frontage	330 feet
Minimum front setback	50 feet
Minimum side setback	50 feet
Minimum rear setback	50 feet
Maximum height	40 feet (95 feet for silos)

- B. Residential development shall be permitted within agricultural areas on non-productive farmland by designing a Planned Development in accordance with Section 5.11 of this Ordinance, with an underlying allowable dwelling unit density of one (1) dwelling unit per acre and a minimum of sixty (60%) percent permanently preserved unbuilt open space. Minimum project area twenty (20) acres.

- C. Condominium units, metes-and-bounds or platted lots for residential uses on non-productive farmland shall meet the following standards:

Minimum parcel size	1 acre
Minimum frontage	150 feet
Minimum front setback	40 feet
Minimum side setback	25 feet
Minimum rear setback	25 feet
Maximum height	2 ½ stories or 35 feet

SECTION 5.6.4 PERFORMANCE STANDARDS

- A. Farming and approved ancillary activities shall be carried out conscious of neighboring uses. Wherever feasible and justifiable, buffers of hedgerows, tree lots or other barriers should be maintained between different districts and uses to minimize conflicts. Michigan Department of Agriculture “Generally Accepted Management Practices” (GAMPS) shall be used to determine whether a new use may be sited as proposed. Setbacks prescribed in the GAMPS shall be used to assess the distances needed by a new use from existing residences and other uses.
- B. To the greatest degree practicable, land divisions, including single lot splits, must be designed to protect and preserve natural resources, productive farm land, and the culture and character of the area.
- C. All residential developments, or residential plots, units or parcels, and any other non-farm use within this district shall be devised with the understanding that agricultural operations are the primary use of this district and therefore layouts for residences and other non-farm uses shall be designed in such a manner as to protect farming and other agricultural operations from interference and nuisances.

SECTION 5.6.5 ACCESSORY STRUCTURES AND USES

Any use or structure customarily incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may be used for home occupations.

One accessory structure 48 ft. x 60 ft. or less is allowed by right; additional buildings or buildings of greater size shall require a Special Use Permit. A pole building or other storage building may be constructed without a principal structure provided setbacks are followed as set forth in Section 5.6.3.

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.6.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other livestock is allowed on residential parcels of five (5) acres or more. No manure piles or other similar debris shall be kept within fifty (50) feet of the lot line.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.7 RESIDENTIAL DISTRICT (R)

The purpose and intent of this district is to provide for development of family homes at higher densities. The district is meant to encourage the development of attractive residential areas with compatible services and amenities. Multiple-family housing developments may be appropriate within this district provided that adequate water and sewer services can be furnished.

SECTION 5.7.1 PERMITTED PRINCIPAL USES

- Single-family dwellings.
- Two-family dwellings (duplexes).
- Home occupations.
- State licensed residential facilities.
- Planned developments including mobile home parks (see Section 5.12).

SECTION 5.7.2 CONDITIONAL USES

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.15 for landscaping standards for commercial uses.

- Bed and breakfast establishments.
- Public and private parks and recreational facilities.
- Family day care homes, child day care centers, and related facilities providing care to seven (7) or more persons.
- Multi-family dwellings.
- Churches and other religious buildings.
- Public and private schools.
- Contractor and builder establishments.

SECTION 5.7.3 DEVELOPMENT STANDARDS

- A. Minimum parcel size: One (1) acre (43,560 square feet); or one dwelling unit per 22,500 square foot density with sixty (60%) percent permanently preserved unbuilt reserved land in accordance with Section 5.11, Planned Developments.
- B. Minimum parcel size for a Planned Development: Five (5) acres
- C. Minimum lot frontage: 100 feet
- D. Minimum lot size 1 acre
- Minimum frontage 100 feet
- Minimum front setback 25 feet
- Minimum side setback 10 feet
- Minimum rear setback 10 feet
- Maximum height 2½ stories or 35 feet

SECTION 5.7.4 PERFORMANCE STANDARDS

- A. Higher density housing will only be allowed where services and facilities warrant them.
- B. In designing homesites and developments, care shall be taken to preserve the quality of the Township's natural environment. Proper drainage, including retention and detention areas, shall be provided and buffer areas shall be provided along the creeks, streams and drainage swales within this district.
- C. Streets and roads shall integrate rationally into the county and Township road networks. Connections to existing streets shall be required where appropriate. Road and driveway accesses onto a county primary road shall be no closer than 350 feet to one and other wherever possible.
- D. Residential developments in rural portions of the district shall retain trees and other vegetation between the developed portions of a project and the county road rights-of-way.

SECTION 5.7.5 ACCESSORY STRUCTURES AND USES

The following applies to one-acre parcels or less. Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may be used for home occupations **and are only permitted on lots containing a dwelling or on a lot contiguous to said dwelling.** Two (2) accessory structures are permitted. A Special Use Permit is required for the following circumstances: If the largest structure exceeds 30' X 40', or if any addition to an existing accessory structure, causes it to exceed 1200 sq. ft., or for any additional structures beyond the prescribed two (2).

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.7.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other farm animals is not allowed on residential lots within this district.

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.8 VILLAGE MIXED USE DISTRICT (VM)

The purpose and intent of this district is to provide areas within the Township where traditional village-style development may occur with a mixture of uses as villages historically have done. Sewer and water systems and other infrastructure may be necessary for these uses.

SECTION 5.8.1 PERMITTED PRINCIPAL USES

A. The following residential uses:

- Single-family detached dwellings.
- Single-family attached dwellings.
- Duplex dwellings.
- Townhouse dwellings.
- Accessory dwellings.

B. Public and semi-public uses, including community meetings halls, public or private schools, athletic clubs, museums, libraries, parks and playgrounds and structures typically constructed as part of these types of facilities.

C. The following commercial uses:

- Banks and other financial institutions without drive-through banking facilities.
- Offices and personal service establishments.
- Retail stores.
- Restaurants, without drive-through or drive-in facilities.

D. Planned Developments in accordance with Section 5.12 when more than one use or one structure is included for a specific parcel of property.

E. Churches

SECTION 5.8.2 CONDITIONAL USES

A. Wireless telecommunication antenna towers and equipment shelter buildings shall be allowed under the following conditions:

1. Maximum height forty-two (42) feet.
2. Designed and constructed to be inconspicuous in their intended locations.
3. Co-location with other servers is mandatory.
4. Provision of a positive environmental assessment.
5. A statement providing the proof of need for the proposed tower.
6. Equipment shelter buildings and other accessory structures shall meet all the requirements for similar structures in this district.

B. The following uses require a Special Use Permit in accordance with Chapter 8.

- Apartment dwellings / multi-family dwellings.
- Bed and Breakfast establishments.
- Coin-operated laundries.
- Contractors and builders establishments.
- Day care centers.

- Drive-through businesses.
- Hotels and motels.
- Indoor and Outdoor recreation establishments.
- Taverns and bars.
- Theaters.
- Mortuaries; funeral homes.

SECTION 5.8.3 DEVELOPMENT STANDARDS

High density uses must conform to the development standards that follow for each type allowed. (Refer to street regulating Illustration No. 1 for display of setbacks and other requirements on Page 5-15.) All uses in this district require Site Plan Review except Single-family Residential (See Chapter 9).

A. Single-family detached units:

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	10,000 sq. ft.	15,000 sq. ft.
Minimum lot width		
at front yard setback line:	100 ft.	100 ft.
Minimum lot depth:	100 ft.	100 ft.
Minimum yard dimensions:		
Front yard:	25 ft.	25 ft.
Side yard:	10 ft.	10 ft.
Rear yard:	25 ft.	25 ft.
Maximum building height:	35 ft.	35 ft.

Rear yard parking preferred, alley optional.

Additional standards for accessory structures and dwellings: an accessory structure or dwelling located on the same lot as a detached single-family dwelling shall additionally comply with the standards as specified above without modification, except that a detached accessory dwelling shall be limited to a maximum building height of twenty-five (25) feet.

Area and bulk standards for flag lots: flag lots shall comply with the above specified area and bulk standards, except that minimum lot width at the street line and minimum lot width at the front yard setback line shall be twenty (20) feet and a minimum yard setback dimension for all yards shall be twenty-five (25) feet.

B. Single-family dwellings with attached units:

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	11,000 sq. ft.	15,000 sq. ft.
	per dwelling unit / office commercial.	
Minimum lot width		
at front yard setback line:	110 ft.	110 ft.
Minimum lot depth:	100 ft.	100 ft.
Minimum yard dimensions:		
Front yard:	25 ft.	25 ft.
Side yard:	10 ft.	10 ft.
Rear yard:	25 ft.	25 ft.
Maximum building height:	35 ft.	35 ft.
Rear or side yard parking preferred, alley access optional.		

Attached structure shall be subordinate to the main structure characterized at minimum by a lower ridge line.

C. Duplex Dwellings

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	15,000 sq. ft.	20,000 sq. ft.
	per dwelling unit	
Minimum lot width (per dwelling unit)		
at front yard setback line:	110 ft.	110 ft.
Minimum lot depth:	100 ft.	100 ft.
Minimum yard dimensions:		
Front yard:	25 ft.	25 ft.
Side yard:	10 ft.	10 ft.
Rear yard:	25 ft.	25 ft.
Maximum building height:	35 ft.	35 ft.
Rear yard parking and alley preferred.		

D. Townhouse Dwellings (3 - 6 units)

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	10,000 sq. ft.	15,000 sq. ft.
	per dwelling unit	
Minimum lot width (per dwelling unit)		
at front yard setback line:	33 ft.	33 ft.
Minimum lot depth:	100 ft.	100 ft.
Minimum yard dimensions:		
Front yard:	25 ft.	25 ft.
Side yard (end of each row):	10 ft.	10 ft.
Rear yard:	25 ft.	25 ft.
Maximum building size:	six (6) dwelling units in a row	
Minimum interior yards		
(open space between bldgs.):	20 ft.	20 ft.
Maximum building height:	35 ft.	35 ft.

Rear yard garage and alley preferred.

E. Apartment Dwellings

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	20,000 sq. ft.	30,000 sq. ft.
	per building	
Minimum lot width		
at front yard setback line:	100 ft.	100 ft.
Minimum lot depth:	100 ft	100 ft.
Minimum yard dimensions:		
Front yard:	25 ft.	25 ft.
Side yard:	10 ft.	10 ft.
Rear yard:	25 ft.	25 ft.
Minimum interior yards		
(open space between bldgs.):	20 ft.	20 ft.
Maximum building size:	twelve (12) dwelling units in a building, 96 ft. in length	
Maximum building height:	35 ft.	35 ft.
Rear yard parking and alley access are required.		

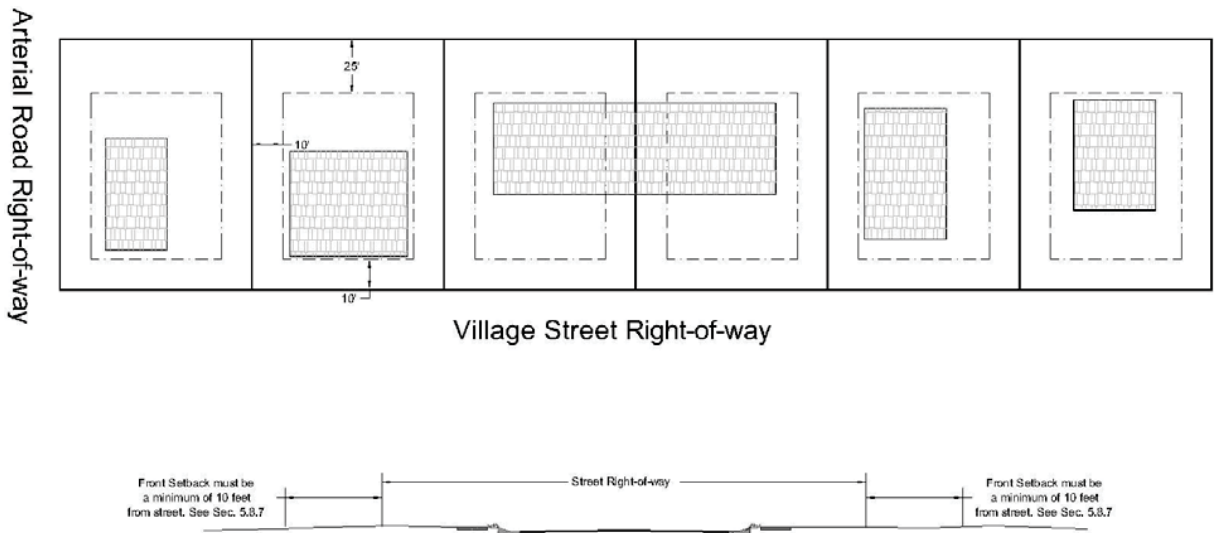
F. Village Commercial and Mixed Use Buildings

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	10,000 sq. ft.	25,000 sq. ft.
Minimum lot width		
at front yard setback line:	75 ft.	75 ft.
Minimum lot depth:	100 ft.	100 ft.
Minimum yard dimensions:		
Front yard:	10 ft.	10 ft.
Side yard:	zero (0), if attached to adjacent building and meets fire and building codes, or a minimum of 10 feet, if not	
Rear yard	25 ft.	25 ft.
Maximum building height:	35 ft.	35 ft.

All off-street parking must be in rear yards. Alleys are recommended.

STREET PROFILE

Illustration 1



G. Community Facilities, Institutional and Religious Buildings:

	<u>With public sewer</u>	<u>Without public sewer</u>
Minimum parcel size:	20,000 sq. ft.	43,560 sq. ft.
Minimum lot width		
at front yard setback line:	100 ft.	100 ft.
Minimum lot depth:	110 ft.	110 ft.
Minimum yard dimensions:		
Front yard:	30 ft.	30 ft.
Side yard:	25 ft.	25 ft.
Rear yard:	75 ft.	75 ft.
Maximum building height:	35 ft.	35 ft.

All off-street parking must be in rear yards. Alleys are recommended.

H. Required Off-street Parking in Village Areas

These requirements take precedence over the requirements of Chapter 6 in Village Mixed Use Districts only.

1. Off-street parking in village areas shall be provided according to minimum requirements as specified below. All parking and lane areas must be paved with bituminous material.

<u>Use</u>	<u>Required Parking</u>
Single-family	Two parking spaces per unit
Townhouse and duplex	One space per first bedroom plus half of a space per each additional bedroom
Apartment dwellings	One space per bedroom
Accessory dwellings	One space per bedroom
Retail	One space for the first one thousand (1,000) square feet and one space for each additional seven hundred fifty (750) square feet
Office uses	One space for each five hundred (500) square feet of gross floor area
Institutional / Churches	One space for each four (4) seats.

2. Off-street parking for commercial uses shall be sufficient to provide parking for the employees of all proposed uses as well as long-term customer parking. Off-street parking lots shall be prohibited in any front yard setback area, shall be located at the rear of buildings on the interior of lots, and shall be accessed by means of common driveways, preferably from side streets or lanes. Such lot

shall be small-sized (less than 25 parking spaces), where possible, and interconnected with commercial parking lots on adjacent properties. Cross-access easements for adjacent lots with interconnected parking lots shall be required in language acceptable to the Township. Common, shared parking facilities are encouraged, where possible.

3. Parking for all dwelling units shall be discouraged in front yard setback areas. Driveways are discouraged in any front yard area. Driveway access should be from lanes or alleys. Driveways shall be setback a minimum of three (3) feet from any side property line, unless such driveway is shared by buildings on two (2) adjacent lots. Parking for townhouses shall be provided in a common off-street parking area or in garages or parking spaces with access from a rear lane wherever possible. Private driveways for townhouses shall connect to lanes only and not a street. However, a common driveway serving a minimum of eight (8) units and not exceeding eighteen (18) feet in width may be permitted from a street. Parking for apartments may be located in common parking lots located on a lot other than that containing the apartment building, but within four hundred (400) feet of the apartment building entrances. If access to a garage is provided from a street, the front entrance of such a garage shall be setback fifteen feet further than the front wall of the dwelling unit. The location of a garage shall be setback a minimum of six (6) feet from side or rear property line.
4. Parking Lot Landscaping, Buffering, and Screening.
 - a. Lots for apartment and non-residential uses shall balance the functional requirements of parking with the provision of pedestrian needs. Transition areas between parking and civic, commercial, or residential uses should be designed with textured paving, landscaping, and street furniture.
 - b. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spill-over light, glare, noise, or exhaust fumes onto adjacent properties, in particular residential properties, and provide the parking area with a reasonable measure of shade. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of three (3) foot high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrians or bicyclists from motor vehicles, and shall not interfere with clear sight triangle requirements.
 - c. The interior of all parking lots shall be landscaped to provide shade and visual relief. This is best achieved by protected planting islands or peninsulas within the perimeter of the parking lot. Parking lots with ten or less spaces may not require interior landscaping if the Planning Commission determines that there is adequate perimeter landscaping. If this perimeter landscaping is found to be inadequate, and in parking lots with eleven (11) or more spaces, a minimum of one (1) deciduous shade tree, two and one-half (2 ½) inch caliper, shall be planted for every ten (10) parking spaces. Planting areas shall be as large as possible, but no

smaller than 10 feet x 20 feet or an equivalent planter is required. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, but shall ensure the above objectives are satisfied.

- d. Parking lot layout shall take into consideration pedestrian circulation.

SECTION 5.8.4 PERFORMANCE STANDARDS

- A. Any use allowed in this district shall be so situated and operated that it shall not become a nuisance to its neighbors. Commercial uses shall be generally situated along major roads, in village mixed use core areas. The decision as to the appropriateness of the use and location shall be at the sole discretion of the Planning Commission.
- B. All commercial and industrial activities and operations shall be carried on within an enclosed structure unless specifically permitted to do otherwise by a Special Use Permit.
- C. The following standards shall be used to measure Village Mixed Use District Projects:
 1. Sewerage - Adequate facilities to handle the total build-out proposed and not endanger area ground water quality. (Monitor wells may be required by the Planning Commission upon recommendation by the appropriate health authorities or a qualified engineer.)
 2. Water - Adequate facilities to handle total build-out proposed and not endanger area ground water quality.
 3. Fire - Proposed project will not lower the current response time.
 4. Police - Proposed project will not lower the current response time.
 5. Traffic - Proposed project will not cause the service at proposed entryways or nearby intersections to fall below level C or level D at peak times of the day in accordance with the Institute of Transportation Engineers standards of current adoption.
 6. Drainage - Storm drainage resulting from a project shall be handled on-site or in conformance with an approved area plan and with the county regulations governing storm drainage.
 7. Physical conditions and natural features - Local prominent features and attributes, such as streams, woodlots, ridges, shall be preserved or enhanced where appropriate.

SECTION 5.8.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance shall be allowed as designated on an approved site plan. No temporary storage structures or trailers may be used in this district.

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.8.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.8.7 TABLE OF VILLAGE MIXED USE DIMENSIONAL REQUIREMENTS

Type of Use		Minimum parcel size	Minimum frontage (feet)	Minimum front setback (feet)	Minimum side setback (feet)	Minimum rear setback (feet)	Maximum height (feet)
Single-family w/ detached units	<i>with sewer</i>	10,000 sq. ft.	100	25	10	25	35
	<i>without sewer</i>	15,000 sq. ft.	100	25	10	25	35
Single-family w/ attached units	<i>with sewer</i>	11,000 sq. ft. ³	110	25	10	25	35
	<i>without sewer</i>	15,000 sq. ft. ³	110	25	10	25	35
Duplex Dwellings	<i>with sewer</i>	15,000 sq. ft.	110	25	10	25	35
	<i>without sewer</i>	20,000 sq. ft.	110	25	10	25	35
Townhouse Dwellings	<i>with sewer</i>	10,000 sq. ft.	33	25	10	25	35
	<i>without sewer</i>	15,000 sq. ft.	33	25	10	25	35
Apartment Dwellings	<i>with sewer</i>	20,000 sq. ft. ¹	100	25	10	25	35
	<i>without sewer</i>	30,000 sq. ft. ¹	100	25	10	25	35
Village Commercial & Mixed Use Buildings	<i>with sewer</i>	10,000 sq. ft.	75	10	0 - 10 ²	25	35
	<i>without sewer</i>	25,000 sq. ft.	75	10	0 - 10 ²	25	35
Community Facilities, Institutional, & Religious Buildings	<i>with sewer</i>	20,000 sq. ft.	100	30	25	75	35
	<i>without sewer</i>	43,560 sq. ft.	100	30	25	75	35

¹Minimum project lot size per building.

²Varies by project.

³Per dwelling unit / office commercial.

SECTION 5.9 GENERAL COMMERCIAL DISTRICT (GC)

The purpose and intent of this district is to provide locations for common commercial uses in the Township. Permitted uses will serve Township residents and regional residents as well as visitors to the area. All proposed commercial uses are required to submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

SECTION 5.9.1 PERMITTED PRINCIPAL USES

- General retail, office, financial, and service businesses.
- Restaurants, not including drive-through restaurants.
- Planned developments (Section 5.12)

SECTION 5.9.2 CONDITIONAL USES

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.18 for landscaping standards.

- Building supply yards, warehouses, and wholesale businesses.
- Coin-operated laundries.
- Contractors and builders establishments.
- Drive-through businesses.
- Hotels and motels.
- Manufactured home parks.
- Mortuaries and funeral homes.
- Motor vehicle, boat, or recreational vehicle sales and/or repair facilities.
- Motor vehicle service facilities, including gas stations and car washes.
- Outdoor and indoor recreation establishments.
- Residential dwellings--single-family, duplex, and multi-family.
- Salvage or junkyard.
- Self-service storage facilities.
- Taverns, bars, and similar establishments.
- Telecommunication Towers.
- Theaters.

SECTION 5.9.3 DEVELOPMENT STANDARDS

The following dimensional requirements shall be met for any use in this district, unless otherwise provided.

Minimum lot size	One (1) acre (43,560 square feet)
Minimum frontage	200 feet
Minimum front setback	60 feet
Minimum side setback	10 feet, or zero if proper access, building, and fire codes are met
Minimum rear setback	30 feet, or 50 feet from residential district
Maximum height	35 feet

SECTION 5.9.4 PERFORMANCE STANDARDS

- A. Street tree, landscape planting and corridor improvement requirements shall be followed.
- B. Driveways shall be kept to a minimum and service drives and/or parking areas must be connected to neighboring lots or to the lot lines between adjoining commercial parcels.
- C. Parking shall be placed to the sides and rear of businesses or structures wherever possible. Screening of parking by landscaping, architectural walls, fencing, and treed landscape islands may be required.
- D. Buffers and proper drainage devices shall be provided to ensure protection of township wetlands, creeks and the lake.
- E. Where appropriate, sidewalks and bike paths shall be provided.
- F. All storage shall be within an approved structure or completely screened from view.
- G. Commercial establishments adjacent to residential areas shall provide an opaque screen (landscaping, fencing, or other) at these property boundaries and carry on no activities including parking or storage within the buffer area adjacent to a residential district.

SECTION 5.9.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed but must be approved by Site Plan Review and must be located in side or rear yards only. Unlicensed trailers and transit containers must be housed within the principal structure or in an approved permanent accessory structure.

Home occupations as limited by this Ordinance are allowed in this district as an accessory use and shall become a part of the Special Use Permit regulating the residential dwelling.

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.9.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.10 HIGHWAY COMMERCIAL DISTRICT (HC)

The purpose of this district is to encourage the development of general retail, service, warehousing and distribution businesses, and light industry in conjunction with the M-76 / M-33 / I-75 interchange area. All proposed highway commercial businesses shall submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

SECTION 5.10.1 PERMITTED PRINCIPAL USES

- General retail and service businesses.
- Restaurants.
- Hotels and motels.
- Drive-through businesses.
- Forestry related businesses.
- Motor vehicle service operations.
- Storage facilities.
- Contractors and builders establishments.
- Commercial recreation.
- Theaters.
- Residential dwellings – single family, duplex, multi-family
- Planned developments.
- General agricultural uses (except large scale livestock enterprises)

SECTION 5.10.2 CONDITIONAL USES

The following uses require a Special Use Permit in accordance with Chapter 8 of this Ordinance.

- Adult entertainment establishments.
- Light manufacturing operations.
- Telecommunication towers and antennas (see Section 4.10).
- Outdoor advertising structures.

SECTION 5.10.3 DEVELOPMENT STANDARDS

- | | | |
|----|--|-----------------------------------|
| A. | Minimum parcel size: | One (1) acre (43,560 square feet) |
| B. | Minimum parcel size for a Planned Development: | Five (5) acres |
| C. | Minimum lot frontage: | 120 feet |
| D. | Minimum setback from Interstate Highway | 50 feet |
| | Minimum front setback | 50 feet |
| | Minimum side setback | 35 feet |
| | Minimum rear setback | 30 feet |
| | Maximum height | 35 feet |

SECTION 5.10.4 PERFORMANCE STANDARDS

- A. Development plans for quadrants or large parcels of the area are preferred to individual plots.
- B. Provision of adequate public services is necessary for large, intensive uses.
- C. Ingress and egress drives shall be kept to a minimum and, where appropriate, service drives shall connect adjacent businesses. Flare or turning lanes may be required at highway entries.
- D. Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.
- E. A street tree and landscape planting plan shall be followed. (see Chapter 9)
- F. Where appropriate, sidewalks shall be provided.
- G. All storage shall be within a structure or screened from public view.
- H. Highway Commercial businesses adjacent to residential areas shall provide an opaque screen (landscaping, fencing, or berms) at these property boundaries and carry on no activities including parking or storage within a rear or side yard adjacent to a residential district.

SECTION 5.10.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance and shown on the development site plan is allowed by right. Accessory structures in this district must follow the same setbacks required for principal structures.

For Commercial Shipping Container uses see Section 4.30.

SECTION 5.10.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

SECTION 5.11 TABLE OF DIMENSIONAL REQUIREMENTS

ZONING DISTRICT		MINIMUM LOT AREA	MINIMUM FRONTAGE REQUIREMENT (FEET)	MINIMUM FRONT YARD SETBACK (FEET)	MINIMUM SIDE YARD SETBACK (FEET)	MINIMUM REAR YARD SETBACK (FEET)	MAXIMUM STRUCTURE HEIGHT² (FEET)
F	AGRICULTURAL BUSINESSES AND OTHER COMMERCIAL AND INDUSTRIAL USES	20 acres	220	150	100	100	2½ stories or 35 feet
	ALL OTHER USES	20 acres ¹	220	50	25	50	2½ stories or 35 feet
AG/RR	FARMS, COMMERCIAL OR OTHER NON-FARM USES	10 acres	330	50	50	50	40 feet (95 for silos)
	CONDOMINIUM UNITS, METES- AND-BOUNDS OR PLATTED LOTS FOR RESIDENTIAL USE	1 acre ³	150	40	25	25	2½ stories or 35 feet
R		1 acre	100	25	10	25	2½ stories or 35 feet
GC		1 acre	200	60	10	30 ⁴	35
HC		1 acre	100	50	35	30	35
VM	See Section 5.8.7 Table of Village Mixed Use Dimensional Requirements						

¹Parcel size variations may be granted by Planning Commission as part of a Special Use Permit.

²Telecommunication tower and antenna heights are governed by *Section 4.13*.

³For specific dwelling unit parcels, see Section 5.6.

⁴Fifty (50) feet if rear yard is adjacent to a residential district.

SECTION 5.12 PLANNED DEVELOPMENTS (PD)

SECTION 5.12.1 PURPOSE

Planned Development regulations furnish a beneficial and productive means to design site plans within areas designated in the Master Plan for housing, commercial, or special purpose developments. These regulations, while adhering to the underlying densities specified in the various districts of the zoning ordinance, provide for better design and planning of land uses by making the geography, the history and culture, and the ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land, while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

Projects approved hereunder shall be designated (PD) Planned Development.

SECTION 5.12.2 PERMITTED AND CONDITIONAL USES

A. Planned Developments within zones established by the Township Board.

All legal methods of land subdivision may be used in the design of a Planned Development. All pertinent regulations addressed elsewhere in the zoning ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, mobile home parks, and land divisions shall be administered and reviewed under this Section.

B. Permitted and conditional uses of the property prior to PD zone designation as uses compatible with surrounding zoning districts.

SECTION 5.12.3 TABLE OF DIMENSIONAL REQUIREMENTS FOR PLANNED DEVELOPMENTS

ZONING DISTRICT	MINIMUM PROJECT AREA	MINIMUM CONTINUOUS PROJECT FRONTAGE¹	MAX. DU/ DEVELOPABLE ACREAGE	REQUIRED PERCENT OF PROJECT AS OPEN SPACE²	AREA, YARD AND OTHER REQUIREMENTS³
FORESTED AGRICULTURAL/ RURAL	20 acres	220 feet	1 unit/ 2 ½ acres	60%	see Section 5.11
RESIDENTIAL	20 acres	330 feet	1 unit/ acre	60%	see Section 5.11
RESIDENTIAL GENERAL	5 acres	100 feet	1 unit/ 22,500 sq. ft.	60%	see Section 5.11
COMMERCIAL	5 acres	100 feet	N/A	50%	see Section 5.11
VILLAGE MIXED USE	1 acres	100 feet	N/A	20%	see Section 5.8.7
HIGHWAY COMMERCIAL	5 acres	100 feet	N/A	50%	see Section 5.11

- ¹ On a county or state highway.
- ² Public or private easements, rights-of-way, drives, streets or alleys, parking areas or required lots shall not be counted as part of required open space.
- ³ Standards set forth in Section 5.11 shall be used as guides to development design; modifications shall be reviewed and approved based upon standards of this chapter.

SECTION 5.12.4 DIMENSIONAL REQUIREMENTS

- A. See Section 5.12.3, above, and Section 5.11.
- B. “Open space” as used in this section shall be defined as land areas that are open and unbuilt and permanently preserved as such by conservation easement or other means suitable to the Township Board. It may include recreational facilities and structures.

SECTION 5.12.5 PERFORMANCE STANDARDS

The following development requirements shall apply to all Planned Developments:

- A. The Planned Development should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
- B. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat, and to prevent erosion and control drainage. Open space left in its natural state shall be kept free of litter. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.
- C. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and

- planned amenities of the total development.
- D. All or any part of designated open space shall be reserved for use in common by the owners or residents of the Planned Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, require that open space easements be conveyed to the Township or to another responsible entity.
 - E. All public streets within or abutting the proposed Planned Development shall be improved to Township and County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be maintained for their intended purposes by the development's landowners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
 - F. Planned Developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded area, rough terrain, and similar natural features and areas.
 - G. All utilities within a Planned Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.
 - H. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
 - I. A property owners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
 - J. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Development shall be granted final approval until all necessary approvals are obtained.
 - K. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including construction of roads, utilities, dwellings and amenities--all the major components of the project. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.

SECTION 5.12.6 ACCESSORY STRUCTURES AND USES

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

SECTION 5.12.7 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signage as permitted in Chapter 7.

SECTION 5.12.8 CONCEPTUAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

- A. Twelve (12) copies of a conceptual development plan encompassing all phases of the proposed Planned Development, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet, if more, containing the following information:
1. Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
 2. Zoning and use of all adjoining properties.
 3. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
 4. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
 5. Existing site elevation contours at a minimum of twenty (20) foot intervals.
 6. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary and existing wetlands.
 7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
 8. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Development zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the Planned Development and the acreage allotted to each use.
 9. Locations of proposed access driveways and parking areas.
 10. If multi-phase development is proposed, identify areas included in each proposed phase.
- B. A legal description of the land to be included in the Planned Development.
- C. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the Planned Development.
- D. A narrative statement describing the overall objectives of the Planned Development.
- E. A complete application on a form supplied by the Township.
- F. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Development project review.

SECTION 5.12.9 PLANNING COMMISSION REVIEW OF CONCEPTUAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the conceptual development plan at a public meeting. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a Planned Development contained in this section, and based upon the intent of the Ordinance. The recommendation of the Planning Commission shall be transmitted in written form to the Township Board, the County Planning Commission, and a copy of the recommendations transmitted to the applicant.
- B. In the course of its review of a conceptual development plan for a Planned Development, the Planning Commission shall provide notification of its deliberations in accordance with Section 10.10 of this Ordinance.
- C. Review Procedure:
 - 1. The Planning Commission shall review the conceptual site plan to ensure that:
 - a. The uses, buildings, and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
 - b. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the conceptual site plan.
 - c. That the plan meets the applicable development and performance standards of this section and of the district in which it is proposed to be situated.
 - 2. Based on the findings of its review, the Planning Commission shall do one of the following:
 - a. Grant conceptual site plan approval.
 - b. Grant conceptual site plan approval subject to conditions and the submission of a revised site plan.
 - c. Reject the conceptual site plan, stating the specific reasons for the rejection.

SECTION 5.12.10 APPLICATIONS FOR REZONING

Once the Planning Commission has granted concept development plan approval subject to conditions, an application for Planned Development zoning may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

SECTION 5.12.11 SITE PLAN REVIEW REQUIRED

Either concurrent with the application for rezoning or upon rezoning approval, the applicant must apply for Development Site Plan approval in accordance with Chapter 9. Prior to any new construction, site plan approval must be obtained.

In addition to the information required for Development Site Plan approval, the applicant shall submit, where relevant, the following:

- A. Lot lines and building pads.
- B. Details of proposed project lighting.
- C. A copy of all of the following that are applicable: proposed deed restrictions, covenants, condominium or landowner association documents.
- D. Summary data schedules:
 - 1. Number and sizes of proposed units, including accessory or ancillary structures.
 - 2. Area and percentage of building site coverage.
 - 3. Area and percentage of impervious surface coverage.
 - 4. Area and percentage of open, undeveloped space.
 - 5. Parking space calculations, if applicable.

SECTION 5.12.12 CHANGES TO AN APPROVED PLANNED DEVELOPMENT

- A. No changes to an approved development plan for a Planned Development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval, with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5%) percent, shall be processed in the same manner as an application for approval of a Development Site Plan, as specified in Chapter 9.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

SECTION 5.12.13 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved Planned Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Planned Development by the Township Board.
- B. The owner or applicant of the Planned Development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
 - 1. The Planned Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
 - 2. The Planned Development is likely to commence and to be completed.
- C. If the Planned Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one permitted extension thereof, then the Planned Development approval shall automatically become invalid and void and the prior zoning of the property shall obtain.

CHAPTER 6 PARKING

SECTION 6.1 INTENT AND PURPOSE

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

SECTION 6.2 ADEQUATE OFF-STREET PARKING

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a county street or an approved private street, service drive, or alley. Parking on street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of Development Site Plan Review, Chapter 9.

SECTION 6.3 TABLE OF OFF-STREET PARKING RECOMMENDATIONS

The following table provides a guide for surfaced parking areas. The total parking recommended is the sum of spaces for all land uses proposed on the site, plus employee parking, as outlined by table. A parking space shall be at minimum 9 ft. x 18 ft.

<u>Land Use</u>	<u># Spaces</u>	<u>Per Activity Unit</u>
Mobile Home Park	2	Dwelling Unit
Senior Citizen Housing	1	Dwelling Unit
Day Nursery	1	4 Children, per License
Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
Retail, Office, Service, Financial	1	250 sq. ft. of Public Area
Vehicle Sales	1	800 sq. ft. of Public Area
Vehicle Service/Wash, Gas Station	3	Wash, Stall or Fuel Pump
Truck Stop	5*	Fuel Pump (12' x 70' / truck)
Barber Shop or Beauty Salon	2	Chair
Bar or Restaurant (Not Drive-In)	1	2 Seats
Drive-In or Drive-Thru Restaurant	1	200 sq. ft. Gross Floor Area
Hotel or Motel	1	Guest Room
Meeting Hall, Skating Rink, Community Center, Gymnasium, Auditorium	1	3 Persons Allowed in Bldg. based on Fire Code
Bowling Alley	4	Lane
Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
Church, Theater, Arena,	1	2 Seats or 4 feet of Bench or Pew

<u>Land Use</u>	<u># Spaces</u>	<u>Per Activity Unit</u>
Grade School	1	10 Students
High School	1	5 Students
College, Technical School	1	3 Students
Hospital, Visitor Parking	1	3 Beds
Hospital, Doctors Parking	1	2 Medical Staff Members
Nursing Home	1	6 Beds
Library, Museum, Gallery, Post Office	1	800 sq. ft. Gross Floor Area
Private Club	1	2 Member Families
Any Employment Site	1	Employee at Peak Shift

*Spaces should be sized as noted.

Where an applicant can substantiate a different parking need than those indicated above, upon submittal of convincing written evidence to the Planning Commission, a deviation may be allowed. Unpaved parking areas may be allowed to handle special events or high non-routine parking requirements. These areas, though, must have a properly stabilized subsoil and meet regular landscape requirements.

SECTION 6.4 USES NOT LISTED

The Zoning Administrator and Planning Commission shall determine the number of parking spaces required for all uses, including those not listed in the table above. If the use is not listed, the Zoning Administrator and for Planning Commission shall determine the number of required spaces based on a comparison of the proposed use and a similar use that is listed in the Table of Off-Street Parking Recommendations. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

SECTION 6.5 BUILDING, STRUCTURE, OR USE EXPANSIONS OR ADDITIONS

Additional parking shall be provided for any increase in floor area, change in use, addition, or expansion of a building or site.

SECTION 6.6 JOINT PARKING

The use and construction of shared parking is encouraged and allowed when it can be demonstrated that the parking requirements of this Chapter can be met.

SECTION 6.7 OFF-STREET PARKING AREA CONSTRUCTION REQUIREMENTS

- A. The off-street parking areas shall be surfaced with a durable material that shall be graded to drain and dispose of storm water on site.
- B. Storm water collection, drainage and retention structures meeting all requirements of the Arenac County Road Commission and the Arenac County Drain Commissioner shall be installed for all off-street parking areas.

- C. Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
 - 1. Each driveway lane shall be a minimum of nine (9) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
 - 2. A driveway shall intersect the abutting street at a ninety (90°) degree angle.
 - 3. Aisles shall be at least eighteen (18) feet wide.
- D. Each parcel shall have no more than one (1) driveway entrance and exit opening to an abutting public thoroughfare for each three hundred fifty (350) feet of frontage, or fraction thereof. Where more than one (1) driveway is allowed because of an existing driveway, it will be as far as possible from the nearest driveway(s). No parking lot driveway shall be located closer than ten (10) feet from a neighboring property line.
- E. All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is directed toward the ground and is not directed toward a public thoroughfare or adjacent properties.
- F. Parking and loading areas in general shall be located beside or behind structures, but in no case closer than fifty (50) feet from any road right-of-way and shall not be located any closer than ten (10) feet from any lot line.
- G. Any parking area larger than ten (10) spaces shall have a visual screen not less than four (4) feet high between the parking area and adjacent property zoned for residential uses. A zoning permit shall be required for construction of any parking lot.
- H.

SECTION 6.8 PARKING REQUIREMENTS FOR VILLAGE MIXED USE DISTRICT

See Section 5.8.3.H for parking requirements in the Village Mixed Use District.

CHAPTER 7 SIGNS

SECTION 7.1 INTENT AND PURPOSE

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Moffatt Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors.
- Reduce hazardous distractions to motorists and pedestrians.
- Protect commercial districts from visual clutter and ugliness.
- Protect property values.
- Protect the rural character and natural beauty of the Township.

SECTION 7.2 DEFINITIONS

Sign - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building, structure, or lot, and which directs attention to an object, project, service, activity, person, institution, organization, or business.

Sign Area - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one side of a sign shall be used.

Building Sign - A sign attached to a building as either a wall sign, projecting sign, awning sign, window or canopy sign. No sign shall be placed above the roof line (refer to Figure 4).

Directional Sign - A sign directing vehicular or pedestrian traffic or parking but bearing no advertising matter except for the logo of the business for which the directional signs are associated.

Freestanding Sign - A sign supported by one or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as “pole” signs.

Illuminated Sign - Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection. No flashing arrow is allowed on any illuminated sign.

Outdoor Advertising Structure - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

Portable Sign - Any sign so constructed to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs include “trailer” signs. No flashing arrow is allowed on any portable sign.

SECTION 7.3 SIGN REGULATIONS

The following regulations shall apply to on-premises signs:

- A. Unless a sign is exempt from permit requirements as specified in Section 7.3.B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign. Outdoor advertising structures require a Special Use Permit in accordance with Chapter 8.
- B. Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:
 - 1. One (1) temporary construction sign shall be permitted for a construction project, not to exceed thirty-two (32) square feet in area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.
 - 2. On-premises directional signs, not to exceed four (4) square feet in area per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.
 - 3. Public signs or notices of Moffatt Township, Arenac County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
 - 4. Real estate signs not exceeding four (4) square feet of display area per side shall be permitted. These signs must be removed within thirty (30) days of the sale of the property upon which they are placed.
 - 5. One (1) nameplate sign per premises not to exceed two (2) square feet shall be permitted.
 - 6. Garage or yard sale signs may be installed one week in advance of sale and shall be removed within twenty-four (24) hours after the sale.
 - 7. Election signs not exceeding two (2) square feet may be placed ninety (90) days before election and must be removed within five (5) working days afterward.
- C. Outdoor advertising structures are permitted in the highway service district only:
 - 1. Special use requirements shall be followed (see Chapter 8).
 - 2. Minimum setback from any highway: 200 feet from the road right-of-way or in line with existing outdoor advertising structures.

3. Minimum spacing between advertising structures shall be 1,000 feet measured along a line parallel to the right-of-way on either side of the highway upon which the structure may be located.
 4. Maximum sign size: 300 square feet in surface display area per side on Highways M-76 and M-33.
 5. Maximum sign size: 1,000 square feet in surface display area per side on Highway I-75.
 6. Maximum sign height: 35 feet from road level.
- D. Any sign not specifically permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify other signs.
- E. General Sign Standards:
1. Illumination, if permitted, shall be by a non-flashing light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent highways. The source of any illumination shall not be visible beyond the property lines of the parcel upon which the advertising structure is located.
 2. All signs shall be subject to the Building and Safety Codes of Arenac County.
 3. All signs shall be set back a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Ordinance.
 4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted signs shall not exceed eight (8) feet in height.
 5. Freestanding signs shall have a minimum clearance of eight (8) feet between the ground surface and lowest point of the sign.
 6. No signs shall be placed in required clear vision areas.
 7. New signs in areas that have many existing signs shall be placed in line with existing signs as much as possible while attempting to adhere to required setbacks.
 8. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.
- F. Sign Size and Height:
1. On-premise freestanding signs shall not exceed forty-eight (48) square feet total face size, nor exceed fourteen (14) feet total in height from road level, except for commercial districts on Highways M-33, M-76, and I-75, where signs shall not exceed seventy-two (72) square feet in total face size, nor exceed thirty-five (35) feet total in height from the road level.
 2. Commercial establishments are allowed one freestanding sign.
 3. Commercial establishments are allowed building signage, including wall, awning, window and canopy signage, for identification and advertisement of goods sold on premises not to exceed ten (10%) percent of any face of the building fronting on a road of access to the building.
 4. Signs for home occupations shall not exceed six (6) square feet, except agricultural businesses or uses which shall use the commercial standards above.

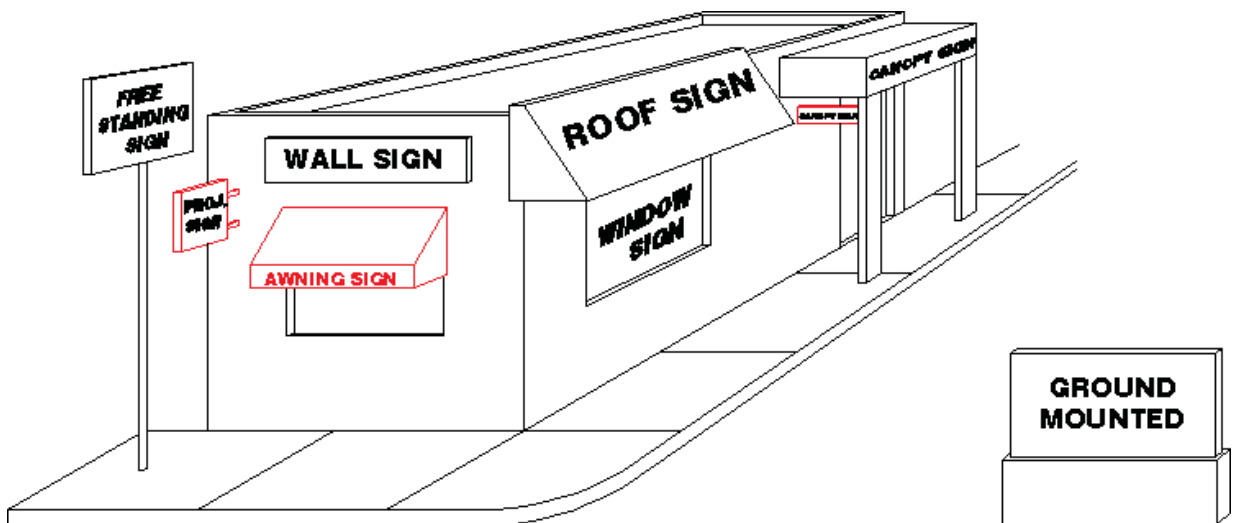
- G. Temporary signs, a maximum of thirty-two (32) square feet, shall be allowed for special events, subject to Zoning Administrator approval, not to exceed sixty (60) days total in one year.

SECTION 7.4 NON-CONFORMING SIGNS

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Ordinance may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter SHALL NOT:

- A. Be changed to another non-conforming sign.
- B. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

Figure 4



CHAPTER 8 SPECIAL USES

SECTION 8.1 INTENT AND PURPOSE

Rather than attempting to foresee and regulate all the possible land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for special uses of land or structures that allows latitude for a land owner or developer, and, at the same time, maintains sound provisions for the protection of the health, safety, and general welfare of Township inhabitants. Such uses may be authorized within certain zoning districts through the issuance of a Special Use Permit as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006.

SECTION 8.2 PRE-EXISTING USE

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a special land use. Any expansion or enlargement of the original permissible use, designated now as a special use, must proceed through the special land use process for approval.

SECTION 8.3 REVIEWING AUTHORITY

All applications for Special Use Permits shall be considered by the Planning Commission, hereafter referred to as the “Commission,” and a recommendation made to the Township Board. The Township Board shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits.

SECTION 8.4 APPLICATION AND FEE

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with twelve (12) copies of the application, and twelve (12) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application.

SECTION 8.5 DATA REQUIRED

- A. Each application shall include the following information:
 - 1. The name, address, telephone number and signature of the property owner and applicant;
 - 2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable options on the property, if any;
 - 3. A detailed description of the proposed special use for which the permit is requested;

4. Project schedule and developments plans;
5. A vicinity map with north arrow indicated;
6. Land uses and existing structures on the subject parcel and adjoining parcels within five hundred (500) feet of the subject parcel; and
7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, and existing utilities, and upon the natural environment.

B. A site plan in accordance with Chapter 9 - Development Site Plan Review.

SECTION 8.6 PROCEDURE UPON RECEIPT OF APPLICATION

Upon receipt of a Special Use Permit application, which is supported by all the data and fees required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable. The Planning Commission's preliminary consideration shall be to offer preliminary review of the Special Use Permit application. This preliminary review shall not constitute final review necessary for approval. The applicant shall be notified of the time and date of this preliminary consideration. At the meeting wherein preliminary consideration is given, the Planning Commission shall set the time and date for the public hearing on the application unless the applicant agrees to deferral of that public hearing.

- A. Notice Requirements. Notice that a special use application has been received and will be considered by the Commission must be given and shall meet the requirements of Section 10.10 of this Ordinance.
- B. The Planning Commission shall hold a public hearing on the Special Use Permit request.
- C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- D. Following its review of the request, the Planning Commission shall take one of the following actions:
 1. Approve the Special Use Permit if it is found to satisfy the requirements of this Chapter;
 2. Place conditions on, and then approve the Special Use Permit with conditions; or
 3. Deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

SECTION 8.7 TOWNSHIP BOARD ACTION

Upon receiving the Commission's written recommendation on the proposed special use, the Township Board shall schedule deliberations on the application at its next regular meeting. The Township Board may hold another public hearing on the matter if requested or at its discretion. Upon examining the application, the recommendation of the Commission, and any other evidence brought before it, the Township Board may take one of the following actions:

1. Refer the matter back to the Commission for further deliberations whereupon the Commission will re-examine the evidence and information referred to it by the Township Board and resubmit a recommendation to the Township Board.
2. To approve the Special Use Permit if it is found to satisfy the requirements of this

- Chapter; send in writing its recommendation to the Township Board either
3. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
 4. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

SECTION 8.8 BASIS FOR DETERMINATION

Before approval of a Special Use Permit, the Township Board shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious in effect and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.
- E. Not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any other harmful effects.
- F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
- G. Will not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, wildlife areas.
- H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Arenac County Drainage Commissioner requirements.
- I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, County Conservation Service, area fire departments, Department of Natural Resources and any other applicable township, county, state and federal statutes.

SECTION 8.9 CONDITIONS AND SAFEGUARDS

Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall meet the following requirements:

- A. To ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use of activity;
- B. To protect the natural environment and conserve natural resources and energy;
- C. To ensure compatibility with adjacent uses of land;
- D. To promote the use of land in a socially and economically desirable manner;
- E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed special land use or activity under consideration;
- F. To protect the health, safety, welfare, social and economic well-being of Township residents, and lot owners adjoining the proposed special land use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which operations may occur or during which special land use activities may be carried on;
- G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards;
- H. Be necessary to ensure compliance with any part of the application received and approved by the Township Board; and
- I. Be recorded as part of the Special Use Permit.

When requiring conditions for a Special Use Permit, the following findings shall be made and documented as part of the special use review:

- 1. That such requirements and conditions will mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other harmful effects upon adjoining parcels; and
- 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 8.10 VARIANCES

Where a Special Use Permit is granted conditionally, based upon the necessity for the applicant to obtain a variance, or variances, from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.

SECTION 8.11 GRANT OR DENIAL OF THE SPECIAL USE PERMIT

The Township Board may approve, deny, or approve with conditions, a request for Special Use Permit approval. The decision on a Special Use Permit under consideration shall be incorporated in a statement containing the conclusions which form the basis of the decision and any conditions and safeguards imposed. One (1) copy shall be distributed to each of the following: Zoning Administrator, Township Clerk, and the Commission. Only upon approval by the Township Board may a Special Use Permit be issued by the Zoning Administrator.

SECTION 8.12 PERMIT EXPIRATION

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void unless a Special Use Permit is renewed by the Township Board, upon the request of the permit holder for a period of time not to exceed two (2) years. The Township Board may refer the request to the Planning Commission for a determination and recommendation of the likelihood that the special use will be brought to fruition within what time period.

SECTION 8.13 BINDING EFFECT

Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed, unless the Special Use Permit holder obtains a new or amended Special Land Use Permit in accordance with the procedures of this Chapter. Further, such conditions shall run with the land, and shall be binding on the landowner, his successors, heirs and assigns. If at any time during the existence of a permitted special land use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and the permit may be revoked and previously permitted special use activities cease.

SECTION 8.14 INSPECTIONS

The Zoning Administrator shall be responsible for the inspection of all conditions imposed by the Special Use Permit and for all improvements required by the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Commission on the progress of each Special Use Permit. He shall notify the Township Board and Commission in writing of any failure on the part of the applicant to meet the requirements of the Site Plan and Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Township Board may include an amount to cover such inspections.

SECTION 8.15 FINANCIAL GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a proposed Special Use Permit has been submitted, the Township Board may require the applicant to:

- A. Deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to: roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, reclamation, and widening strips.
 1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of any improvements to be made as determined by the applicant and verified by the Township Board.
 2. The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project. No Special Use Permit may be issued before the receipt of all required performance guarantees by the Township Board.
 3. An approved Special Use Permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the permit.
 4. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Township Board shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Township Board, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%) percent of the required improvements are completed as confirmed by the Township Board. If a request is made by the applicant for a temporary certificate of occupancy without completion of the required improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of this Ordinance and the specifications of the approved site plan.
 5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Township Board shall return to the applicant the performance guarantee deposited and any interest earned thereon.
 6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject

property to make the improvements. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to Township administrative costs in completing the improvements, with any balance remaining being refunded to the applicant. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvement exceeds the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

SECTION 8.16 OTHER SPECIAL USES

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 8, may be considered by the Planning Commission and Township Board as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

SECTION 8.17 COMMERCIAL SOLAR ENERGY SYSTEMS

See Section 4.28 for Permit requirements.

SECTION 8.18 PUBLIC UTILITY FACILITIES & WIND ENERGY CONVERSION SYSTEMS

See Section 4.31 for Permit requirements.

CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW

SECTION 9.1 INTENT AND PURPOSE

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides that all the land uses shall be subject to Development Site Plan review except single-family or duplex dwellings located on a single lot and agricultural uses not subject to a Special Use Permit or as otherwise indicated in this Ordinance.

SECTION 9.2 SCOPE

All land developments, excluding those addressed in Section 9.1 above, including structures to be erected, moved, externally altered, added to, or to have any change in use which would affect their approved off-street parking, landscaping, site drainage, or any other requirements, shall be reviewed under this Chapter. Land divisions for any purpose other than Planned Developments shall be reviewed under this Chapter. No building or zoning permit shall be issued except in accordance with a plan approved under this Chapter.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which Development Site Plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits.

SECTION 9.3 APPLICATION AND FEE

An application for site plan review shall be made by filing the application form, required information, and the required fee with the Township Zoning Administrator.

The application fee shall be set by resolution of the Township Board. Once accepted by the Zoning Administrator, no portion of the fee shall be returned to the applicant, unless authorized by an action of the Township Board.

The Township may hire a qualified expert or experts to aid in reviewing site plans; the expense of which shall be borne by the applicant.

SECTION 9.4 REVIEWING AUTHORITY

The Planning Commission, or the Township's qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for Development Site Plan approval.

SECTION 9.5 MAJOR AND MINOR DEVELOPMENT PROJECTS DEFINED

A minor project, for the purposes of this Chapter, is defined as follows:

- A. The remodeling, alterations, or additions to commercial and industrial buildings of less than twenty-five (25%) percent of the square footage of the existing structure.
- B. Improvements to, erection of, or reconstruction of accessory buildings and structures, parking areas, and similar facilities.
- C. Site changes that do not exceed twenty-five (25%) percent of the existing developed site area.

Major projects are all projects not listed above, including, but not limited to, site condominium projects, multi-family apartment project developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and sites greater than listed above.

SECTION 9.6 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 9.7 that shall present an adequate overview of the intended project.

SECTION 9.7 SITE PLAN REVIEW; REQUIRED INFORMATION

For major projects, Development Site Plan Review shall entail the examination of all the items in Section 9.7 B. For minor projects, the abbreviated review indicated in Section 9.7 A is allowed.

A. Required Submittals - Minor Projects

All project applicants shall submit to the Zoning Administrator, the Development Site Plan application provided by the Township and twelve (12) copies of the detailed site plan. The detailed site plan shall consist of the following items for review:

- 1. A site plan, drawn to scale with a north arrow indicated showing the property boundaries, the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
- 2. A conceptual landscape plan, including required buffers, existing vegetation, water courses, and other significant site features, and proposed new plantings.
- 3. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any free-standing sign.
- 4. Conceptual grading and drainage plans with existing and proposed elevations.
- 5. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for asking for additional information.

6. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

B. Required Submittals - Major Project

The following are among the items to be included on the detailed plan for major projects. Development Site Plans should be accurately drawn at the scale of at least one (1) inch equals one hundred (100) feet showing the site and all land and structure within five hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet. If multiple sheets are used, each must be labeled, dated, and the preparer identified.

1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
2. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2,000) feet with a north arrow indicated.
3. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
4. The location and type of existing soils on the site and any certifications of borings.
5. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within five hundred (500) feet of the project site and proposed erosion control measures.
6. Location of existing and proposed buildings and intended uses thereof. Proposed
7. location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, decks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
8. Location of existing public roads and streets, that abut or cross the site, plus rights-of-way and private easements of record.
9. Location and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with elevation views.
10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all trails, walkways, bicycle paths, and other areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.
14. Location and routing of all other utilities on the site, including, but not limited to, natural gas, electric, and data and telecommunication transmissions.

15. Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings, or swimming pools, if applicable.
16. Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.
17. Location and specifications for all fences, walls, and other screening features with cross sections.
18. General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6) inches or more in diameter, four and one-half (4 ½) feet above the ground, if not located in a forest. Forests or large areas of vegetation to be preserved shall be demarcated and designated as such.
19. Locations and specifications for all proposed perimeter and internal landscaping and other buffering features.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing, proposed, or required above or below ground storage facilities for any chemicals, salts, flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by the Act 245 Program.
22. Identification of any significant or unique site features.
23. Indication of any significant views onto or from the site.
24. The zoning classifications of the site and adjacent properties. North
25. arrow, scale and date of original submittal and all revisions.
26. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for requiring such data.
27. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such actions.

SECTION 9.8 SITE PLAN REVIEW PROCEDURE

- A. When all necessary information as provided by this Chapter is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chairman.
- B. The Chairman shall place the Site Plan Review on the next available meeting agenda for discussion by the Commission and shall notify the applicants of this action.
- C. Within a reasonable time and based upon the standards in Section 9.9, the Planning Commission shall act either to approve or to deny the request for Development Site Plan approval or to provide information to the applicants by which they may amend their plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicants of the acceptance or rejection of their plans.
- D. If plans are denied at any time, the Planning Commission shall submit in writing to the applicants the reasons for the action.

SECTION 9.9 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all Development Site Plans. These standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

A. Elements of Development Site Plan Review

1. Neighborhood and Community Elements:
 - a. Historical Preservation. Owners of existing structures of historical significance are encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.
 - b. Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are usable. Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and habitat systems.
Views and privacy, while dealing with the siting of buildings on individual parcels, shall be provided for on a larger scale by buffering and screening to preserve or create unintrusive site lines wherever possible.
 - c. Landscape Preservation. Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots and farmlands shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.
 - d. Business Districts. Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.
 - e. Trafficways and Gateways. Site plans shall address the effects of new structures or uses upon traffic at or near their sites. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.

- f. Security, Fire and Emergency Access. Setbacks, access paths with adequate lane widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and ease of surveillance shall be addressed where appropriate.
2. Engineering Elements:
- a. Drives, Parking and Circulation. Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.
 - b. Surface Water Drainage. Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion.
 - c. Utility Service. New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

B. General and Necessary Conditions

All other standards and requirements of this Ordinance and other applicable ordinances, regulations and statutes must be met by development plans presented for review under the provisions of this Chapter. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole. The Planning Commission may confer or consult with a qualified expert, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

SECTION 9.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

- A. Complete drawings, plus all certified final drawings and plans which are subject to Development Site Plan review and contain all necessary modifications or additions required, shall be submitted before final Development Site Plan approval is granted.
- B. Conditions of Final Approval. Development Site Plans may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A Development Site Plan may be approved conditionally upon necessary or required approvals by other local, county, state, or federal agencies.
 - 1. Performance Guarantee for Required Conditions. Security may be required to ensure performance of required conditions. The applicant may be required to furnish security in the form of a bond, certified check, or an irrevocable bank letter of credit, acceptable to the Township, in the amount fixed by the Planning Commission. If security is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.
 - 2. Provisions of Required Improvements. Whenever a Development Site Plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
 - 3. Non-performance of Required Conditions. In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to cover the costs incurred by the Township to complete the improvements, including attorney's fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.

4. Condition Declared Void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said Development Site Plan approval shall cease to be valid and all rights or privileges granted thereby shall end.
5. Violation of Required Condition or Conditions. Whenever a Development Site Plan is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the Development Site Plan in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and Development Site Plan approval may be revoked.

SECTION 9.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

SECTION 9.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

- A. Amendments to an approved Development Site Plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved Development Site Plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
 1. A significant change in use or character of the development.
 2. An increase in overall coverage of structures.
 3. An increase in the intensity of use.
 4. A reduction in the required open space.
 5. A change that may increase the storm water run-off to adjacent properties.
 6. A reduction in required off-street parking and loading.
 7. A reduction in required pavement widths or utility sizes.
 8. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- B. If the Zoning Administrator finds that a proposed amendment to an approved Development Site Plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the Development Site Plan in accordance with the procedures of Section 9.7; or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that Development Site Plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the Development Site Plan in accordance with the procedures in Section 9.7 hereof.

SECTION 9.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire.
- B. The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

SECTION 9.14 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

In its review of the decision, the Zoning Board of Appeals shall consider the following:

- 1. The appellant's letter and validity of grounds for appeal.
- 2. The minutes taken during the Planning Commission's review of the site plan.
- 3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
- 4. Any verbal or written information submitted to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals.

In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:

- 1. Affirm the decision of the Planning Commission with or without modification.
- 2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
- 3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

CHAPTER 10 ADMINISTRATION AND ENFORCEMENT

SECTION 10.1 ZONING ADMINISTRATOR

Unless otherwise designated under a specific provision of this Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. All authority delegated to the Zoning Administrator is granted by the Township Board.

SECTION 10.2 ZONING PERMIT REQUIRED

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. The Zoning Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit must be obtained prior to the application for a building permit.

SECTION 10.3 APPLICATION AND FEE

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Township Board. The application shall be made up of the following:

- A. A site plan drawn to scale showing the location and size of the proposed building, structure, or use as it relates to roads and rights-of-way, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands, and any other items required by this Ordinance to illustrate the intended use and its site; or the site plan approved by the Planning Commission or Zoning Board of Appeals.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

SECTION 10.4 ISSUANCE OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, and/or use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

SECTION 10.5 FAILURE TO OBTAIN PERMIT

The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.

SECTION 10.6 DENIAL OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. The Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

SECTION 10.7 REVOCATION OF ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

SECTION 10.9 ENFORCEMENT

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be violations of this Ordinance shall be reported to the Zoning Administrator.
- B. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. After the order to correct has been issued, the violation shall be corrected within thirty (30) days. If the violation cannot be corrected within 30 days, an application to extend the correction period may be made to the Township Board. Only one such extension shall be granted. Any violation not corrected shall be reported to the Township Board. The Township Board may then initiate legal procedures against the violator.

- D. Any person, firm, or organization that violates or refuses to comply with any provision of this Ordinance or lawful order of the Zoning Administrator, Zoning Board of Appeals, or Township Board issued pursuant to this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, one shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The Township Board reserves the right to pursue civil remedies (the collection of fees, injunctive relief, and corrective measures) for certain provisions of this Ordinance in accordance with applicable state statutes.
- E. The Zoning Administrator, the Township Board, and the Zoning Board of Appeals, or any interested party may bring a suit for an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 10.10 PUBLIC NOTICE

All applications requiring a public hearing shall comply with the following provisions:

- A. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator or the Clerk shall prepare the content of the notice and have it published in a newspaper of general circulation in the Township of Moffatt and mailed or delivered as provided in this Section.
- B. All mail, personal and newspaper notices for public hearing shall:
 - 1. Describe the nature of the request: Identify whether the request is for rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - 2. Identify the location: Indicate the property or (properties) that is the subject of the request. The notice shall include a listing of all existing street addresses of the subject property. Street addresses need not be created and listed if no such addresses currently exist for the property. Other means of identification may be used such as a tax parcel identification number, identifying the nearest cross streets, or by including a map showing the location of the property or properties if the subject of the hearing is for less than eleven (11) adjacent properties or when the request is for an ordinance interpretation not involving a specific property.
 - 3. Indicate the date, time and place of the public hearing(s).
 - 4. Include a statement describing when and where written comments will be received concerning the request and where written text, maps or other materials pertinent to the hearing may be viewed or obtained.
- C. When the provisions of this Ordinance or state law require that a personal or mailed notice be given:
 - 1. Notice shall be provided:
 - a. To the owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a

specific property, to all persons to whom real property is assessed and to occupants of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the boundaries of the Township of Moffatt. In structures containing four or fewer dwelling units, one occupant of each unit must be given notice. In structures containing more than four units, a single notice may be given to the owner or the manager to be posted at the primary entrance to the structure. If the name of the occupant of the property is not known, the term “occupant” may be used in making notification.

- c. To all neighborhood organizations, public utility companies, railroads, the manager of each airport and other persons or organizations which have requested to receive notice pursuant to Section 10.11, Registration to Receive Notice by Mail, that are within the zone or district affected by the subject request.
- 2. Notice Affidavit: Notice as described in this section shall be considered when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The secretary of the planning commission, the zoning administrator or the clerk shall prepare a list of property owners, registrants, and others to whom the notice was given and shall provide an affidavit thereof.
- D. The above notices shall be given not less than 15 days before the date the application will be considered for approval.

SECTION 10.11 REGISTRATION TO RECEIVE NOTICE BY MAIL

- A. Any neighborhood organization, public utility company, railroad or any other person or organization may register with the Zoning Administrator or the Clerk to receive written notice of hearing of applications for approval pursuant to Section 10.10.C.c. Fees may be assessed for the provision of this notice.
- B. All registered entities or persons must re-register bi-annually to continue to receive notification pursuant to this Section.

CHAPTER 11 ZONING BOARD OF APPEALS

SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced, and that substantial justice is done.

SECTION 11.2 MEMBERSHIP AND PROCEDURES

- A. The Township Zoning Board of Appeals shall consist of three (3) members as appointed by the Township Board. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, the remaining member(s) shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. One alternate may be a township board member if no regular member of the ZBA is a board member. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend *one (1)* or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- E. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose a chairman, and in the chairman's absence, an acting chair.

- F. Meetings shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
- H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final, and appeals must be filed with a court of competent jurisdiction.
- J. A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct. A member of the zoning board of appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter.

SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall ensure that all variances comply with the following:
 1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 2. Will not permit the establishment of a use within a district where it is prohibited.
 3. Will not adversely affect property values in the immediate vicinity or in the Township as a whole.
 4. Will relate only to the property for which the application has been submitted.
 5. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.

- B. The Board of Appeals shall not grant a variance unless at least one (1) of the following is demonstrated:
1. Where there are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after the effective date of this Ordinance.
 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
 3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
 4. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No use variances may be granted by the Zoning Board of Appeals.

SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.

- A. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.

- B. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Use or a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.

The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the public.

SECTION 11.6 HEARING NOTICES

All Zoning Board of Appeals hearings shall meet the public notice requirements of Section 10.10 of this Ordinance.

CHAPTER 12 AMENDMENTS AND REZONING

SECTION 12.1 AUTHORIZATION

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.

SECTION 12.2 REZONING

For the purposes of this Chapter and other applicable Sections of this Ordinance, the term “rezoning” shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Chapter for Amendments.

SECTION 12.3 INITIATION OF AMENDMENTS

Proposals for amendments may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

SECTION 12.4 PROCEDURE

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission.
- C. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as specified in Section 10.10 of this Ordinance.
- D. Upon receipt of the County Planning Commission’s recommendation or expiration of thirty (30) days, the Township Board shall review both the County’s and the Planning Commission’s recommendations. The Township Board shall adopt or reject the proposed amendment unless one (1) or more of the following occurs:
 1. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request for such a hearing with the Township Clerk in a timely manner. Said request shall be filed in a timely manner. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be given to the

interested property owner in accordance with Section 10.10 of this Ordinance.
No other notices are required

2. If the Township Board deems advisable any changes or additions to the amendment recommended by the Planning Commission, it may refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any interested property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission, or its designated representative, to attend the hearing.
- E. Following a hearing or review of the Planning Commission's report, if requested, and otherwise, the Township Board by majority vote of its membership may adopt or reject the proposed amendment with or without changes.
- F. The amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days of adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 2. The effective date of the amendment; and
 3. The time and place where a copy of the amendment may be purchased or inspected.
- G. The amendment will take effect on the eighth (8th) day following publication.
- H. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendment to any other board or agency provided for in this Ordinance

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