

Joyfield Township

Zoning Ordinance

**Joyfield Township Planning Commission
8/18/2021**

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Article 1
TITLE AND PURPOSE

1.1 Title

Joyfield Township in accordance with the enabling legislation for Municipal Zoning as provided in Act 110 of 2006 (M.C.L. 125.3101 *et seq.*) and P.A. 33 of 2008 (M.C.L. 125.3801 *et seq.*) hereby provides as follows: a Zoning Ordinance which shall be known as and may be cited as the “Joyfield Township Zoning Ordinance” of Joyfield Township, as amended and is referred to as the “Zoning Ordinance.”

1.2 Area of Jurisdiction

The provisions of this Zoning Ordinance apply to all development, public and private, throughout the incorporated areas of Joyfield Township, Benzie County, Michigan, to the extent permitted by law.

1.3 Purpose

The purpose of this Zoning Ordinance is to promote the public health, safety, and general welfare of the residents of Joyfield Township. This Zoning Ordinance shall serve the general good of the community in accordance with the adopted Joyfield Township Master Plan and any additions and amendments as may be approved by Joyfield Township.

1.4 Interpretation and Relationship to other Regulations

In interpreting and applying the provisions of this Zoning Ordinance, these provisions shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or lots or upon the height of buildings, or requires larger open spaces than are imposed or required by any other applicable rule, covenant or law, the provisions of this Zoning Ordinance shall govern. Joyfield Township has no responsibility or authority for enforcing private agreements or covenants.

1.5 Conflict with State or Federal Regulations

If the provisions of this Zoning Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

1.6 Repeal of Prior Zoning Ordinance

All prior zoning ordinances of Joyfield Township are hereby repealed and replaced with this Ordinance and such repeal shall be effective coincident with the effective date of this Ordinance.

Article 2
DEFINITIONS

2.1 Rules of Interpretation

For the purpose of this Ordinance, certain terms and words are herein defined. Words used in the present tense include the future, words in the singular number include the plural number and words in the plural include the singular number. The word “shall” is always mandatory and not merely directory. The word “person” shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

2.2 Definitions

Accessory Structure: means a subordinate structure on the same lot or parcel of land as the principal structure, the uses of which are incidental or subordinate to the principal structure. Under no circumstances shall an attached carport, septic system, or tile field be considered an accessory structure. An accessory structure is not a dwelling unit. (See also **Structure**)

Accessory Use: means a use naturally or normally incidental and subordinate to, and devoted exclusively to, the main use of the land or structure (premises).

Accounting, Auditing and Bookkeeping Services: includes establishments primarily engaged in furnishing accounting, bookkeeping and related auditing services. These establishments may use data processing and tabulating techniques as part of providing their services.

Administrator: means the Joyfield Township Zoning Administrator.

Adult Book and/or Video Store: means an establishment having, as a substantial or significant portion of its stock in trade, books, videotapes, computer services, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” hereinafter defined.

Adult Live Entertainment Establishments: means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nudity;
- B. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Agricultural Processing: means the commercial processing or handling of agricultural products which changes the naturally grown product for human food consumption or animal feed.

Agricultural Purposes: means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and

254 dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine,
255 fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers,
256 seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any
257 other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan
258 Department of Agriculture & Rural Development.

259

260 **Agricultural Related Industry:** includes the following:

- 261 1. Packaging plants: May include but are not limited to the following activities: washing,
262 sorting, crating and other functional operations such as drying, field-crushing or other
263 preparation in which the chemical and physical composition of the agricultural product remains
264 essentially unaltered. Does not include processing activities, slaughterhouses, animal
265 reduction yards and tallow works.
- 266 2. Processing plants: A facility used for the cooking, dehydrating, refining, bottling, canning or
267 other treatment of agricultural products which changes the naturally grown product for
268 consumer use. May include warehousing and packaging as secondary uses. Does not include
269 slaughterhouses or rendering plants.
- 270 3. Storage facilities: Includes controlled atmosphere and cold storage warehouses and
271 warehouses for the storage of processed and/or packaged agricultural products.
- 272 4. Service or supply industries that directly support agriculture.

273

274 **Agricultural Worker Housing:** includes dwellings, duplexes, and apartment buildings for owners,
275 operators and employees of a farm.

276

277 **Agricultural Land:** means substantially undeveloped land devoted to the production of plants and
278 animals useful to humans, including, but not limited to, forage and sod crops, feed crops, field crops,
279 dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock,
280 fruits, vegetables, Christmas trees, and other similar uses and activities.

281

282 **Alteration:** means any change, addition or modification in use or type of occupancy; any change in the
283 structural members of a building, such as walls, partitions, columns, beams, girders; or any change
284 which will substantially change the appearance or size of the structure.

285

286 **Anemometer:** means an instrument for measuring and indicating the force or speed and sometimes
287 direction of the wind.

288

289 **Animal:** means a non-human zoological species.

290

291 **Animal (Domesticated):** means an animal that is commonly considered capable of being trained or is
292 capable of adapting to living in a human environment, and which is not likely to bite without
293 provocation nor cause death, maiming or illness to human beings.

294

295 **Article:** means the main divisions of this Ordinance, cited by the words "section XXX, et seq" ARTICLES
296 are further divided by sections.

297

298 **Automatic Timing Device:** means a device which automatically turns on and off outdoor light fixtures or
299 circuits. Photo-electric controls and motion detectors are not considered automatic timing devices for
300 the purposes of this Article.

301

302 **Automotive Repair Shops:** includes establishments primarily engaged in top, body, and upholstery
303 repair and paint; exhaust system repair; tire retreading and repair; automotive glass and replacement;
304 transmission repair; general automotive repair; and specialized repair shops not elsewhere classified.

305
306 **Automotive Sales:** means the use of any building or portion thereof, or other premises or portion
307 thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an
308 ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an
309 accessory use.

310
311 **Basement or Cellar:** means that portion of a building all or partly underground but having at least
312 one-half of its height, the distance between the ceiling and floor, below grade. A basement shall not be
313 counted as a story.

314
315 **Bed and Breakfast:** means a home occupation in an owner occupied or resident manager occupied
316 dwelling unit wherein up to eight (8) bedrooms are used for transient guests and for compensation and
317 by pre-arrangement.

318
319 **Billboard or Advertising Sign:** means any structure or portion thereof upon which a sign or
320 advertisement is used as an outdoor display for the purpose of making anything known to the general
321 public, but not including bulletin boards used to display official court, church or public office notices.

322
323 **Blight:** means an unsightly condition including the accumulation of debris, litter, rubbish, or rubble;
324 fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is
325 dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar
326 conditions of disrepair and deterioration regardless of the condition of other properties in the
327 neighborhood.

328
329 **Boarding Kennel:** means any kennel where domesticated animals owned by another person are
330 temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; provided,
331 however, this definition shall not apply to zoos.

332
333 **Boat Dealers:** includes establishments primarily engaged in the retail sale of new and used motor boats
334 and other watercraft, marine supplies, and outboard motors.

335
336 **Buildable Area:** means an area of a lot which is of sufficient size and character so as to support a
337 principal structure and a reasonable use of the property without being in violation of any local, state or
338 federal environmental or other regulations adopted to protect the public health, safety or general
339 welfare. Buildable Area shall not include any recorded conservation easement, wetland, 199-year
340 floodplain, high risk erosion area, drainage way, lake or similar natural feature which poses an
341 impediment or hazard to safe construction or use of property without sufficient upland property to
342 meet ordinance requirements. Contour changes to create a Buildable Area are permissible only if not
343 contrary to this ordinance, or any other state or federal statute.

344
345 **Building:** means a combination of materials, whether portable or fixed, forming a structure affording a
346 facility, enclosure or shelter for use or occupancy by persons, animals, or property. The term shall be
347 construed as though followed by the words "or part or parts of the building and all equipment in the
348 building" unless the context clearly requires a different meaning.

349

350 **Building Envelope:** means that portion of a parcel of land excluding the setbacks as applied to that
351 parcel by this “Ordinance”.

352
353 **Building Height:** See *Height*.

354
355 **Business Services:** includes establishments primarily engaged in rendering services, not elsewhere
356 classified, to business establishments on a contract or fee basis, such as advertising, credit reporting,
357 collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming,
358 photocopying, duplicating, data processing, services to buildings, and help supply services.

359
360 **Campground:** means a parcel or tract of land under the control of a person in which sites are offered for
361 the use of the public or members of an organization, either free of charge or for a fee, for the
362 establishment of temporary living quarters for recreational units. Campground does not include a
363 seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301
364 to 125.2349.

365
366 **Certificate of Completion (of Land Use Compliance Permit):** A certificate issued by the Zoning
367 Administrator, or other designated authority, to a Land Use Permit holder upon completion of work
368 permitted by said Land Use Permit.

369
370 **Civic, Social, and Fraternal Associations:** includes membership organizations engaged in civic, social, or
371 fraternal activities.

372
373 **Clear Cutting:** see *Stripping*.

374
375 **Cluster Housing:** means a compact residential development of detached or attached dwelling units on a
376 parcel while preserving fifty percent (50%) or more of the property as open space pursuant to Section
377 506 of Public Act 110 of 2006. This provision allows for design flexibility to encourage the retention of
378 open space areas for recreation and preservation of natural features and agricultural land.

379
380 **Collocate:** To place or install wireless communications equipment on an existing wireless
381 communications support structure or in an existing equipment compound.

382
383 **Commercial Banks, Savings Institutions and Credit Unions:** includes institutions that are engaged in
384 deposit banking or closely related functions, including fiduciary activities.

385
386 **Communication Tower:** means a structure that supports a telecommunications antenna to transmit or
387 receive radio, television, pager, telephone or other electronic communications, operated for commercial
388 purpose above ground in a fixed location, freestanding, or on a building or other structure(s).

389
390 **Concrete, Gypsum and Plaster Products:** includes establishments primarily engaged in manufacturing
391 concrete products, building block and brick from a combination of cement and aggregate;
392 manufacturing portland cement concrete manufactured and delivered to a purchaser in a plastic and
393 unhardened state; manufacturing quicklime, hydrated lime, and “dead-burned” dolomite from
394 limestone, dolomite shells, or other substances; engaged in manufacturing plaster, plasterboard and
395 other products composed wholly or chiefly of gypsum, except articles of plaster of paris and
396 paper-mâché.

397

398 **Conditional Use:** means a use which may be permitted by the Planning Commission. A conditional use
399 may be granted in a zoning district only when there is a specific provision for such conditional use in this
400 Ordinance. A conditional use is also referred to as a special land use as provided in Act 110, PA 2006,
401 as amended, and the terms are intended to be used synonymously.

402
403 **Condominium:** means a site or any portion of a structure which is or will be used for commercial,
404 single-family residential and/or family residential purposes which is or will be a unit in a condominium
405 project lawfully established in accordance with the Michigan Condominium Act, as amended, being MCL
406 599.101 et seq. Each residential condominium shall be used solely as a home, residence, or living or
407 sleeping place for one or more human beings, either permanently or as transients, and shall be designed
408 to provide living space for one (1) family, which space will contain sleeping space and shall contain a
409 kitchen.

410
411 **Conservation Easement:** means that term as defined in Section 2140 of the Natural Resources and
412 Environmental Protection Act, 1994 PA 451, MCL 324.101 et seq.

413
414 **Conservation Subdivision:** means a housing development in a rural setting that is characterized by
415 compact lots and common open space, and where the natural features of the land are maintained to the
416 greatest extent possible.

417
418 **Construction Trade Contractors:** includes licensed and unlicensed trade contractors who undertake
419 activities of a type that are specialized either to building construction, including, but not limited to, work
420 on mobile homes, or to both building and non-building projects.

421
422 **Corner Lot:** means a lot which at least two (2) adjacent sides abut upon a street, provided that such two
423 (2) sides intersect at an angle of not more than one hundred and thirty-five (135) degrees.

424
425 **Corner Lots, Setbacks:** front yard setbacks for the respective zoning district shall be used for yards
426 adjacent to right-of-ways. Side yard setbacks for the respective zoning district shall be used from the
427 remaining lot lines.

428
429 **Cut-off Shielding:** means a technique or method of construction which causes light emitted from an
430 outdoor light fixture to be projected only below an imaginary horizontal plain passing through the
431 fixture below the light source.

432
433 **Dance Studios, Schools and Halls:** includes establishments primarily engaged in operating dance
434 studios, schools, and public dance halls or ballrooms.

435
436 **Deck:** means a roofless outdoor space built as an aboveground platform connected by structural
437 supports at grade or to the building structure.

438
439 **Density, Residential:** means the number of dwelling units in relation to the number of acres of the lot
440 on which such units are situated. The lot area to be used in the calculation shall be limited to the
441 portion of the lot zoned for the district for which said density regulation applies, and shall not include
442 any area in any street or other right-of-way, any area of such lot devoted to on-site sewage treatment
443 facilities, or any area required for, or allocated to, any other lot.

444
445 **DNRE:** means the Michigan Department of Natural Resources and Environment.

446 **Driveway:** a means of ingress and egress from a public or private road to a house, garage or parking
447 area. Driveway shall not be construed as a “structure” and does not require a setback.
448

449 **Duplex:** means a structure containing two dwelling units, each of which has direct access to the outside.
450

451 **Dwelling or Dwelling Unit:** means any house, structure, or portion thereof which is occupied in whole or
452 in part as a home, residence, living or sleeping place for one (1) or more human beings, either
453 permanently or as transients designed to provide living, bathing, cooking and eating space. In no case
454 shall a garage, accessory building, garden shed, trailer coach, automobile chassis, tent or portable
455 structure be considered a dwelling.
456

457 **Dwelling, Multiple-Family:** means a building or portion thereof used for occupancy by three (3) or more
458 families living independently of each other and containing three (3) or more dwelling units.
459

460 **Dwelling, Single-Family:** means a structure, including a mobile home, designed or used for residential
461 occupancy by one family.
462

463 **Dwelling, Single-Family Attached:** means a building containing dwelling units, each of which has primary
464 ground floor access to the outside and which are attached to each other by party walls without
465 openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
466

467 **Earth Change:** means an artificial change in the natural cover or topography of land, including cut and fill
468 activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.
469 Prior to engaging in any earth change activity within five hundred (500) feet of a lake, river or stream, a
470 valid soil erosion and sedimentation control permit is necessary from the Benzie County Soil Erosion and
471 Sedimentation Control Officer.
472

473 **Easement:** means a legal interest in land, granted by the owner to the public, quasi-public, or persons
474 for specific purposes, which allows the use of all or a portion of the owner’s land, generally for a stated
475 purpose including but not limited to access or placement of utilities.
476

477 **Eating and Drinking Places:** includes retail establishments selling prepared foods and drinks for
478 consumption on the premises; and also lunch counters and refreshment stands selling prepared foods
479 and drinks for immediate consumption.
480

481 **Electrical Repair Shops:** includes establishments primarily engaged in repairs to radio and televisions,
482 refrigeration and air-conditioning service, and other electrical and electronic repair shops not elsewhere
483 classified.
484

485 **Equipment Compound:** means an area surrounding or adjacent to the base of a wireless
486 communications support structure and within which wireless communications equipment is located.
487

488 **Erected:** means built, constructed, reconstructed, moved upon, or any physical operation on the
489 premises required for the building.
490

491 **Erosion:** means the removal of soil particles from the land by the action of water, wind, ice, or other
492 geological agents.
493

494 **Excavation or Cut:** means any act by which soil or rock is cut into, dug, quarried, uncovered, removed,
495 displaced, or relocated and shall include the conditions resulting there from.

496
497 **Existing Building:** means a building existing in whole or whose foundations are completed and whose
498 construction is being diligently prosecuted on the effective date of this Ordinance.

499
500 **Fabricated Metal Products:** includes establishments engaged in fabricating ferrous and nonferrous
501 metal products, such as metal cans, tinware, handtools, cutlery, general hardware, nonelectric heating
502 apparatus, fabricated structural metal products, metal forgings, metal stampings, ordnance (except
503 vehicles and guided missiles), and a variety of metal and wire products, not elsewhere classified.

504
505 **Family:** means,
506
507 An individual or group of two (2) or more persons related by blood, marriage or adoption,
508 together with foster children and servants of the principal occupants, with not more than one
509 (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping
510 unit in a dwelling unit, or

511
512 A collective number of individuals domiciled together in one (1) dwelling unit whose relationship
513 is of a continuing non-transient domestic character and who are cooking and living as a single
514 nonprofit housekeeping unit. This definition shall not include any society, club, fraternity,
515 sorority, association, lodge, coterie, organization, or group of students or other individuals
516 whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited
517 duration of a school term or terms or other similar determinable period.

518
519 **Farm:** means a tract of land in single ownership or single operation, on which agriculture is a principal
520 use and as described in the Right to Farm Act, Act 93 of 1981, as amended.

521
522 **Farm Building:** means any building or structure other than a dwelling, moved upon, maintained, used or
523 built on a farm which is essential to and customarily used on farms in the pursuit of agricultural
524 activities.

525
526 **Farm Product Warehousing and Storage:** includes establishments primarily engaged in the warehousing
527 and storage of farm products.

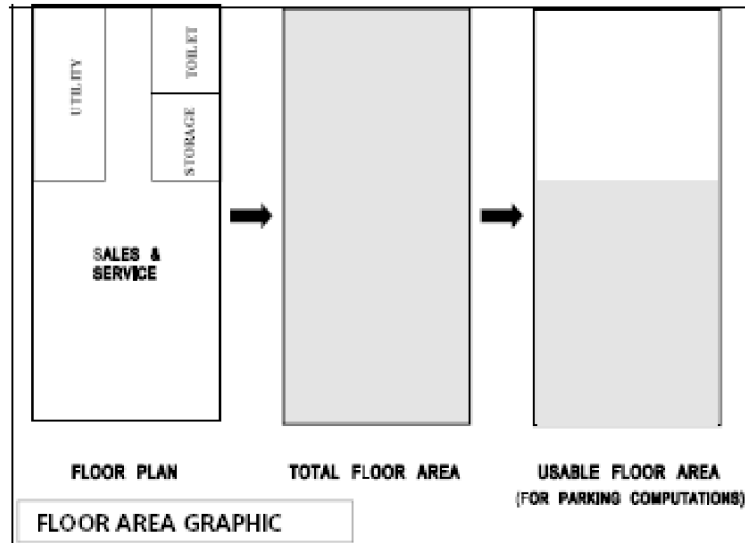
528
529 **Fence:** means a structure or planted hedgerow designed to restrict passage and/or vision through it;
530 and/or for purposes of decoration.

531
532 **Fill:** means clean material, such as sand, gravel, earth or other materials, required for on-site
533 construction and obtained from other locations.

534
535 **Floor Area** of a Principle Structure: means the area a building covers on the ground; exclusive of garage,
536 breezeway, porch, patio and deck.

537
538 **Floor Area, Usable:** for the purposes of computing off-street parking requirements, means that area
539 used for or intended to be used for the sale of merchandise or services, or for use to serve patrons,
540 clients or customers. Hallways, or rooms intended for or used for storage or for utilities or sanitary
541 facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor

542 area shall be the sum of the horizontal area of the several floors of the building, measured from the
543 exterior faces of the exterior walls.
544



545
546
547 **Food and Kindred Products:** includes establishments manufacturing or processing foods and beverages
548 for human consumption, and certain related products, such as manufactured ice, chewing gum,
549 vegetable and animal fats and oils, and prepared feeds for animals and fowl.
550

551 **Garage:** means any building or part thereof used principally for storage of motor vehicles or trailer
552 coaches where no servicing for profit is conducted, which is accessory to a dwelling, duplex or
553 apartment building.
554

555 **Garage-non-accessory:** means a stand-alone building designed or used principally for storage of motor
556 vehicles or trailer coaches where no servicing for profit is conducted, which is not accessory to a
557 dwelling, duplex or apartment building on the same building site. This term shall not include
558 agricultural buildings.
559

560 **Gasoline Service Stations:** includes establishments primarily engaged in selling gasoline and lubricating
561 oils that frequently sell other merchandise, such as tires, batteries, and other automobile parts, or
562 perform minor repair work.
563

564 **General Merchandise Stores:** includes establishments primarily engaged in the retail sale of a general
565 line of apparel, dry goods, hardware, housewares or home furnishings, groceries, and other lines in
566 limited amounts.
567

568 **General Warehousing and Storage:** includes establishments primarily engaged in the warehousing and
569 storage of a general line of goods.
570

571 **Grade Plane:** means a reference plane representing the average of finished ground level adjoining the
572 building at exterior walls. Where the finished ground level slopes away from the exterior walls, the
573 reference plane shall be established by the lowest points within the area between the building and lot
574 line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet
575 from the building.

576 **Grading:** means any stripping, excavating, filling, stockpiling, or any combination thereof, and shall
577 include the land in its excavated or filled condition.
578

579 **Greenbelt:** means a strip of land of definite width and location reserved for the planting of shrubs, trees,
580 or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this
581 ordinance.
582

583 **Grocery Stores:** includes establishments commonly known as supermarkets, food stores, and grocery
584 stores, primarily engaged in the retail sale of all sorts of canned foods and dry goods, such as tea, coffee,
585 spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry.
586

587 **Ground Mounted Solar Energy System:** A Large or Small Solar Energy Facility that is not attached to or
588 mounted to any roof or exterior wall of any principal or accessory building.
589

590 **Habitable Ground Floor Area:** means, unless otherwise designated, the habitable main floor area,
591 exclusive of garage, breezeway or porches of a dwelling.
592

593 **Hard Surface:** means a surface paved with a material such as compacted stone, bituminous, and/or
594 concrete.
595

596 **Hardware Stores:** includes establishments primarily engaged in the retail sale of a number of basic
597 hardware lines, such as tools, builders' hardware, paint and glass, housewares and household
598 appliances, and cutlery.
599

600 **Hazardous Waste/Hazardous Substance:** includes but is not limited to flammable, corrosive, toxic
601 and/or reactive materials or chemicals such as insecticides, herbicides, paints, poisons, wood
602 preservatives, petroleum based materials or chemical solvents. Reference Public Law 96-510, 94 Stat
603 2767, and 1979 PA 64, being MCL 299.501 to MCL 299.551, the Hazardous Waste Management Act.
604

605 **Height:** means the vertical distance measured from grade plane to the average height of the highest
606 roof surface.
607

608 **Home Occupation:** means a use which is any activity carried out for gain by a resident and conducted as
609 an accessory use in the person's home, dwelling or accessory building, but not a hobby.
610

611 **Hotels and Motels:** includes commercial establishments, known to the public as hotels, motor hotels,
612 motels, or tourist courts, primarily engaged in providing lodging, or lodging and meals, for the general
613 public for less than one month. Hotels which are operated by membership organizations and open to
614 the general public are included in this industry.
615

616 **HUD:** means the United States Department of Housing and Urban Development.
617

618 **Impervious Area:** means those surfaces, such as paved driveways, concrete or paved walkways,
619 rooftops, parking areas, or roads which prevent the infiltration of water into the soil.
620

621 **Impervious Surface:** means developed portions of a parcel that preclude or inhibit the infiltration of
622 precipitation or storm water runoff. Impervious surfaces are typically covered by roofs, asphalt or
623 concrete, compacted gravel, or compacted soil, and include but are not limited to building

624 envelopes/footprints, parking areas, driveways, walkways, pathways, patios, etc. Impervious surfaces do
625 not include such areas covered with pervious surfaces such as pervious pavements, pavers, block, etc.

626
627 **Improvements:** means those features and actions associated with a project that are considered
628 necessary by the body or official granting zoning approval to protect natural resources or the health,
629 safety and welfare of the residents of Joyfield Township and future users or inhabitants of the proposed
630 project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.
631 Improvements do not include the entire project that is the subject of zoning approval.

632
633 **Junk:** means,

- 634
- 635 1. Old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter;
 - 636
 - 637 2. Materials from demolition, waste building materials; and
 - 638
 - 639 3. Unlicensed vehicles; junked, abandoned, scrapped, dismantled or wrecked (including parts of, or
640 items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes,
641 appliances and all other machines.

642
643 But shall not include,

- 644
- 645 1. Items being held for a customer while parts are being sought for its repair;
 - 646
 - 647 2. Items that are classic or antiques kept and collected for their antique or collectable value, and
 - 648
 - 649 3. Items and junk kept at a licensed Type I, II, or III landfill for purposes of disposal of solid waste,
650 incineration, recycling and resource recovery.

651
652 **Junkyard:** means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in
653 the purchasing, handling, storage, resale, recycling, conversion, or recovery of junk.

654
655 **Kitchen:** means any room in a building which is used, intended, or designed to be used for cooking or
656 preparation of food.

657
658 **Landfill:** means a lot or part thereof used primarily for the disposal by abandonment, dumping, burial,
659 burning or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded
660 machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

661
662 **Land Development Options:** see *Cluster Housing, Conservation Subdivision, and Planned Unit*
663 *Development.*

664
665 **Land Use Compliance Permit:** means a standard form issued by the Administrator or his agent or the
666 Zoning Board of Appeals pursuant to this ordinance, upon application by an owner or his agent, for the
667 proposed construction of a structure and/or the use or change in use of land in compliance with the
668 provisions of this ordinance.

669
670 **Lawn, Garden and Landscape Maintenance Businesses:** means a business principally engaged in the
671 decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage

672 in the installation and construction of underground improvements but only to the extent that such
673 improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to
674 support or sustain the landscaped surface of the ground.

675
676 **Legal Services:** see *professional offices*

677
678 **Legislative Body:** means the Joyfield Township Board.

679
680 **Licensed Contractors:** includes contractors licensed in the State of Michigan who are primarily engaged
681 in any aspect of the construction of residential, farm, industrial, commercial, or other buildings.

682
683 **Light Pollution:** means artificial light which causes a detrimental effect on the environment,
684 astronomical observation, enjoyment of the naturally illuminated night sky or causes undesirable glare
685 or unnecessary and/or unwanted illumination of adjacent or even distant properties.

686
687 **Light Source:** means the bulb which creates the light.

688
689 **Livestock and Dairy Farms:** includes establishments primarily engaged in the production or feeding of
690 livestock. Also includes production of cows' milk and other dairy products and in raising dairy heifer
691 replacements.

692
693 **Lot:** means any portion, piece or division of land, excluding any portion in a street or other right-of-way,
694 of at least sufficient depth and size as to comply with the district setback requirements and minimum
695 size requirements provided for in this ordinance. Such lot may consist of:

- 696
- 697 1. A single lot of record;
 - 698
 - 699 2. A portion of a lot of record;
 - 700
 - 701 3. Any combination of complete and/or portions of contiguous lots of record;
 - 702
 - 703 4. A lot of land described by metes and bounds; or
 - 704
 - 705 5. Any parcel of land which constitutes or is treated as a condominium unit in accordance with the
706 Michigan Condominium Act, being P.A. 1978, No. 59, as amended, shall be defined and treated
707 as a lot for all purposes of this ordinance provided that in no case of division or combination
708 shall the area of any lot or parcel created, including residuals, be less than that required by this
709 Ordinance.

710
711 In no case of a lot division or combination shall the depth of any lot created, including residuals, be less
712 than that necessary to comply with the setback requirements of this ordinance. See also the definition
713 of "PARCEL".

714
715 **Lot Area:** means the total area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent
716 to private streets, lot area shall be that area within lot lines separating the lot from the private street
717 and not measuring from the centerline of said private street.

718
719 **Lot Depth:** means the mean horizontal distance from the front street line to the rear lot line.

720 **Lot Lines:** means the property lines bounding the lot as identified below:
721

- 722 1. "Front lot line" in the case of a lot abutting upon one (1) public or one (1) private street means
723 the line separating such lot from such street right-of-way. In the case of any other lot, the
724 Planning Commission shall, for the purpose of this ordinance, determine the street lot line as
725 the front lot line, providing that such choice will not be injurious to the existing or the desirable
726 future development of adjacent properties.
727
- 728 2. In the case of water frontage (riparian) lots, the lake "front lot line" shall be the ordinary high
729 water mark (defined as a contour line 580.5 feet above sea level). In the case of a lot that is
730 contiguous to a riparian road right-of-way, the lake "front lot line" shall be the line separating
731 the lot from the road right-of-way.
732
- 733 3. A "rear lot line" is ordinarily that lot line which is opposite and most distant from the front lot
734 line of the lot. In the case of an irregular, triangular or gore-shaped lot for the purpose of
735 determining depth of rear yard, a rear lot line shall be considered to be a line ten (10) feet in
736 length entirely within the lot parallel to and at the maximum distance from the front lot line of
737 the lot. Where none of these cases apply, the Administrator shall designate the rear lot line.
738
- 739 4. A "side lot line" is any lot line that is not a front lot line or a rear lot line.
740

741 **Lot of Record:** means a lot which is part of a subdivision and is shown on a plat or map thereof which
742 has been recorded in the office of the Register of Deeds of Benzie County prior to the effective date of
743 this ordinance, or amendment thereto, or a parcel of land described by survey or metes and bounds, the
744 deed or land contract of which has been recorded in said office prior to said date.
745

746 **Lot Width:** means the mean horizontal distance between the side lot lines, measured at right angles to
747 those lines. Where side lot lines are not parallel, the lot width shall be considered as the average of the
748 width throughout the lot between such lot lines. The minimum lot width, at any point in the lot, shall
749 not be less than the required road frontage of the respective land use district.
750

751 **Lumber and Other Building Materials Dealers:** includes establishments engaged in selling primarily
752 lumber, or lumber and a general line of building materials, to the general public.
753

754 **Lumber and Wood Products:** includes establishments engaged in cutting timber and pulpwood;
755 merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood mills and
756 veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in
757 manufacturing finished articles made entirely or mainly of wood or related materials.
758

759 **Mobile Home (Manufactured Home):** means a dwelling, transportable in one or more sections which is
760 built on a permanent chassis, and designed to be used as a dwelling with or without permanent
761 foundation, when connected to the required utilities and includes the plumbing, heating, air
762 conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile
763 Home dealer or Michigan Licensed Mobile Home installer as required by Michigan Public Act 419 of
764 1976 and administrative rules promulgated thereunder.
765

766 **Mobile Home Park:** means a use which is a site, lot, field or tract of land upon which two (2) or more
767 occupied mobile homes are harbored, or which is offered to the public for that purpose, regardless of

768 whether a charge is made thereof, together with any building, structure, enclosure, street, equipment or
769 facility used or intended for use incidental to the harboring or occupancy of mobile homes. Mobile
770 home parks shall be constructed, operated, and maintained in accordance with the Mobile Home
771 Commission Act, Public Act 419 or 1976, as amended, and the rules and regulations promulgated
772 thereunder.

773
774 **Modular Homes:** means a dwelling unit constructed on-site in accordance with the Michigan Building
775 Code and composed of components substantially assembled in a manufacturing plant and transported
776 to the building site for final assembly on a permanent foundation.

777
778 **Motion Detector:** means a device triggered by motion and used to energize incandescent lights.

779
780 **Moveable Structure:** means a building certified for the purpose of this ordinance to be moveable by a
781 registered engineer or architect or a structure which is of such design in size that facilitates moving. The
782 structure must be of sufficient structural design to withstand the stress associated with moving and no
783 structure shall be considered moveable if the lot on which it is placed is not accessible to moving
784 equipment.

785
786 **Municipality:** means Joyfield Township.

787
788 **Museums and Art Galleries:** includes establishments primarily engaged in the operation of museums
789 and art galleries.

790
791 **Nonconforming Structure:** means a structure or portion thereof lawfully existing at the effective date of
792 this Ordinance, or any amendments thereto, and which does not conform to the requirements of this
793 Ordinance on the date it became effective.

794
795 **Nonconforming Lot:** means a lot of record or a lot described in a deed or land contract executed and
796 delivered prior to the effective date of this Ordinance, or an amendment thereto, which does not meet
797 the minimum requirements of the land use district in which it is located, and also means lots which
798 become substandard due to natural processes provided each lot was created with sufficient depth to
799 accommodate a principal structure and meet ordinance setback requirements after this ordinance or
800 amendment became effective.

801
802 **Nonconforming Use:** means a use which lawfully occupies a building or land at the effective date of this
803 Ordinance, or any amendments thereto, and which does not conform to the use regulations of the
804 zoning district in which it is located.

805
806 **Nudity:** for purposes of this Ordinance means exposure in a public place of male or female genitalia,
807 female breasts, or attire meant to call attention to such anatomy.

808
809 **Nuisance:** means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source
810 of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or
811 use across a property line which can be perceived by or affects a human being, or the generation of an
812 excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare,
813 fumes, flashes, vibration, shock, waves, heat, electronic or atomic radiation, objectionable effluent,
814 noise due to congregation of people, passenger traffic, invasion of non-abutting street frontage by
815 traffic.

816 **Nurseries, Lawn and Garden Supply Stores:** includes establishments primarily engaged in selling trees,
817 shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and
818 other garden supplies to the general public.

819
820 **Outdoor Light Fixture:** means an illuminating device which is permanently installed outdoors, including,
821 but not limited to, devices used to illuminate signs.

822
823 **Parcel of Land:** means any tract or contiguous tracts of land in the same ownership, whether one or
824 more platted lots or parts of lots, identified by a single property number in the assessment role.

825
826 **Parking Space:** means one (1) unit of parking facility provided for the parking of one (1) vehicle.

827
828 **Personal Services:** includes establishments primarily engaged in providing services generally to
829 individuals, such as laundries, portrait photographic studios, and beauty and barber shops.

830
831 **Phasing:** means when a project is proposed for development in phases or stages, planning and design
832 shall be such that upon completion, each phase shall be capable of standing on its own in terms of the
833 presence of services, facilities, and open space, and shall contain the necessary components to insure
834 protection of the natural resources and the residents of the surrounding area.

835
836 **Planned Unit Development or P.U.D.:** means a specific parcel of land or several contiguous parcels of
837 land, for which a comprehensive physical plan, establishing functional use areas, density patterns, a
838 fixed network of streets (where necessary), provisions for public utilities, drainage and other essential
839 services will be developed under the approved plan.

840
841 **Planning Commission:** means the Joyfield Township Planning Commission created under authority of PA
842 33 of 2008.

843
844 **Plot Plan:** means a diagram showing the proposed or existing use of a specified parcel of land.

845
846 **Porch:** means a covered but unenclosed projection from the main wall of a building that may or may not
847 use columns or other ground supports for structural purposes.

848
849 **Pottery and Related Products:** includes establishments primarily engaged in manufacturing vitreous
850 china plumbing fixtures and china and earthenware fittings and bathroom accessories; vitreous china
851 table and kitchen articles for use in households and other commercial institutions; fine (semi vitreous)
852 earthenware table and kitchen articles; porcelain electronic and other electrical insulators, molded
853 porcelain parts for electrical devices, spark plug and steatitic porcelain, and electronic and electrical
854 supplies from clay and other ceramic materials; and establishments primarily engaged in firing and
855 decorating white china and earthenware for the trade and manufacturing art and ornamental pottery,
856 industrial and laboratory pottery, stoneware and coarse earthenware table and kitchen articles,
857 unglazed red earthenware florists' articles, and other pottery products, not elsewhere classified.

858
859 **Principal Structure:** means the main or permanent structure on a lot, which may include but is not
860 limited to a residential, commercial, industrial, institutional, mobile home, or modular home structure,
861 and attached garages.

862
863 **Principal Use:** means the main use for which the premises is devoted and the main purpose for which

864 the premises exists.
865
866 **Private Road:** means a road or street, serving two or more parcels, which has been constructed and will
867 be maintained, by the owners of the parcels being served by such road or street.
868
869 **Professional Offices:** means professional services which include services rendered by certified public
870 accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists,
871 chiropractors, architects, veterinarians, attorneys at law, physical therapists, real estate and life insurance
872 agents.
873
874 **Public and Private Conserved Land:** means a conservation covenant or conservation restriction which is
875 an encumbrance that creates a legally enforceable land preservation agreement between a landowner,
876 a non-governmental agency or a government agency (municipality, county, state, federal) or a qualified
877 land protection organization. It restricts real estate development, development and uses, and certain
878 other activities on a property to a mutually agreed upon level.
879
880 **Public Road:** means a road or street dedicated to the Benzie County Road Commission or the State of
881 Michigan which provides vehicular access to abutting thoroughfares, roads or streets.
882
883 **Real Estate:** includes real estate operators, owners and lessors of real property, as well as buyers,
884 sellers, developers, agents, and brokers.
885
886 **Recreational Equipment and Trailer:** means equipment designed and used primarily for recreational use
887 which includes, but is not limited to boats, small utility trailers and trailers
888
889 **Recreational Unit:** means a tent, cabin or vehicular-type structure, designed as temporary living
890 quarters for recreational, camping, or travel use.
891
892 **Recreational Vehicle (RV):** means a vehicular unit, which is designed as a temporary dwelling for
893 travel, recreational, and vacation use, and which is either self-propelled, mounted on, or pulled by
894 another vehicle. Examples include but are not limited to a travel trailer, camping trailer, truck camper,
895 motor home, fifth-wheel trailer, or van.
896
897 **Recreational Vehicle Dealers:** includes establishments primarily engaged in the retail sale of new and
898 used motor homes, recreational trailers, and campers (pickup coaches).
899
900 **Refrigerated Warehousing and Storage:** includes establishments primarily engaged in the warehousing
901 and storage of perishable goods under refrigeration.
902
903 **Religious Organizations:** includes establishments of religious organizations operated for worship,
904 religious training or study, government or administration of an organized religion, or for promotion of
905 religious activities.
906
907 **Research, Development and Testing Services:** includes establishments engaged in commercial, physical
908 and biological research and development; commercial business, marketing, opinion, and other
909 economic, sociological, and educational research on a contract or fee basis. Also includes establishments
910 primarily engaged in performing noncommercial research into and dissemination of, information for
911 public health, education, or general welfare and primarily operate on funds from endowments,

912 contributions and grants. Also includes testing services.
913
914 **Reupholstery and Furniture Repair:** includes establishments primarily engaged in furniture reupholstery
915 and repair.
916
917 **Riding Stable:** means a stable used or to be used by an individual for the housing of horses for hire and
918 to be located not less than one hundred (100) feet from any adjoining property.
919
920 **Right-of-Way (ROW):** means an area of land not on a lot that is dedicated for public or private use to
921 accommodate a transportation system and necessary public utility infrastructure (including but not
922 limited to water lines, sewer lines, power lines, gas lines, curbs, sidewalks, lighting, drainage facilities,
923 bike paths, walkways, etc.). In no case shall a right-of-way be construed to mean an easement.
924
925 **Riparian Setback:** means the minimum horizontal distance between a building setback line and the top
926 of the river bank.
927
928 **River:** means as used in this Ordinance the definition of rivers, streams, creeks, etc. found within the
929 Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended.
930
931 **River Bank:** means the line along rivers, streams, creeks between an upland and river bottomland which
932 persists through successive changes in water levels below which the presence and action of the water is
933 so common or recurrent that the character of the land is marked distinctly from the upland and is
934 apparent in the soil itself, the configuration of the surface of the soil, and vegetation.
935
936 **Roadside Stand:** means a use which is a temporary or permanent structure operated for the purpose for
937 the sale of products primarily grown or raised on the same premises by the proprietor of the stand or his
938 family.
939
940 **Roof or Building Mounted Solar Energy System:** A Small Solar Energy Facility attached to or mounted on
941 any roof or exterior wall of any principal or accessory building, but excluding Building Integrated
942 Photovoltaics (which are integrated into the structure of a building, such as solar roof tiles and solar
943 shingles.
944
945 **Sand and Gravel Quarries:** includes establishments primarily engaged in quarrying or exploring for
946 nonmetallic minerals, except fuels.
947
948 **Seasonal Use:** means a use requiring occupancy of less than six (6) consecutive months.
949
950 **Security Brokers and Dealers:** includes establishments primarily engaged in the purchase, sale, and
951 brokerage of securities; and those, generally known as investment banks, primarily engaged in
952 originating, underwriting, and distributing issues of securities.
953
954 **Security Lighting:** means lighting fixtures and/or practices intended to discourage intrusion on the
955 premises by unwanted persons.
956
957 **Sediment:** means solid particulate matter, mineral or organic, that has been deposited in water, is in
958 suspension in water, is transported, or has been removed from its site of origin by the processes of soil
959 erosion.

960 **Sensitive Ravine Areas:** means a steep slope which abuts and rises from the valley floor of a creek or
961 stream and which was created by the wearing action of the water. Due to the presence of steep
962 slopes, these areas are susceptible to erosion.

963
964 **Setback:** means the minimum distance, measured toward the center of a parcel from the property lines,
965 waterfront line, road right-of-way or road easement in which no portion of a structure, including any
966 steps, eaves, decks or unenclosed porches may be erected or permanently maintained. Side, rear, front
967 and waterfront setbacks correspond to the requirements of the particular land use district. (See also the
968 definition of “Yards” in this Section.)

969
970 **Setback Line:** means lines established adjacent to streets or highways for the purpose of defining limits
971 within which no structure or any part thereof shall be erected or permanently maintained. “Within a
972 setback line” means between the setback line and the nearest lot line.

973
974 **Shielding:** means a permanently installed, non-translucent shade, cowl, hood, baffle or other
975 construction which limits, restricts or directs light or the visibility of a light source.

976
977 **Shoe Stores:** includes establishments primarily engaged in the retail sale of men’s, women’s, and
978 children’s footwear, including athletic footwear, and frequently carry accessory lines, such as hosiery,
979 gloves, and handbags.

980
981 **Site Plan:** means the documents and drawings required by Section 11 of the zoning ordinance to insure
982 that a proposed land use or activity is in compliance with local ordinances and state and federal
983 statutes.

984
985 **Slope:** means the deviation of a surface from the horizontal, expressed in percent (rise divided by run),
986 in degrees or as a ratio (rise: run).

987
988 **Soil Erosion:** means the wearing away of land by the action of wind, water, gravity or a combination
989 thereof.

990
991 **Soil Erosion and Sedimentation Control Act Agency:** means the Soil Erosion and Sedimentation Control
992 Officer, Benzie County, appointed by the Benzie County Building Department to enforce the provisions
993 of Part 91: Soil Erosion and Sedimentation Control Act; Michigan’s Natural Resources and Environmental
994 Protection Act (NREPA), P.A. 451 of 1994, as amended.

995
996 **Solar Energy Facility, Large:** A large or utility-scale solar facility is one whose principal design, purpose
997 or use is to generate solar power and feed it into the grid, supplying a utility with energy for off-site uses
998 or for the wholesale or retail sale of generated electricity to any person or entity.

999
1000 **Solar Energy Facility, Small:** A small solar energy facility is one which generates power exclusively for
1001 the principal use and/or accessory use of the property on which the small solar energy facility is located
1002 except for the sale of surplus electrical energy back to the electrical grid.

1003
1004 **Specified Anatomical Areas:** means human genitals less than completely or opaquely covered including
1005 the pubic region, buttocks, or anus, or female breasts below a point immediately above the top of the
1006 areola; or human male genitals in a discernible state of tumescence, even if opaquely covered.

1007

1008 **Specified Sexual Activity:** means and includes any of the following:
1009
1010 1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or
1011 female breasts;
1012
1013 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
1014
1015 3. Masturbation, actual or simulated;
1016
1017 4. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
1018
1019 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions
1020 (1) through (4) of this subsection.
1021

1022 **State Licensed Facilities:** means a structure constructed for residential purposes that is licensed by the
1023 state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or the child
1024 care organizations act, 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or
1025 fewer individuals under 24-hour supervision or care.
1026

1027 **Steep Slope:** means land with a slope angle of 20% or greater for a minimum of 30 feet horizontally.
1028

1029 **Storage structure – non-accessory:** means a structure used for storage of belongings, not accessory to a
1030 dwelling, duplex or apartment building on the same building site, not designed for human habitation
1031 and not used for remunerative purposes. This term shall not include agricultural buildings.
1032

1033 **Street or Road:** means a private or public thoroughfare which affords the principal means of access to
1034 abutting property.
1035

1036 **Stripping:** means any activity which removes or significantly disturbs the vegetative surface cover
1037 including clearing and grubbing operations.
1038

1039 **Structure:** means anything constructed or erected which requires permanent location on the ground or
1040 attached to something having a permanent location on the ground. For the purpose of this ordinance,
1041 this definition excludes groundwater wells and structures built solely for the purpose of water supply for
1042 residential and agricultural purposes. Structures include Accessory Structures and Buildings.
1043

1044 **Structurally Altered:** means significant and fundamental change in the configuration or framework of a
1045 building or system, resulting in essentially a different building or system.
1046

1047 **Substantial Completion:** means the work, or a specified portion thereof, that has been sufficiently
1048 completed in accordance with the contract documents, and can be utilized for the purposes for which it
1049 is intended, subject to the approval of the Zoning Administrator or other designated lawful authority.
1050

1051 **Sweetening Plant:** means a facility or plant which is designed for the removal of sulfur compounds from
1052 natural gas from gas wells.
1053

1054 **Temporary Structure or Use:** means a structure or use permitted by the Administrator to exist during
1055 periods of construction of the main structure or use. The Zoning Administrator shall review and extend

1056 or revoke a temporary structure or use permit at the end of each one hundred-eighty (180) day period.

1057

1058 **Timber Tracts and Forest Nurseries:** includes establishments primarily engaged in the operation of
1059 timber tracts, tree farms, forest nurseries, and related activities such as reforestation services and the
1060 gathering of gums, barks, balsam needles, maple sap, Spanish moss, and other forest products.

1061

1062 **Trailer:** means any house car, house trailer, trailer home, travel trailer, utility trailer, trailer coach or
1063 similar vehicle used or so constructed as to permit its use as a conveyance upon the public streets or
1064 highways, and duly licensed as such, including any self-propelled vehicles so designed, constructed, or
1065 added to by means of accessories in such manner as will permit the occupancy thereof as dwelling or
1066 sleeping place by one or more persons.

1067

1068 **Use:** means the purpose for which land or premises or a structure thereon is designed, arranged, or
1069 intended, or for which it is occupied or maintained, let or leased.

1070

1071 **Value-Added Agriculture:** means any activity an agricultural producer performs outside of traditional
1072 commodity production to receive a higher return per unit of commodity sold. This includes activities
1073 such as agritourism and entertainment agriculture. Such uses could include: wineries, jams & jellies, fruit
1074 baskets, bed & breakfasts, agritourism (e.g. farm tours, festivals, picnics, catered parties), bird watching,
1075 direct sales to restaurants and retailers, farmer’s markets, U-pick, or pick-your-own, & roadside markets.

1076

1077 **Variance:** means a relaxation of the terms of the Zoning Ordinance where such will not be contrary to
1078 the public interest and where, owing to conditions peculiar to the property and not the result of the
1079 action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue
1080 hardship.

1081

1082 **Veterinary Services:** includes establishments of licensed practitioners primarily engaged in the practice
1083 of veterinary medicine, dentistry, and/or surgery.

1084

1085 **Waterbody:** means any lake or pond.

1086

1087 **Watercourse:** means any natural stream or creek, with continuous running water.

1088

1089 **Wetlands:** means areas defined by degree of soil wetness, generally including those soils classified by
1090 the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 303, Section
1091 324.30301 et seq. (formerly, the Goemere-Anderson Wetlands Act , PA 203 of 1979) as being able to
1092 support aquatic vegetation regardless of whether it has standing water or not. No activity shall be
1093 permitted on a site with regulated wetlands, unless a wetlands permit has been obtained by the
1094 applicant from the Michigan Department of Environmental Quality.

1095

1096 **Wind Energy Conversion System:** means a machine that, powered by the energy of the wind, generates
1097 mechanical energy that can be used to directly power machinery (mill, pump, ...) or to power an
1098 electrical generator for making electricity. The term can thus refer to windmills, wind pumps, as well as,
1099 wind turbines.

1100

1101 **Wireless Communications Equipment:** means a set of equipment and network components used in the
1102 provision of wireless communications services, including, but not limited to, antennas, transmitters,
1103 receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables and

1104 coaxial and fiber optic cables, but excluding wireless communications support structures.

1105

1106 **Wireless Communications Support Structure:** means a structure that is designed to support, or is
1107 capable of supporting, wireless communications equipment, including a monopole, self-supporting
1108 lattice tower, guyed tower, water tower, utility pole, or building.

1109

1110 **Wireless Communication Facility:** means all structures and accessory facilities, and improvements
1111 thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving
1112 radio signals; including, but not limited to, equipment compounds, wireless communications equipment
1113 and wireless communications support structures. Not included in this definition are: citizen band radio
1114 facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite
1115 dishes; federally licensed amateur (HAM) radio facilities; towers for personal communications only; and
1116 governmental facilities that are subject to state or federal law or regulations that preempt municipal
1117 regulatory authority.

1118

1119 **Yard:** means the space open to the sky between a building and the lot line of the premises on which it is
1120 located, unoccupied and unobstructed by an encroachment or structure except as otherwise provided
1121 by this Ordinance. In measuring a yard as hereinafter provided, the lines of a building shall be deemed
1122 to mean a line parallel to the nearest lot line drawn through the point of the building nearest to such lot
1123 line.

1124

1125 **Yard, Front:** means a yard extending across the full width of the lot and lying between the front lot line
1126 and the nearest part of the principal structure.

1127

1128 **Yard, Rear:** means a yard extending across the full width of the lot and lying between the rear line of the
1129 lot and the nearest line of the principal structure. In the case where there is a lot with a lakefront lot
1130 line, the rear yard shall be the yard extending across the full width of the lot lying between the lot line
1131 separating the road from the lot and the nearest part of the principal structure.

1132

1133 **Yard, Side:** means a yard between the side lot line and the nearest line of the principal structure and
1134 extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or
1135 rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall
1136 extend the full depth of the lot.

1137

1138 **Yard Lighting:** means lighting fixtures and/or practices intended for the convenience, enjoyment and
1139 safety of a property owner or tenant or guest.

1140

1141 **Zoning Jurisdiction:** means the area encompassed by the legal boundaries of Joyfield Township, Benzie
1142 County, Michigan.

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Article 3
PURPOSE AND ESTABLISHMENT OF DISTRICTS

3.1 Relationship of Zoning Ordinance to Community Master Plan

The zoning ordinance is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within the ordinance regulate the amount, type and use of a building allowable on a piece of land. The zoning ordinance is a tool used by the community to effectuate the recommendations of the Joyfield Township Master Plan, which is a guide for the long-term physical development of Joyfield Township.

3.2 Districts Established

Joyfield Township is hereby divided into districts, which shall be known as: Rural and Commercial Districts.

- A. Rural District
 “R” Rural District

- B. Commercial District
 “C” Commercial

3.3 Rural District

The Rural designation includes residential uses, agricultural uses, ag-related industry, agricultural processing and home occupations. The coexistence of these uses creates the rural and scenic character of Joyfield Township, and all are encouraged and supported within the Rural District.

3.4 Commercial

The Commercial category encompasses land near the US- 31/M-115 intersection and is intended for retail, service, office, and light industrial facilities. The area is condensed primarily to a small section of the US-31 corridor to discourage commercial corridor sprawl, a continuation of the pattern prescribed by the Benzie County Zoning Ordinance before its dissolution.

- 3.4.1 C, Local Commercial:** Areas for general commercial activities serving the entire community primarily located at the convergence of M-115 and US-31 intersection.

3.5 Compliance with District Regulations

Compliance with District regulations shall be required as follows:

- A. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.

- B. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.

- 1191 C. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or
- 1192 structurally altered except in conformity with the yard and lot area regulations and the
- 1193 off-street parking and loading regulations of the district in which such building is located.
- 1194
- 1195 D. The minimum yards, parking space and other open spaces, including lot area per family,
- 1196 required by this Zoning Ordinance for any building hereafter erected or structurally altered,
- 1197 shall not be encroached upon or considered open space or lot area requirement for any
- 1198 other building, nor shall any other lot area be reduced beyond the district requirements of
- 1199 this Zoning Ordinance.
- 1200
- 1201 E. Every building or structure hereafter erected or structurally altered shall be located on a lot
- 1202 as defined, and in no case shall there be more than one (1) main building on one (1) lot,
- 1203 except as provided in parts of this ordinance.
- 1204

1205 **3.6 Properties with Multiple Zoning Designations**

1206 When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more
 1207 than one zoning classification, the zoning designation which comprises the majority of the parcel area
 1208 shall be applied to the entire parcel.

1210 **3.7 Uses Contrary to Federal, State or Local Statutes, Laws, and/or Ordinances**

1211 Uses for enterprises or purposes that are contrary to Federal, State, and Township statutes, laws, and/or
 1212 ordinances are prohibited.

1214 **3.8 Official Zoning Map**

1215 The boundaries of the zoning districts established by the Zoning Ordinance are shown on a map or series
 1216 of maps designated the "Official Zoning Map". The Official Zoning Map, including all notations,
 1217 references, data and other information shown therein, is adopted and made a part of this Zoning
 1218 Ordinance as fully as if it were contained within the pages of this Zoning Ordinance.

- 1219
- 1220 A. Location: The Official Zoning Map is filed in the office of the Joyfield Township Clerk.
- 1221
- 1222 B. Updates: The Joyfield Township Planning Commission is responsible for updating the
- 1223 Official Zoning Map to reflect amendments adopted by the Township Board.
- 1224
- 1225 C. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of
- 1226 the various districts, the following rules shall apply:
- 1227
- 1228 1. The district boundaries are public rights-of-way including either streets, places or
- 1229 alleys unless otherwise shown; where the districts designated on the Official Zoning
- 1230 Map are approximately bounded by street, road, place or alley lines, the same shall
- 1231 be construed to be the boundary of the district.
- 1232
- 1233 2. Where the district boundaries are not otherwise indicated and where the property
- 1234 has been or may hereafter be divided into blocks and lots, the district boundaries
- 1235 shall be construed to be the lot lines; where districts designated on the Official
- 1236 Zoning Map are approximately bounded by lot lines, the same shall be construed to
- 1237 be the boundary of the districts, unless otherwise indicated on the Official Zoning
- 1238 Map.

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3. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Benzie County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "1" through "3" above, the Zoning Administrator shall interpret the boundaries.

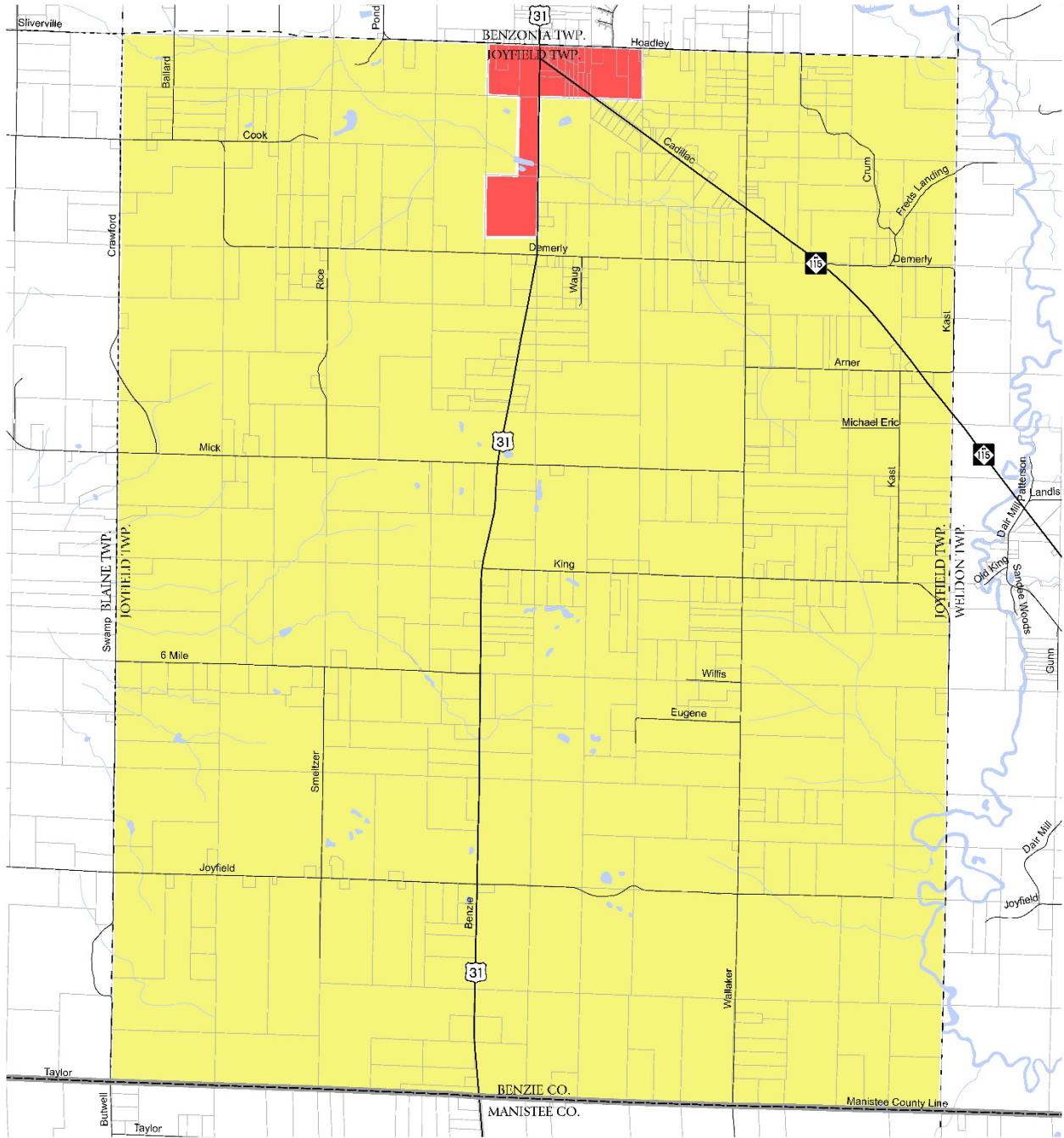
5. Any dispute in the determination of the Zoning District boundaries shall be heard by the Board of Zoning Appeals pursuant to Article 13.

1254 **Zoning Map**

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



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LAKES TO LAND

Joyfield Township Zoning

Data Sources: State of Michigan Geographic Data Library, Benzie and Manistee County Equalization

-  Parcel Boundary
-  County Boundary
-  Township Boundary
-  Road
-  Commercial
-  Rural

ARTICLE 4
REGULATED USES AND DIMENSIONAL REGULATIONS

4.1 Land Use and Zoning District Table

The Land Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a zoning district and rural character zone. Due to the rural character of Joyfield Township, property has historically developed in response to the agricultural needs of Joyfield Township. Each rural road has similar land uses such as, operable farms, orchards, and housing, but the locations of where these uses occur along the road and on the respective property differs. As a result, the two zoning districts each have four character sub-zones. These are identified as sub-zone “A,” “B,” “C,” and “D” and each has a varied number of land uses that occur within the sub-zone. The Land Use Table in Section 4.8 categorizes the uses by land use type (Agricultural, Residential, Commercial and Industrial), zoning district (Rural or Commercial) and then by sub-zone (A, B, C and D).

Lastly, depending on the County road where the parcel is located, the established development pattern will vary depending on how property has developed along that corridor. Section 4.9 notes the dimensions of the character zones by road segment based on a review of the properties as built out in 2015.

4.2 Permitted Uses [P]

If a land use is permitted by right in a Base Zoning District, it is identified by the symbol “P.”

4.3 Special Land Use [S]

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with this Zoning Ordinance.

4.4 Uses Not Allowed

If a land use type is not allowed in a Base Zoning District, it is blank without a “P,” or “S.”

4.5 Site-Specific Standards

Land use types that are further regulated with site-specific standards are identified in Article 5, Special Land Uses.

4.6 Unlisted Uses

If an application is submitted for a use type that is not classified in the Land Use and Base Zoning District Table of this Article, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Ordinance.

4.7 Land Use Type

Land use types listed in the Land Use and Base Zoning District Table are defined in Definition Article 2: Definitions of this Zoning Ordinance.

46 **4.8 Land Use and Base Zoning District Table**
 47

Agricultural	Zone							
	Rural				Commercial			
	A	B	C	D	A	B	C	D
Accessory Structure	P	P	P	P	P	P	P	P
Agricultural Purposes	P	P	P	P	P	P	P	P
Agricultural Related Industries	S	P	P	P	S	P	P	P
Agricultural Worker Housing		P	P			P	P	
Boarding Kennel		S	P	P		P	P	P
Farm Product Warehousing & Storage	S	P	P	P	S	P	P	P
Livestock & Dairy Farms	P	P	P	P			P	P
Refrigerated Warehousing & Storage	S	P	P	P	S	P	P	P
Retail Nurseries and Fruit and Vegetable Markets	S	P	P	P	S	P	P	P
Riding Stable		S	P	P		P	P	P
Sand & Gravel Quarries			S	S				
Sweetening Plants				S				
Timber Tracts & Forest Nurseries	P	P	P	P	P	P	P	P
Value Added Agriculture	S	P	P	P	S	P	P	P
Residential	Zone							
	Rural				Commercial			
	A	B	C	D	A	B	C	D
Single Family Residential		P	P	P		P	P	
Duplex (2-Family Attached)		P	P			P	P	
Bed & Breakfast		P	P			P	P	
Home Occupation		P	P	S		P	P	S
Mobile Home Parks			S	S				S
Multiple Family Dwelling						P	P	
Accessory Structure		P	P	P		P	P	
Solar Energy Facility, Small		P	P	P		P	P	

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4.8 Land Use and Base Zoning District Table, con't

Commercial	Zone							
	Rural				Commercial			
	A	B	C	D	A	B	C	D
Accounting Auditing & Bookkeeping Services						P	P	
Adult Book and/or Video Store						P	P	
Adult Entertainment Establishments						P	P	
Automotive Repair Shops			S			P	P	
Automotive Sales						P	P	
Boat Dealers & Repair Shops						P	P	
Business Services			S			P	P	
Campgrounds		S	S	S		P	P	S
Civic, Social & Fraternal Associations						P	P	
Commercial Banks, Savings Institutions & Credit Unions						P	P	
Communication Towers			S	S			P	P
Dance Studios, Schools & Halls						P	P	
Dry Cleaning & Industrial Laundries						P	P	
Eating & Drinking Places						P	P	
Gasoline Service Stations						P	P	
General (Retail) Merchandise (new and used)						P	P	
General Warehousing and Storage		S	P	P		P	P	P
Grocery Stores and Markets (includes retail bakeries and liquor stores)						P	P	
Hardware Stores						P	P	
Hotels & Motels						P	P	
Lawn, Garden & Landscape Maintenance Businesses			P	S		P	P	
Lumber & Other Building Materials Dealers						P	P	
Museum & Art Galleries			S			P	P	
Nurseries, Lawn and Garden Supply Stores						P	P	S
Personal Services			S			P	P	
Physical Fitness Facilities						P	P	
Recreational Vehicle Dealers						P	P	
Religious Organizations		P	P			P	P	
Reupholstery & Furniture Repair						P	P	
Security Brokers & Dealers						P	P	
Sexually Oriented Businesses						P	P	
State Licensed Facilities		S	S			P	P	
Veterinary Services			S			P	P	
Industrial	Zone							
	Rural				Commercial			
	A	B	C	D	A	B	C	D
Agricultural Processing	S	P	P	P		P	P	P
Construction Special Trade Contractors			S			P	P	P
Electrical Repair Shops			S			P	P	P
Fabricated Metal Products			S			P	P	P
Food & Kindred Products			S	S		P	P	P
General Warehousing & Storage			S	P		P	P	P
Lumber & Wood Products			S	S		P	P	P
Pottery & Related Products			S	S		P	P	P
Printing, Publishing & Allied Industries			S			P	P	P
Refrigerated Warehousing and Storage:	S	P	P	P		P	P	P
Research, Development & Testing Services			S	S		P	P	P
Solar Energy Facility, Large		S	S	S		S	S	S

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53 **4.9 Sub-Zone Dimensions by County Road Frontage**

54 The placement of land uses (permitted or special use) are regulated by the zoning district and then their
55 location within the character zone of the road that they are or will be located on. Each public and
56 private road is segmented into four (4) character zones which reflect the current and historic
57 development pattern of land use and building placement. The character zones are generally described
58 as:

59 Zone A: Typically the open area between the road right-of-way and the first principal building on
60 the property. This zone typically is either open grass, farm field, or orchards with an occasional
61 roadside stand or accessory building.
62

63 Zone B: This area is where the principal residence or farmhouse is located and occasionally a
64 farm related accessory building. In commercial areas along US-31 and M-115, this is where the
65 commercial business building is located.
66

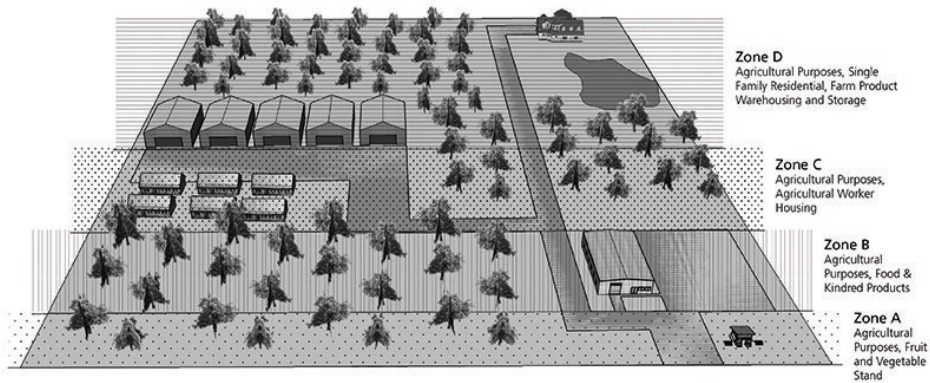
67 Zone C: Many accessory buildings such as barns, farm-related accessory structures, small pole
68 barns, and some small businesses like building contractor buildings and yards are located.
69

70 Zone D: This area typically includes crop, pasture, and orchards, and some occasional single
71 family residential dwellings.
72

73 The illustrations below provide an example of the how the sub-zones (A, B, C and D) relate to the
74 respective zoning districts.
75

76 **Figure 4.1 Illustration of the Rural District Sub-Zone**

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80 **Figure 4.2 Illustration of the Commercial District Sub-Zone**

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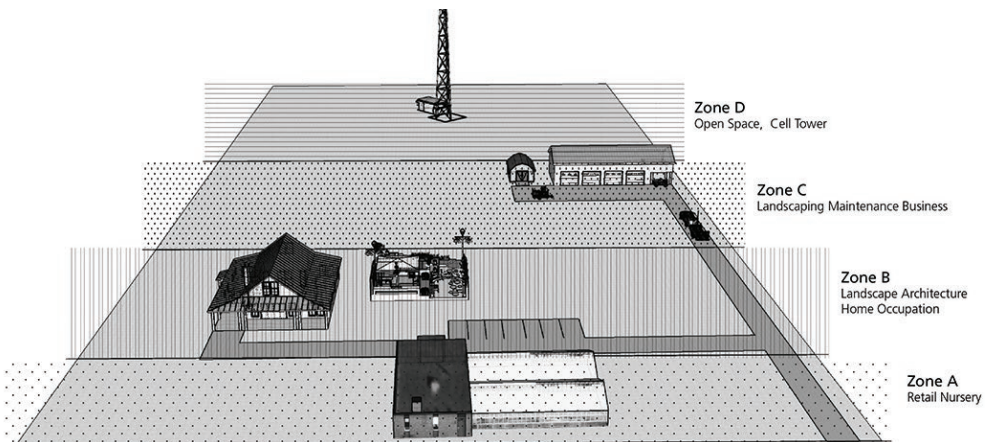
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Zoning District Typology	Distance from Road Centerline (ft)			
	A	B	C	D
	Arner Road	0 - 65	65 - 145	145 - 205
Ballard Road	0 - 95	95 - 250	250 - 320	320 +
Benzie Highway (US-31)	0 - 85	85 - 245	245 - 395	395 +
Cadillac Highway (M-115)	0 - 95	95 - 195	195 - 290	290 +
Cook Road	0 - 80	80 - 210	210 - 345	345 +
Crawford Road	0 - 100	100 - 355	355 - 455	455 +
Crum Road	0 - 60	60 - 160	160 - 510	510 +
Demerly Road	0 - 80	80 - 210	210 - 345	345 +
Eugene Drive (PVT)	0 - 60	60 - 195	195 - 325	325 +
Fred's Landing	0 - 80	80 - 210	210 +	
Hoadley Road	0 - 75	75 - 195	195 - 295	295 +
Joyfield Road	0 - 75	75 - 190	190 - 320	320 +
Kast Road	0 - 65	65 - 170	170 - 290	290 +
King Road	0 - 80	80 - 170	170 - 410	410 +
Michael Eric Lane (PVT)	0 - 65	65 - 170	170 - 290	290 +
Mick Road	0 - 80	80 - 230	230 - 355	355 +
Pond Road	0 - 75	75 - 195	195 - 295	295 +
Rice Road	0 - 95	95 - 250	250 - 370	370 +
Ridgeley Road	0 - 85	85 - 195	195 - 295	295 +
Six Mile Road	0 - 80	80 - 210	210 - 385	385 +
Smeltzer Road	0 - 85	85 - 215	215 - 265	265 +
Swamp Road Segment #1	0 - 100	100 - 195	195 - 510	510 +
Swamp Road Segment #2	0 - 95	95 - 160	160 - 510	510 +
Swamp Road Segment #3	0 - 100	100 - 360	360 - 510	510 +
Taylor Road (County Line Road)	0 - 80 ft	80 - 210	210 - 385	385 +
Wallaker Road North #1	0 - 80	80 - 175	175 - 330	330 +
Wallaker Road North #2	0 - 100	100 - 225	225 - 345	345 +
Wallaker Road South	0 - 100	100 - 360	360 - 510	510 +
Waug Road (PVT)	0 - 75	75 - 140	140 - 210	210 +
Willis Road (PVT)	0 - 105	105 - 160	160 - 210	210 +

90
91

92 Swamp Road and Wallaker Road have segments that reflect different development patterns. The
93 segments for each road are noted below:

94 Swamp Road Segment #1: Mick Road to 6 Mile Road
95 Swamp Road Segment #2: 6 Mile Road to County Road 602
96 Swamp Road Segment #3: County Road 602 to the southernmost extent of Swamp Road; Swamp
97 Road ends along with the southern extent of Joyfield Township at the intersection of Swamp,
98 Taylor, and Butwell Roads
99

100 Wallaker Road North #1: South of Hoadley Road to Route 115
101 Wallaker Road North #2: South of Route 115 to Arner Road
102 Wallaker Road South: South of Arner Road to North County Line Road
103

104 **4.10 Setbacks from Property Line**

105 In addition to the placement of land uses within the proper sub-zone based on Section 4.9, dimensional
106 setbacks from the property line for the side yard and rear yard are required as follows:

107

108 A. Side Yard – the side yard setback shall be determined by the width of the property along the
109 front property line multiplied by 8% for lots less than 300 feet in width and 30 feet for lots
110 greater than 300 feet.

111

112 B. Rear Yard – the rear yard setback shall be at least 25 feet from the rear property line
113 regardless of property width or depth.

114

115 **4.11 New Roads**

116 Roads established after the effective date of this ordinance shall be subject to construction standards
117 established in **9.5.3** and require Planning Commission approval in zones A-D for development patterns.

118 The minimum setback from the road centerline for Zone A is 60 feet.

Article 5
SPECIAL LAND USES

5.1 Purpose

The formulation and enactment of this Ordinance is based upon the division of Joyfield Township into districts, each of which may permit specific uses, which are mutually compatible, and special land uses. Special land uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this section shall be in addition to others required elsewhere in this Ordinance and at the same time provide to Joyfield Township Planning Commission and the property owner some latitude to address site issues in an innovative manner.

5.2 General Provisions

- A. Authority to Grant Permits: Joyfield Township Planning Commission as hereinafter provided shall have the authority to approve, deny, or approve with conditions as specified in Section 5.3, special land uses.
- B. Application: Application for any special land use permit permissible under the provision of this Ordinance shall be made to the Joyfield Township Planning Commission through the Zoning Administrator by filing an official special land use permit application form and submitting a site plan in accordance with Article 11.
- C. Public Hearing for Special Land Uses: After a preliminary review of the site plan and an application for a special land use permit, the Joyfield Township Planning Commission shall hold a hearing on the site plan and special land use permit in accord with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3103 and MCL 125.3502.

5.3 Required Standards and Findings for Making Determinations

The Joyfield Township Planning Commission shall review the particular circumstances of the special land use request under consideration in accordance with the requirements of Article 11, Site Plan Review, and any additional standards set forth in this Article and shall approve the special land use request only upon approval of the site plan and finding of compliance with the following standards:

A. Standards for Approval

- 1. Be designed to protect natural resources, the health, safety, and welfare, as well as, the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

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3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 4. Be consistent with the intent, purpose and recommendations in the Joyfield Township Master Plan.
 5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
 6. The proposed use will not create excessive additional requirements at public cost for public facilities, utilities and services.
 7. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 8. The proposed use will be served adequately by essential public facilities and disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 9. If requested by the Joyfield Township Planning Commission, the applicant shall submit the following:
 - a. Market Study – components of the study should include a definition of the market, analysis of data pertaining to the market problem, the type and amount of market supportable real estate, and absorption rate(s) needed to sell and/or occupy the property within the project.
 - b. Traffic Impact Study – components of this study should include an assessment of existing traffic counts and movements, forecast of additional traffic based on ITE traffic/trip generation manual, and improvements necessary to accommodate and/or mitigate the increased traffic resulting from the proposed project.
 - c. Environmental Impact Assessment – components of the study should include a statement of the purpose and need of the proposed project, description of the affected environment, range of alternatives to the proposed action, analysis of environmental impacts such as threatened or endangered species, air and water quality impacts, impacts to historic and cultural sites, and social and economic impacts.
- B. Notification: Joyfield Township shall provide notice of the request and public hearing on the special land use application in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq. The notice of public hearing shall:
1. Describe the nature of the special land use request.
 2. Describe the property which is the subject of the request.
 3. State the date, time and place of the public hearing.
 4. Indicate when and where written comments will be received concerning the request.

97 C. Public Hearing: On the appointed date and time the Joyfield Township Planning Commission
98 shall conduct the public hearing on the proposed special use. The hearing may be adjourned
99 to a date certain within a reasonable time for additional fact finding.

100
101 D. Action of the Planning Commission: Upon completion of the Joyfield Township Planning
102 Commission's review and upon completion of the public hearing, the Planning Commission
103 may consider a motion for approval, approval with conditions, or denial of the special use
104 application and site plan request.

105
106 The Planning Commission may postpone a request to a date certain to allow verification,
107 compilation or submission of additional or supplemental information or to address other
108 concerns or issues. Announcement of the date for the Planning Commission to decide upon
109 the matter shall be announced in accord with the provisions of this Article and the Open
110 Meeting Act, PA 267 of 1976, as amended.

111
112 E. The conditions imposed with respect to the approval of a land use or activity shall be
113 recorded in the record of the approval action and remain unchanged except upon the
114 mutual consent of the approving authority and the landowner. The approving authority shall
115 maintain a record of conditions which are changed. Unchanged provisions shall run with the
116 parcel in the approval and shall be binding upon all successors and assigns.

117
118 F. The Township Planning Commission may recommend the imposition of the conditions in
119 approving special uses that it deems necessary to fulfill the purpose and requirements of
120 this Article. The conditions may include those necessary to ensure that public services and
121 facilities affected by a proposed land use or activity will be capable of accommodating any
122 increased service and facility loads caused by the special land use or any activity connected
123 with it, to protect the natural environment, conserve natural resources and energy, to
124 ensure compatibility with adjacent uses of land, and to promote the arrangement of the use
125 of land in a socially and economically desirable manner.

126
127 G. The discontinuance of a special use, after a specified period of time or by a specified date as
128 determined by the Planning Commission, may be a condition placed upon the issuance of
129 the approved special use. Renewal of a special use may be granted after a review and
130 determination by the Joyfield Township Planning Commission that continuing private need
131 and public benefit will be served by such renewal, provided that the renewal application
132 shall be in accord with Article provisions, standards and requirements in effect at the time
133 the renewal is requested.

134
135 H. Any special use which was approved or which existed prior to the effective date of this
136 Ordinance shall be deemed a use permitted in the district in which it is located and is not to
137 be considered a non-conforming use.

138
139 **5.4 Amendments, Denial or Appeal of a Special Land Use**

140
141 A. Determination and Imposition of Conditions: A review of an application and site plan
142 requesting a special land use permit shall be made by the Joyfield Township Planning
143 Commission in accordance with the procedures and standards specified in this Ordinance. If
144 a submitted application and site plan does not meet the requirements of the Ordinance,
145 they shall not be approved. However, if the applicant agrees to make changes to the site

146 plan and application in order to bring them into compliance with the Ordinance, such
147 changes shall be allowed and shall be either noted on the application or site plan itself, or
148 attached to it, or these documents shall be resubmitted incorporating said changes. If the
149 facts in the case do not establish competent, material and substantial evidence that the
150 standards set forth in this Ordinance will apply to the proposed special land use, the Joyfield
151 Township Planning Commission shall not grant a special land use permit. The Commission
152 may impose conditions with the approval of a special land use permit application and site
153 plan which are necessary to ensure compliance with the standards for approval stated in this
154 section and any other applicable standards contained in this or other applicable ordinances
155 and regulations. Such conditions shall be considered an integral part of the special land use
156 permit and approved site plan and shall be enforced by the Zoning Administrator. These
157 conditions may include conditions necessary to ensure that public services and facilities
158 affected by a proposed land use or activity will be capable of accommodating increased
159 service and facility loads caused by the land use or activity to protect the natural
160 environment and conserve natural resources and energy, to ensure compatibility with
161 adjacent uses of land, and to promote the use of land in a socially and economically
162 desirable manner.
163

164 B. Approval, Granting of Permit: Upon holding a public hearing and the finding that the
165 requirements of this Ordinance have been satisfactorily met by the applicant, the Joyfield
166 Township Planning Commission shall approve, disapprove, or approve with conditions the
167 special land use permit. Approval and issuance of a special land use permit by the Joyfield
168 Township Planning Commission shall signify prior approval of the application and site plan,
169 therefore including any modifications and any conditions imposed where necessary to
170 comply with this Ordinance. The site plan, as approved, and any statements of conditions
171 and modifications shall become part of the special land use permit and shall be enforceable
172 as such. The decision to approve or deny a request for a special land use permit shall be
173 retained as a part of the record of action on the request and shall incorporate a statement of
174 conclusions which specify: the basis for the decision, any changes to the originally submitted
175 application and site plan necessary to ensure compliance with the ordinance, and any
176 conditions imposed with approval. Once a special land use permit is issued, all site
177 development and use of land on the property affected shall be consistent with the approved
178 special land use permit, unless a change conforming to Ordinance requirements receives the
179 mutual agreement of the landowner and the Joyfield Township Planning Commission and is
180 documented as such. When the Commission gives final approval, a special land use permit
181 shall be issued to the applicant. The Commission shall forward a copy of the permit to the
182 applicant, Zoning Administrator, and the Zoning Board of Appeals. The Zoning Administrator
183 shall not issue a land use compliance permit until he or she has received a copy of the special
184 land use permit approved by the Joyfield Township Planning Commission.
185

186 C. Voiding of Special Land Use Permit: Any special land use permit granted under this
187 Ordinance shall become null and void and fees forfeited:
188

- 189 1. Where actual physical construction of a substantial nature of structures authorized
190 by a special use permit has not commenced within one (1) year of issuance, and a
191 written application for extension of the approval has not been filed as provided
192 below, the permit shall become null and void and all rights thereunder shall
193 terminate. (note: It is the responsibility of the applicant to request such an
194 extension.)
195
- 196 2. Upon written application, by the original or successor developer, filed prior to the
197 termination of the one (1) year period as provided above, the Planning Commission
198 may authorize a single extension of the time limit for a further period of not more

199 than one (1) year. Such extension shall be granted only based on evidence from the
200 applicant that the development has a reasonable likelihood of commencing
201 construction during the one (1) year extension period.
202

203 D. Appeal: Any party aggrieved by a decision of the Joyfield Township Planning Commission
204 resulting from the approval or denial of a special land use permit may appeal to the Circuit
205 Court. The Appeal may be taken by any person, firm or corporation and must be in writing
206 and filed with the Zoning Administrator.
207

208 E. Amendments and/or Modifications to a Special Land Use Permit.
209

210 1. The Zoning Administrator may authorize insignificant deviations in special use
211 permits if the resulting use will still meet all applicable standards and requirements
212 of this ordinance. A deviation is insignificant if the Zoning Administrator determines
213 it will result in no discernible changes to or impact on neighboring properties, the
214 general public, or those intended to occupy or use the proposed development and
215 will not noticeably change or relocate the proposed improvements to the property.
216

217 2. The Planning Commission may permit minor modifications in special use permits if
218 the resulting use will still meet all applicable standards and requirements of this
219 ordinance. The Planning Commission may decide minor modifications without a
220 formal application, public hearing, or payment of an additional fee. For purposes of
221 this section, minor modifications are those the Zoning Administrator determines
222 have no substantial impact on neighboring properties, the general public, or those
223 intended to occupy or use the proposed development.
224

225 3. All other requests for amendments to special use permits shall be processed in the
226 same manner as new special use permit applications. Joyfield Township may impose
227 new conditions on the approval of an amendment request if such conditions are
228 warranted. The holder of the special use permit may reject such additional
229 conditions by withdrawing the request for an amendment and proceeding under the
230 existing special use permit.
231

232 4. The holder of a special use permit may request changes under this section by
233 making the request in writing to the Zoning Administrator. Approval of all changes
234 must be given in writing.
235

236 F. Any use for which a special use permit has been granted and which ceases to continuously
237 operate for a one (1) year period shall be considered abandoned, and the special use permit
238 shall become null and void.
239

240 G. Revocation of a special land use may occur if its recipient fails to continuously abide by its
241 terms and conditions.
242

243 1. The revocation procedure is as follows:
244

245 a. The Planning Commission shall notify the recipient in writing of any
246 violations of Township codes or provisions of the special land use.
247

- 248 b. The recipient shall have thirty (30) days to correct all deficiencies to the
249 satisfaction of the Planning Commission.
- 250
- 251 c. If after thirty (30) days any deficiencies remain, the Planning Commission
252 shall conduct a public hearing following the same notification procedures
253 for special land use requests as provided in Section 5.3 and in the Michigan
254 Zoning Enabling Act. Following the public hearing, the Planning Commission
255 may then revoke the special land use, or if the conditions warrant, allow a
256 specified amount of additional time for the use to be brought into
257 compliance.
- 258
- 259 2. A repeat violation shall be grounds for immediate revocation of the special land use
260 by the Planning Commission following a public hearing.
- 261
- 262 3. The Administrator has the authority to issue a cease and desist order, until such
263 time as a public hearing can be conducted, upon finding that the violation
264 constitutes a serious threat to public health, safety, and welfare.
- 265

266 **5.5 Land Uses Requiring Additional Standards**

267
268 The following land uses have been determined to be those that serve an area larger than Joyfield
269 Township and as a result require additional standards for approval in addition to those addressed in Sec.
270 5.3.A.

271
272 **5.6 Reserved for future use**

273
274 **5.7 Solar Energy Facilities**

275 Sunlight is utilized to generate energy through a facility consisting of one (1) or more solar devices under
276 common ownership or operational control. Such a facility may include, but not be limited to,
277 substations, cables/wires and other buildings and accessory structures whose main purpose is to supply
278 energy on-site or to off-site customer(s):

- 279 A. LARGE SOLAR ENERGY FACILITY (SOLAR FARM). The purpose of this Subsection is to establish
280 minimum requirements and regulations for the placement, construction and modification of
281 large solar energy facilities (Solar Farms) while promoting the safe, effective, and efficient use of
282 such energy facilities as a special land use in specified zoning districts.
- 283
- 284 1. LOCATION. Large solar energy facilities (Solar Farms) are an allowable special land use in
285 both the Rural and Commercial districts. Large solar energy facilities are not permitted
286 on any properties enrolled in the Farmland Preservation Program (formerly PA 116).
- 287
- 288 2. REGULATIONS AND DESIGN STANDARDS. All large solar energy facilities (Solar Farms)
289 shall comply with the following minimum regulations and design standards.
- 290
- 291 a. DESIGN STANDARDS.
- 292
- 293 i. Solar Farms must be ground mounted.

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- ii. MINIMUM LOT SIZE. No large solar energy facility (Solar Farm) shall be erected on any Lot less than twenty (20) acres in size.
- iii. MAXIMUM LOT COVERAGE: The maximum lot coverage ratio for a large solar energy facility, including PV solar panels shall be 10%.
- iv. MAXIMUM HEIGHT. The maximum height for a solar panel shall be fourteen (14) feet when oriented at maximum tilt. The maximum height of a Power Switchyard shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the Solar Farm is located. The height of required lightning rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.
- v. SETBACKS. Large solar energy facility (Solar Farm) solar panels and other structures shall be set back three hundred feet (300) from all lot lines and public road rights-of-way, or the district setbacks stated in the underlying zoning district, whichever is greater. In addition, large solar energy facility (Solar Farm) solar panels and other structures shall not be located within a fifty foot (50') drain easement. When a large solar energy facility (Solar Farm) comprises of lots of more than one owner, the internal setback shall not apply.
- vi. SAFETY/ACCESS.
 - a. Security fencing shall be installed around all electrical equipment related to the Solar Farm including, but not limited to, transformers and transfer stations.
 - b. Appropriate warning signage shall be placed at safe intervals at the entrance and perimeter of the large solar energy facility (Solar Farm).
 - c. A safety plan shall be in place and updated regularly with the fire department having jurisdiction over the Solar Farm.
- vii. NOISE. No operating large solar energy facility (Solar Farm) shall produce noise that exceeds any of the following limitations.
 - a. Noise levels shall not exceed the established outdoor background (residual) sound level La90 by more than five (5) dBA or forty (40) Dba Lmax, whichever is less, as measured at

341 the property line of any adjacent R Rural or C Commercial zoned
342 land in existence at the time the Solar Farm is granted special
343 land use approval between the hours of nine (9) a.m. and nine
344 (9) p.m.

345
346 b. Noise levels shall not exceed the established outdoor
347 background (residual) sound level La90 or forty (40) Dba Lmax,
348 whichever is less, as measured at any neighboring residence in
349 existence at the time the Solar Farm is granted special land use
350 approval between the hours of nine (9) p.m. and nine (9) a.m.

351
352 c. Noise levels shall not exceed the established outdoor
353 background (residual) sound level La90 or forty (40) Dba Lmax,
354 whichever is less, as measured at the lot lines of the project
355 boundary.

356
357 d. In addition to the above limitations, a sound barrier of a solid
358 decorative masonry wall or evergreen tree berm, with trees
359 spaced not less than 10 feet apart shall be constructed to
360 reduce noise levels surrounding all inverters, no more than ten
361 (10) feet from all inverters, no less than the height of all
362 inverters and no more than three (3) feet above the height of all
363 inverters.

364
365 viii. VISUAL APPEARANCE & MAINTENANCE

366
367 a. Large solar energy facility (Solar Farm) buildings and accessory
368 structures shall utilize materials, textures, and neutral colors
369 customary with Solar Farms and that to the extent which is
370 prudent and feasible will blend the facility into the existing
371 environment.

372
373 b. Prior to construction of solar farm, all existing drainage tile must
374 be inspected by means of robotic camera and the imagery
375 submitted to the Township to establish baseline condition of
376 tile. Any damaged or inoperable tile shall be repaired prior to
377 construction and such repairs shall be documented and a report
378 submitted to the landowner and township indicating the
379 location, nature and satisfactory completion of such repairs.
380 While the solar farm is in operation, all drain tile shall be
381 inspected every three (3) years in the fashion noted above and
382 all video footage and a report of any damage or failure shall be
383 submitted to the Township. Any tile failure shall be corrected
384 within 60 days of discovery and such repairs shall be
385 documented and a report submitted to the landowner and
386 township indicating the location, nature and satisfactory
387 completion of such repairs. The Township reserves the right to

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have the Building Inspector or other agent present at the time of repair.

- c. Supports shall be constructed to preserve any drainage field tile and/or drainage system. Any broken/missing field tiles shall be repaired and made in operable condition as soon as possible after damage and/or failure.
- d. An appropriate maintenance plan, including property maintenance of the grounds, shall be presented to the Planning Commission for review and approval.
- e. Lighting of the large solar energy facility (Solar Farm) shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. The Township may require use of a photometric study to make this determination.
- f. No large solar energy facility (Solar Farm) shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Township Building Inspector, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Farm shall have a reasonable time (not to exceed twelve (12) months) from the date of such notice to remediate such glare.
- g. Large solar energy facilities (Solar Farms) shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen trees, which shall not be less than six (6) feet tall at the time of planting. In lieu of a planting screen, a decorative fence that is at least fifty percent (50%) opaque may be used.
- h. Developer shall furnish an assurance in a form acceptable to the Township that guarantees that 100% of the PV panels and attendant electrical apparatus, wiring, metal support structures, etc., shall not enter the waste stream.
- i. Developer shall install and maintain pollinator habitat in accordance with the MSU Pollinators Scorecard as published in 2018.

435 ix. MEDIUM VOLTAGE CABLE. All medium voltage cable within the project
436 boundary shall be installed underground at a depth in accordance with
437 current National Electrical Code standards and except for Power
438 Switchyards or the area within a substation. All electrical
439 interconnections and distribution components must comply with all
440 applicable codes and public utility requirements.

441
442 b. LOCAL, STATE AND FEDERAL PERMITS. A large solar energy facility (Solar Farm)
443 shall be required to obtain all necessary permits from the Michigan Department
444 of Environment, Great Lakes and Energy and any applicable municipal/county or
445 Federal permits.

446
447 c. AGREEMENTS/EASEMENTS. If the Lot on which the project is proposed is to be
448 leased, rather than owned, by the owner of the Solar Farm, all property within
449 the project boundary must be included in a recorded easement(s), lease(s), or
450 consent agreement(s) specifying the applicable uses for the duration of the
451 project. All necessary leases, easements, or other agreements between the
452 owner of the Solar Farm and property owners must be in place prior to
453 commencing construction, unless specified otherwise by the special land use
454 permit.

455
456 d. INSURANCE. The applicant or operator will maintain property/casualty
457 insurance and general commercial liability insurance in an amount of at least
458 \$10 million per occurrence.

459
460 e. EXTRAORDINARY EVENTS. If the LARGE Solar Energy System experiences a
461 failure, fire, leakage of hazardous materials, personal injury, or other
462 extraordinary or catastrophic event, the applicant or operator must notify the
463 Township within 24 hours.

464
465 f. INSPECTIONS. The Township may inspect a Large Solar Energy System at any
466 time by providing 24 hours advance notice to the applicant or operator.

467
468 g. TRANSFERABILITY. A special use permit for a Large Solar Energy System is
469 transferable to a new owner. The new owner must register its name and
470 business address with the Township and must comply with this Ordinance and
471 all approvals and conditions issued by the Township.

472
473 3. PERMIT APPLICATIONS. An application for a special land use permit to establish a large
474 solar energy facility (Solar Farm) shall include a complete description of the project and
475 documentation to sufficiently demonstrate that the requirements set forth in this
476 Ordinance will be met. Supporting documentation for addressing the review criteria
477 (required standards and findings for making a special land use determination) is also to
478 be provided. The Planning Commission and/or Township Board may require any
479 information reasonably necessary to determine compliance with this ordinance.

480
481 It is preferred that any related special land use permit applications for substations or
482 new transmission lines be considered in conjunction with the special land use permit

483 application for the large solar energy facility (Solar Farm); however, if the details of
484 those improvements are not available at the time of application for the large solar
485 energy facility (Solar Farm), they may be considered later, through subsequent special
486 land use permit review. At a minimum, the intended route for connecting to the power
487 grid and the alternative locations of any substation shall be disclosed with the
488 application for the large solar energy facility (Solar Farm).
489

490 The owner(s) and/or operator of the Solar Farm shall post a security bond or escrow or
491 irrevocable letter of credit in a form acceptable to the Township equal to one-hundred
492 twenty five (125) percent of the total estimated decommissioning, code enforcement
493 and reclamation costs. The cost of decommissioning shall be reviewed between the
494 operator and the Township Board every two (2) years to ensure adequate funds are
495 allocated for decommissioning; the security bond or escrow or irrevocable letter of
496 credit, defined herein, shall be appropriately adjusted to reflect the current
497 decommissioning estimate. This security bond or escrow or irrevocable letter of credit
498 shall be issued by a 3rd party and paid by the operator.
499

500 The security bond or escrow or irrevocable letter of credit shall be posted and
501 maintained with a company licensed to do business in the State of Michigan or a
502 Federal- or State-chartered lending institution acceptable to the Township.
503

504 Any bonding company or lending institution shall provide the Township with 90 days'
505 notice of the expiration of the security bond or escrow or irrevocable letter of credit.
506 Lapse of a valid security bond or escrow or letter of irrevocable credit is grounds for the
507 actions defined below.
508

509 In the event of sale or transfer of ownership and/or operation of the Solar Farm, the
510 security bond or escrow or irrevocable letter of credit shall be maintained throughout
511 the entirety of the process and the new owner shall be required to provide a new
512 security bond or escrow or irrevocable letter of credit.
513

514 If at any time during the operation of the Solar Farm or prior to, during, or after the sale
515 or transfer of ownership and/or operation of the Solar Farm the security bond or escrow
516 or irrevocable letter of credit is not maintained, the Township may take any action
517 permitted by law, revoke the conditional land use, order a cessation of operations, and
518 order removal of the structure and reclamation of the site.
519

520 4. PROVISIONS FOR SPECIAL LAND USE PERMIT REVIEW. The Solar Farm shall comply with
521 the following standards:
522

523 a. SOLAR FARM DESCRIPTION. The application for the Solar Farm shall identify the
524 Solar Farm buildings and accessory structures, the time period to construct the
525 Solar Farm, the phasing of construction, if any, and the anticipated useful life of
526 the Solar Farm.
527

528 b. ENVIRONMENTAL SITING CONSIDERATIONS. The applicant shall provide
529 evidence of compliance with applicable State of Michigan statutes including, but
530 not limited to: Part 31, Water Resources Protection, of the Natural Resources

531 and Environmental Protection Act; (MCL 324.3101 et. Seq.; Part 91, Soil Erosion
532 and Sedimentation Control (MCL 324.9101 et. Seq.) and any corresponding
533 County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et.
534 Seq.); Part 303, Wetlands (MCL 324.30301 et. Seq.); Part 365, Endangered
535 Species Protection (MCL324.36501 et. Seq.); and such other applicable laws and
536 rules in force at the time the application is considered by the Township Board.

537
538 c. SITE PLANS. Site plans shall conform with Section 11.5 and shall identify (1) all
539 lots in the Solar Farm, and as to each lot, existing and proposed (a) buildings, (b)
540 accessory structures, (c) utilities, (d) transmission lines, (e) solar panels, (f)
541 drainage ways, (g) grades, (h) topographical conditions, (i) vegetation, (j)
542 regulated wetlands, (k) regulated floodplains, (l) regulated and endangered
543 species, and (m) regulated lakes, streams or ponds; (2) required setbacks; (3)
544 access routes to lots that are a part of the Solar Farm; (4) proposed road and
545 driveway improvements; (5) any lots within three hundred (300) feet of a large
546 solar energy facility (Solar Farm); (6) proposed transmission lines to and from
547 Power Switchyards and/or between lots; (7) proposed signage; and (8) methods
548 for dust and erosion control. All maps and visual representations need to be
549 drawn at an appropriate scale and in accordance with Section 11.5 (Required
550 Data for Site Plan).

551
552 d. ENVIRONMENTAL INFORMATION. The Applicant shall provide evidence of
553 compliance with the Environmental Siting Considerations as required in this
554 Section.

555
556 e. HAZARDOUS WASTE. As applicable, the application must include plans for the
557 spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.

558
559 f. TRANSPORTATION PLAN FOR CONSTRUCTION AND OPERATION PHASES. Proof
560 of an agreement with the County Road Commission, and the Michigan
561 Department of Transportation (if applicable) regarding any construction phase
562 of the project, is required.

563
564 g. DECOMMISSIONING PLAN. Describe the decommissioning and final land
565 reclamation plan to be followed after the anticipated useful life, or
566 abandonment, or termination of the large solar energy facility (Solar Farm),
567 including evidence of proposed commitments with property owners to ensure
568 proper final reclamation of the Solar Farm with seasonal grasses or to an
569 agricultural ready condition, repairs to roads for damage caused by the Solar
570 Farm, if any, and within twelve (12) months from the notice of abandonment
571 issued by the Township to complete decommissioning and land reclamation. All
572 roads, above grade and subsurface improvements must be removed at the end
573 of project.

574
575 h. OPERATIONS AGREEMENT. An operations agreement setting forth the
576 operations parameters, the name and contact information of the certified

577 operator, the applicant's inspection protocol, emergency procedures, and
578 general safety documentation.

579 i. POWER OF PURCHASE AGREEMENT. A copy of the applicant's power purchase
580 agreement or other written agreement with an electric utility showing approval
581 of an interconnection with the proposed Large Solar Energy System.

582 j. MAINTENANCE PLAN. A written plan for maintaining the subject property,
583 including a plan for maintaining and inspecting drain tiles and addressing
584 stormwater management, which is subject to the Township's review and
585 approval.

586 k. INDEMNIFICATION. An attestation that the applicant will indemnify and hold
587 the Township harmless from any costs or liability arising from the approval,
588 installation, construction, maintenance, use, repair, or removal of the Solar
589 Energy System, which is subject to the Township's review and approval.

590
591 l. COMPLAINT RESOLUTION. The Industrial Solar Energy Facility applicant shall
592 submit a detailed, written complaint resolution process developed by the
593 Industrial Solar Energy Facility applicant to resolve complaints from the
594 Township board or the property owners or residents concerning the
595 construction or operation of the Industrial Solar Energy Facility. The complaint
596 resolution process must be approved by the Planning Commission as a condition
597 of approval of the special land use permit application.

598
599 The Township board shall appoint a 3 member complaint resolution committee
600 to oversee and participate in all complaint resolution discussions or meetings
601 between the Township property owner or resident and the Industrial Solar
602 Energy Facility owner.

603
604 The complaint resolution committee shall consist of (1) Township board
605 member, (1) Planning Commission member, and (1) qualified elector chosen by
606 the Township Board from the community.

607
608 The Township board shall be kept apprised of all complaints and shall receive a
609 report outlining the issues, the progress, and the resolution of each such
610 complaint.

611
612 m. Any additional information or documentation requested by the Planning
613 Commission, Township Board, or other Township representative.

614
615 B. SMALL SOLAR ENERGY FACILITY. Notwithstanding other provisions of this Section of the
616 Ordinance, Small Roof-Mounted or Ground-Mounted Solar Energy Facilities shall be considered
617 a permitted use in all zoning districts as an accessory to a principal use. A Small Solar Energy
618 Facility shall be required to have appropriate building permits.

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1. All Small Solar Energy Facilities are subject to the following minimum requirements:
 - a. A small solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - b. A small solar energy facility connected to the utility grid shall provide written authorization from the local utility company to the Township acknowledging and approving such connection.
 - c. A roof-mounted facility may be mounted on a principal building or accessory building. A roof-mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small solar energy facility extend beyond the edge of the roof or the wall on which it was mounted.
 - d. A ground-mounted facility shall not exceed a height of fourteen (14) feet above the ground when oriented at maximum tilt.
 - e. The surface area of a ground-mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage and is subject to lot coverage requirements of the underlying zoning district.
 - f. A ground-mounted facility or facility attached to an accessory building shall not be located within Sub-zone A of any parcel.
 - g. The minimum ground-mounted small solar energy facility setback distance from the property lines shall be equivalent to the principal building setback of the underlying zoning district.
 - h. All mechanical equipment associated with and necessary for the operation of the small solar energy facility shall comply with the following:
 - i. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen. In lieu of a planting screen, a decorative fence that is at least fifty percent (50%) opaque may be used.
 - ii. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.

666 iii. Mechanical equipment for ground-mounted facilities shall comply with
667 the setbacks specified for principal structures in the underlying zoning
668 district.
669
670 i. Solar panels shall be placed such that concentrated solar radiation or glare shall
671 not be directed onto nearby properties or roadways.
672
673 j. All power transmission lines from a ground-mounted small solar energy facility
674 to any building or other structure shall be located underground.
675
676 k. A small solar energy facility shall not be used to display advertising, including
677 signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons,
678 flags, banners or similar materials. The manufacturers and equipment
679 information, warning, or indication of ownership shall be allowed on any
680 equipment of the solar energy facility provided they comply with the prevailing
681 sign regulations.
682
683 l. The design of the small solar energy facility shall conform to applicable industry
684 standards. A building/zoning permit and site plan approval shall be obtained
685 prior to construction. In the case of a roof-mounted facility, the existing roof
686 structure and the weight of the facility shall be taken into consideration when
687 applying for a small solar energy facility permit.
688
689 All wiring shall comply with the applicable version of Michigan’s construction
690 codes. The local utility provider shall be contacted to determine grid
691 interconnection and net metering policies. The Applicant shall submit
692 certificates of design compliance obtained by the equipment manufacturer from
693 a certifying organization.
694
695 m. The small solar energy facility shall comply with all applicable Township
696 ordinances and codes so as to ensure the structural integrity of such facility.
697
698 n. Before any construction can commence on any small solar energy facility, the
699 property owner must acknowledge in writing that he/she is the responsible
700 party for owning/leasing and maintaining the solar energy facility.
701
702 2. If a ground-mounted small solar energy facility is removed, any earth disturbance as a
703 result of the removal of the ground-mounted facility shall be graded and reseeded.
704
705 3. If a small solar energy facility has been abandoned (meaning not having been in
706 operation for a period of six (6) months) or is defective or is deemed to be unsafe by the
707 Building Inspector, the facility shall be required to be repaired by the owner to meet
708 federal, state and local safety standards, or be removed by the property owner within
709 the time period allowed by the Building Inspector. If the owner fails to remove or repair
710 the defective or abandoned small solar energy facility, the Township may pursue legal
711 action to have the facility removed at the owner’s expense.
712

- 713 C. SOLAR ACCESS. The Township makes no assurance of solar access other than the provisions
714 contained within this Section. The Applicant may provide evidence of covenants, easements, or
715 similar documentation for abutting property owners providing access to solar energy for the
716 operation of a solar energy facility.
717

718 **5.8 Sand or Gravel Pits, Quarries**
719

- 720 A. All uses shall be established and maintained in accordance with all applicable State of
721 Michigan Statutes.
722
- 723 B. The applicant shall be required to file a cash bond, performance bond or irrevocable letter of
724 credit of sufficient amount, or other guarantees, to assure reclamation of the site following
725 excavation, as required by item (J) of this Section.
726
- 727 C. The minimum allowable lot size shall be twenty (20) acres. No machinery shall be erected,
728 maintained, or operated within two hundred (200) feet of any property line.
729
- 730 D. All uses shall be enclosed by a fence or suitable plantings six (6) feet or more in height for
731 the entire periphery of the property.
732
- 733 E. All slopes and banks shall be graded and treated to prevent erosion or any other potential
734 deterioration.
735
- 736 F. No building shall be erected on the premises except as temporary shelter for machinery or
737 field office.
738
- 739 G. Routes shall be established for truck movement to and from the site in order to minimize the
740 wear on public streets and to prevent hazards and damage to properties in Joyfield
741 Township. That portion of access roads within the area of operation shall be constructed or
742 treated to minimize dust.
743
- 744 H. All installations shall be maintained in a neat, orderly condition so as to prevent injury to
745 property, any individual, or Joyfield Township in general.
746
- 747 I. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock.
748 Such measures may include limitations upon the practice of stock-piling excavated materials
749 on the site.
750
- 751 J. When excavation and removal operations are completed, the excavated area shall be graded
752 so that no gradients in disturbed earth shall be steeper than a slope of three (3) to one (1) in
753 horizontal-vertical gradient. A layer of arable top soil shall be spread over the excavated
754 area, in accordance with an approved contour plan furnished by the applicant. The area shall
755 be seeded with a perennial grass, or other similar soil-holding material, and maintained by
756 the applicant until the area is stabilized.
757
- 758 K. Joyfield Township shall be entitled to make periodic inspection to determine compliance
759 with this Ordinance.
760

761 **5.9 Sewage Treatment and Disposal**
762

- 763 A. All uses shall be established and maintained in accordance with all applicable State of
764 Michigan statutes.

- 765
766 B. All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
767
768 C. All operations and structures shall be surrounded on all sides by a transition strip at least
769 two hundred (200) feet in width within which grass, plant materials and structural screens
770 shall be placed to minimize the appearance and odors of the installation.
771

772 **5.10 Airports and Heliports**

773
774 All airports shall be constructed or expanded in conformance with all F.A.A. regulations and PA 23 of
775 1950.
776

777 **5.11 Wind Energy Conversion Systems (Commercial)**

778 779 A. Purpose.

780 The purpose is to define specific regulations to protect the public health, safety and general
781 welfare of the residents of the Township through regulations governing the installation and
782 operation of all Wind Energy Conversion Systems (WECS). The purpose behind the standards
783 and procedures necessary to ensure this are as follows:

- 784 1. Ensure that the location, scale and design of WECS within Joyfield Township are
785 protective of public health, safety, welfare, and individual's use and quiet and peaceful
786 enjoyment of their properties to maintain the current quality of life;
- 787 2. Protect all areas of Joyfield Township and Joyfield Township's natural resources from
788 potential adverse impacts of WECS, including adverse visual, wildlife, avian, bat, and
789 environmental impacts;
- 790 3. Avoid potential damage to adjacent property from hazards associated with and/or
791 failure of wind energy conversion systems;
- 792 4. Ensure the compatibility of adjacent land uses;
- 793 5. Protect property values;
- 794 6. Protect aesthetics, scenic views and viewsheds, and tourism based economy;
- 795 7. Protect sensitive receptors and wildlife habitat;
- 796 8. Define regulatory requirements and procedures for;
 - 797 a. Permit application and review
 - 798 b. Monitoring and compliance
 - 799 c. Revocation and/or decommissioning

800 B. Applicability.

801
802 WECS shall not be regulated or permitted as essential services, public utilities or private utilities.
803 WECS are allowed as SLUP provided that they meet all requirements of this Ordinance.
804

805 C. General Application Requirements.

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812

813 **Table 5.1 Permit Requirements**
 814

Zoning permit required	Roof-Mounted WECS. Small onsite WECS less than 95ft. for residential use in all districts.
Zoning permit required	Anemometers 95ft. or less
Special land use permit Plot plan	WECS not designed to supply energy to the power grid with a tower over 95ft. but less than 199 ft.
Special land use permit Plot plan	Anemometers 199ft. or less.
Special land use permit Site plan	WECS over 95ft. but less than 199 ft. designed primarily to supply energy to the power grid.

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1. Access: All ground mounted electrical and control equipment of structures shall be labeled and secured to prevent unauthorized access. All anemometer and WECS towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. Lattice-type or guyed towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
 2. Access Roads: A private road or drive shall be constructed according to applicable Zoning Ordinance requirements. Such regulations or standards provide for adequate access, egress, and protection of emergency service vehicles and personnel. Further regulations may restrict construction of private drives or roads in environmentally sensitive areas such as those in identified wetlands or steep slopes. These standards apply to all WECS requiring SLUP. Where these standards apply, these roads will conform to the above standards and other regulations or standards for private road construction specified in the Joyfield Township Zoning Ordinance and all County Road Commission requirements.
 3. Anemometer Requirements: The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements. Three years of data is required prior to the permit application for WECS designed primarily to supply energy to the power grid and requiring SLUP. Joyfield Township Planning Commission or its designee shall have access to the anemometer data. Anemometers shall be removed when there is no longer a need for meteorological data. The time limitations can be waived by the Zoning Administration if the anemometer also serves as Supervisory Control and Data Acquisition (SCADA) System for on-going operations for the WECS.
 4. Appearance, Color, and Finish: WECS requiring SLUP, the wind generator and tower shall be non-reflective and shall be non-obtrusive, neutral color that is compatible with

846 the natural environment. No advertising or markings other than the manufacturer and
847 model shall be anywhere on the tower, nacelle or blades. The Joyfield Township
848 Planning Commission must approve the color.

849
850 5. Blade Clearance: For towers 95 feet or greater in height, blade clearance shall conform
851 to the manufacturer's standard. For towers of less than 95 feet in height or for any
852 towers without a manufacturer's standard, blade clearance shall be no less than 15 feet
853 from ground level and a safe distance from walkways and common areas.

854
855 6. Blade Shadow, Flicker and Glint: A WECS shall be designed to minimize shadow flicker
856 from moving blades or reflected blade glint. Shadow flicker or blade glint shall not fall
857 on any land beyond the Lease Unit boundary line. On participating property, the
858 system may be operated within the following conditions:

859 a. If flicker or glint falls one hundred (100) feet or more from the existing
860 residence.

861 b. If the flicker or glint falls closer than one hundred (100) feet to an occupied
862 home it will not exceed thirty (30) hours per year.

863 c. The property owner must sign a written agreement with the
864 applicant/owner/operator and sign a hold harmless agreement to indemnify
865 Township for adverse impacts from the flicker or glint.

866
867 7. Braking System: All WECS shall be equipped with an automatic braking, governing or
868 feathering system to prevent uncontrolled rotation, over-speeding, and excessive
869 pressure on the tower structure, rotor blades and other wind energy components.

870
871 8. Engineering Safety: The structural integrity of the WECS shall conform to the design
872 standards of the International Electro Technical Commission; specifically, IEC 61400-1
873 "Wind Turbine Safety and Design," IEC 61400-2 and IEC 61400-23 "Blade Structural
874 Testing," as amended or succeeded.

875
876 9. Environmental Protection Requirements: Before a permit can be issued for WECS
877 requiring a Special Land Use Permit, the site plan documents and drawings shall include
878 the following environmental studies:

879 a. Environmental Impact Study for the entire project footprint area. It shall
880 include all environmentally sensitive areas identified in Township Zoning
881 Ordinance. The studies must demonstrate that the minimum setbacks in this
882 Ordinance, Section 5.11 - SETBACKS FOR WECS and ANEMOMETER TOWERS
883 REQUIRING A SLUP, are sufficient to protect the wildlife and the
884 Environmentally Sensitive Areas. The Study shall determine the environmental
885 and wildlife impact of construction activities, operation through all four seasons
886 and decommissioning. The Environmental Impact Study must include wildlife
887 refuges, other areas where birds and/or bats are highly concentrated, such as
888 wooded ridge tops that attract birds and bats, sites that are frequented by
889 federally and/or state endangered species of birds and bats, significant bird
890 migration pathways, and areas that have landscape features known to attract
891 large numbers of raptors. If there are environmental impacts, the Study must
892 identify mitigation efforts, estimated impact of mitigation and what will be done
893 if mitigation efforts are not effective. The analysis shall include the potential

- 894 effects on species listed under the federal Endangered Species Act and
895 Michigan's Endangered Species Protection Law.
- 896 b. 1-3 year Bat and Avian Study which follow "Guidelines for Conducting Bird and
897 Bat Studies at Commercial Wind Energy Projects" New York State DEQ, 2009 or
898 US Fish and Wildlife Service Guidelines to Avoid and Minimize Wildlife Impacts
899 from Wind Turbine, (2003), the US Fish and Wildlife Service Wind Turbine
900 Guideline Advisory Committee, 2010 recommendation. Mitigation design
901 must be identified for impacts on birds and bats if mortality estimates exceed 2
902 birds or bats per month for all turbines in Joyfield Township. A one year post
903 construction mortality study shall be conducted to determine if the
904 pre-construction mortality estimates were accurate. Based on the one year
905 post construction mortality study the Joyfield Township Planning Commission
906 may require an extension of the mortality study.
 - 907 c. Permit Applicants shall also submit a complete Life Cycle Assessment compliant
908 with ISO 1440 for the wind project including infrastructure. Environmental
909 Impact Studies will adhere to ASTM Guidelines.
 - 910 d. All environmental and wildlife study plans shall be approved by the MI DEQ.
911 Any additional study recommended by the DEQ shall be required to be included
912 in the Environmental Impact Study.
 - 913 e. Groundwater water quality study to demonstrate the installation of the
914 industrial wind turbines will not impact the quality or volume of the
915 groundwater. The study plan must be approved by a qualified hydro-geologist
916 approved by the Joyfield Township Planning Commission.

917
918 All environmental and wildlife study designs must be reviewed and approved by a qualified
919 Wildlife Biologist, Ornithologist, or Chiropterologist. All completed studies must be reviewed
920 by a Wildlife Biologist, Ornithologist, or Chiropterologist approved by the Joyfield Township
921 Planning Commission and US Fish and Wildlife Service and the MI DEQ. All fees for the Wildlife
922 Biologist, Ornithologist, or Chiropterologist, MI DEQ and US Fish and Wildlife Service will be paid
923 for by the applicant/owner/operator.

924
925 All WECS requiring a SLUP must comply with the guidelines included in the US Fish and Wildlife
926 letter to Citizens for Responsible Wind Development (March 30, 2011) which includes a three (3)
927 mile setback from the Lake Michigan shoreline and a five (5) mile setback from nesting eagles.

928
929 All WECS requiring a SLUP must be in compliance with Article 10 of Joyfield Township Zoning
930 Ordinance.

931
932 10. Guy Wires: Anemometer towers may not exceed 199 feet. Visible and reflective
933 objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire
934 anchor points and along the outer and innermost guy wires up to a height of eight (8)
935 feet above the ground. This must be reflected in the site plan drawing.

936
937 11. Ice Throw: The ice throw or ice shedding of the WECS shall not cross the Lease Unit
938 Boundary/property line of the participating site on which the facility is located and shall
939 not impinge on any public right-of-way, overhead utility line or occupied structure.
940 Maximum ice throw in compliance with this section shall be provided in the application.

941

- 942 12. Lighting: No WECS shall exceed the height which requires lighting to be in compliance
943 with Federal Aviation Administration requirements, the Michigan Airport Zoning Act
944 (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act
945 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone
946 regulations, as amended or succeeded by FAA. Night time lighting shall not be
947 permitted. Lighting shall be used only as needed for maintenance, inspection or
948 emergencies.
949
- 950 13. Maintenance Facility: A WECS may include a maintenance facility for storing trucks,
951 service equipment, spare parts, lubricants, and other supplies. The maintenance facility
952 may be located in appropriate zoned districts. Turbine control and maintenance
953 functions may be in one building. Maintenance facilities built in Joyfield Township
954 require building and zoning permits and must meet all other applicable requirements.
955
- 956 14. Maximum Total WECS Height: The maximum height of any WECS is 199 feet. See
957 table 5.11.C.
958
- 959 15. Safety: All WECS requiring a SLUP shall be designed to prevent unauthorized access to
960 electrical and mechanical components and shall have access doors that are kept
961 securely locked at all times when service personnel are not present. All spent
962 lubricants and cooling fluids shall be properly and safely removed in a timely manner
963 from the WECS site. Applicant/owner/operator must demonstrate compliance with
964 RCRA (Resource Conservation and Recovery Act) if hazardous waste is generated.
965 Applicant/owner/operator must have an emergency plan, acceptable to the
966 Township or its third party expert for fire to prevent the discharge of hazardous air
967 pollutants, hazardous waste, to prevent the spread of fire to the surrounding
968 environment and remediation of all hazardous material generated from the fire. The
969 emergency plan will also address tower collapse, blade disintegration and other
970 emergency situations associated with WECS. Each turbine must have a fire
971 suppression system adequate to extinguish all fires. All of the provisions above shall
972 be provided for and depicted in the application.
973
- 974 16. Spacing: Adjacent WECS: All WECS requiring an SLUP must be spaced a minimum of
975 2640 feet apart. This must be depicted on the site plan with the application.
976
- 977 17. Setbacks for WECS and Anemometer Towers Requiring a SLUP: The setbacks set forth
978 herein are minimum setbacks for single and multi-tower WECS. These setbacks may
979 be greater based upon the noise regulatory standards set forth within this Ordinance,
980 but in no case may they be less than set forth herein.
- 981 a. Property line and road setback: The setback of a WECS and anemometer
982 tower requiring a SLUP from a Lease Unit Boundary property line or any public
983 or private road shall be no less than or five (5) times the tower height.
- 984 b. Wetland setback: The setback of an anemometer tower or a WECS from the
985 delineated boundary of wetlands shall be 2640 feet.
- 986 c. Setbacks to other sensitive areas: The setback of an anemometer tower or a
987 WECS from other sensitive areas, including conserved lands owned publicly or
988 privately when funded publicly or lands that contain a conservation easement
989 shall be no less than 2640 feet.

990 d. Upper and Lower Herring Lakes setback: The setback of a WECS from the
991 boundary of Upper and Lower Herring Lakes shall be a minimum of two miles.
992 The Herring Lakes are part of a migratory flyway for birds and waterfowl that
993 extends from the Platte Lakes to Crystal Lake, Betsie Bay, Betsie River, Arcadia
994 Lake, Herring Lakes, Bear Lake and Portage Lake.
995 e. Active eagles nest(s) setback: The setback of an anemometer tower or wind
996 energy system from a known active eagle's nest shall be five (5) miles in
997 accordance with the recommendations of the US Department of the Interior,
998 Fish & Wildlife letter of recommendation to Citizens for Responsible Wind
999 Development (March 30, 2011).
1000
1001 18. Signage: WECS requiring SLUP shall have only one sign, not to exceed four (4) square
1002 feet in area posted at the base of the tower and on a security fence, if applicable. The
1003 sign shall contain: a) Warning of high voltage; and b) Address and telephone number
1004 that allows a caller to directly contact an individual to deal with emergencies at any time
1005 during or after business hours, on weekends and holidays, 24/7. Signage must be
1006 depicted on the site plan in the application. Signs no more than four (4) feet square in
1007 area without advertising or promotional material shall be posted at each WECS tower
1008 and at substations. Proper signage addressing warnings or safety issues shall be
1009 displayed per this Ordinance.
1010 Signs shall display:
1011 a. Address and telephone numbers that allows a caller to directly contact a
1012 responsible individual to deal with emergencies at any time during or after
1013 business hours, on weekends and holidays, 24/7.
1014 b. Warns about the dangers of ice throw and falling ice.
1015
1016 19. Signal Interference: Operation of a WECS shall not interfere with communication
1017 systems such as, but not limited to, radio, telephones, cell phones, television (both
1018 broadcast and satellite), internet, satellite or emergency communication systems. The
1019 applicant/owner/operator must demonstrate no interference will occur with the
1020 communications listed.
1021
1022 20. Soil Conditions: A proposal for any WECS requiring a SLUP shall be accompanied by a
1023 hydrologic study and report prepared by a qualified professional. A soil erosion plan
1024 must be submitted with the SLUP application. The soil erosion plan must be approved
1025 before the construction can start. Any soil erosion into the Herring Lakes Watershed
1026 must be mitigated within five (5) working days.
1027
1028 21. Pre-Construction Background Noise Survey: A pre-construction background noise
1029 survey is required for each proposed wind turbine location conducted per procedures
1030 provided in 5.11.F (Noise Measurement Protocols) showing long-term background
1031 sound levels. This must be completed and accepted prior to approval of the final
1032 layout and issuance of project permits.
1033
1034 The pre-construction baseline studies shall be conducted by a Qualified Acoustical
1035 Consultant/Engineer.
1036

1037 At his or her discretion, the Joyfield Township Zoning Administrator, or its consultant,
1038 may refer the application to a qualified acoustical consultant for further review and
1039 comparison of the long-term background sound levels against the predicted sound
1040 levels reported for the model. The reasonably necessary costs associated with such a
1041 review shall be the responsibility of the applicant, in accordance with the terms of this
1042 Ordinance.

1043
1044 All WECS requiring a SLUP shall provide in the application evidence of compliance with
1045 the following maximum sound levels:

- 1046 a. Audible Noise Standard: From 9:00 a.m. until 9:00 p.m. for wind speeds from
1047 cut-in to cut-out power for the WECS the A scale equivalent noise level due to
1048 WECS at the Lease Unit Boundary property line and beyond shall not exceed the
1049 established outdoor background (residual) sound level LA90 by more than five
1050 (5) dBA.
- 1051 b. From 9:00 p.m. until 9:00 a.m. for wind speeds from cut-in to cut-out power of
1052 the WECS the A scale equivalent noise level due to WECS at the Lease Unit
1053 Boundary property line and beyond shall not exceed the established outdoor
1054 residual sound level LA90. Background sound levels shall be established
1055 separately for daytime (9:00 a.m. to 9:00 p.m.) and nighttime (9:00 p.m. to 9:00
1056 a.m.) values.
- 1057 c. Low Frequency Noise or Infrasound: No low frequency noise or infrasound
1058 noise from WECS operations shall exceed pre-construction noise levels and 50
1059 dBC maximum beyond the Lease Unit Boundary property line.
- 1060 d. Tonality and/or Repetitive, Impulsive Tone penalty: In the event the audible
1061 noise due to WECS operation exhibits tonality between 20-60 Hz, contains a
1062 pure tone and/or repetitive, impulsive noise, the Audible Noise Standard shall
1063 be reduced by a total of five (5) dBA at the Lease Unit Boundary property line.

1064
1065 22. Documentation for Wind Energy Systems Requiring SLUP:

- 1066 a. Site Plan: Each application for Site Plan Review shall contain the requirements
1067 set forth in Article 11. The required quantity of drawings is set forth in Article
1068 11. The following documentation must also be included in the application:
- 1069 i. The site plan shall show locations of equipment identified as a source of
1070 sound, how that equipment is placed, and the sound levels based on the
1071 analysis, so that the WECS will not exceed the maximum permitted
1072 sound levels. Measurements, modeling and analysis shall follow the
1073 "Noise Measurement Protocols" and shall conform to the most current
1074 version of ANSI S12.18, IEC 61400 and ISO 9613. All sound models and
1075 studies must be reviewed and approved by Joyfield Township Planning
1076 Commission and their Acoustical Engineering Consultant. A copy of a
1077 sound modeling analysis report must be submitted with the application.
- 1078 ii. The shadow flicker and glint analysis report for each turbine.
- 1079 iii. Final reports for all Environmental Protection Studies.
- 1080 iv. A copy of that portion of the applicant's lease(s) with the lessee(s)
1081 granting authority to install the anemometer tower and/or WECS; legal
1082 description of the property(ies); Lease Unit(s); and the site plan showing
1083 the boundaries of the lessees as well as the boundaries of the Lease
1084 Unit Boundary(ies).

- 1085 v. Phases, or parts, of construction, along with a construction schedule.
1086 vi. The project area boundaries, including Lease Unit Boundaries.
1087 vii. The location (including GPS coordinates), grades, average cross-section
1088 and dimensions of all temporary and permanent on-site and access
1089 roads from the nearest county or state maintained road.
1090 viii. Any new infrastructure above or below ground related to the project
1091 not specified in Section 14 of the Ordinance.
1092 ix. A copy of the Manufacturers' Material Safety Data Sheet(s) which shall
1093 include the type and quantity of all materials used in the operation of all
1094 equipment including, but not limited to, all lubricants and coolants.
1095 x. The contact information of owners/operators as well as contact
1096 information for all property owners on which the WECS are located.
1097 xi. If any information, studies, or data submitted by the
1098 applicant/owner/operator in support of the permit is found to be
1099 misrepresented or fraudulent, the application shall be denied or the
1100 permit shall be revoked.
1101 xii. Engineering data concerning the construction of the WECS and its
1102 foundation which will include but not be limited to soil boring data and
1103 hydrological study.
1104 xiii. Verification that a Michigan Certified Engineer has certified that the
1105 WECS meets or exceeds the manufacturer's construction and
1106 installation requirements.
1107 xiv. A copy of a microwave analysis of possible interference with aeronautic
1108 and/or cell phone, internet, local broadband networks, WiFi, TV (both
1109 broadcast and satellite) and emergency communication signals shall be
1110 submitted.
1111 xv. Property value and economic impact study on Joyfield Township.
1112 xvi. Documented compliance with all applicable local, state and federal
1113 regulations.
1114 xvii. A description of the traffic logistics associated with transportation and
1115 construction of the WECS components and equipment including
1116 construction transport routes.
1117 xviii. Written description of how the applicant/owner/operator will meet
1118 decommissioning requirements of this Ordinance.
1119 xix. Power Purchase Agreement with a Michigan Public Utility Company.
1120 xx. Interconnectivity Agreement.
1121 b. A copy of an Environmental Analysis by a qualified professional to identify and
1122 assess any potential impacts on the natural environment, including but not
1123 limited to, wetlands and other fragile ecosystems, historical and cultural sites,
1124 antiquities following the guidelines in Section 5.11.C.9. The
1125 applicant/owner/operator shall take appropriate measures to minimize,
1126 eliminate or mitigate adverse impacts identified in the analysis and shall show
1127 those measures on the site plan. If mitigation efforts are required to minimize
1128 adverse impacts the applicant/owner/operator must obtain approval of the
1129 mitigation plan from the Joyfield Township Planning Commission and their
1130 independent environmental consultant. The applicant/owner/operator shall
1131 identify and evaluate the significance of any net effects or concerns that will
1132 remain after mitigation efforts. After WECS operations commence, the

1133 applicant/owner/operator must demonstrate the mitigation efforts provided
1134 the effects modeled. If mitigation does not eliminate the adverse effects, the
1135 WECS may be shut down until further mitigation is evaluated and implemented.
1136 c. A one to three year Avian and Wildlife Impact Analysis by a qualified
1137 professional to identify and assess any potential impacts on wildlife and
1138 endangered species that must be completed, reviewed and approved by Joyfield
1139 Township Planning Commission and their independent environmental
1140 consultant. If the applicant/owner/operator identifies adverse impacts they
1141 must develop an appropriate plan to minimize, eliminate or mitigate adverse
1142 impacts identified in the analysis, and shall show those measures on the site
1143 plan. The mitigation plan must be approved by Joyfield Township Planning
1144 Commission and their independent environmental consultant. After WECS
1145 operations commence, the applicant/owner/operator must demonstrate the
1146 mitigation efforts provided the effects modeled. The
1147 applicant/owner/operator shall identify and evaluate the significance of any net
1148 effects or concerns that will remain after mitigation efforts. If mitigation does
1149 not eliminate the adverse effects, the WECS may be shut down until further
1150 mitigation is evaluated and implemented. Post operation monitoring
1151 programs shall be established for the impact on birds and bats, bird migration
1152 for a minimum of one (1) year and may be extended by the Joyfield Township
1153 Planning Commission.
1154 d. Sites requiring special scrutiny include wildlife refuges, other areas where birds
1155 and/or bats are highly concentrated, such as wooded ridge tops that attract
1156 birds and bats, sites that are frequented by species listed under the federal
1157 Endangered Species Act and Michigan's Endangered Species Protection law, bird
1158 migration pathways, and areas that have landscape features and inland lakes
1159 known to attract large numbers of raptors shall be specifically identified.
1160 Setbacks shall be strictly followed in order to protect these areas and species.
1161 The analysis shall include the potential effects on all wildlife, birds and bats,
1162 migration and sound impact on wildlife.
1163 e. The Township Zoning Administrator, or, as applicable, Joyfield Township
1164 Environmental Consultant, and the applicant/owner/operator and their
1165 environmental consultant shall develop and implement a post construction
1166 wildlife mortality study based on the Environmental Impact Study. The post
1167 construction monitoring shall be a minimum of one (1) year or until adequate
1168 mitigation has been proven.
1169 f. The applicant/owner/operator must submit interactive digital 3-D modeling
1170 showing:
1171 i. Each WECS location.
1172 ii. Substations.
1173 iii. Underground or overhead infrastructure.
1174 iv. All topography.
1175 v. General tree lines at proper heights throughout project to a radius of 5
1176 miles from each turbine.
1177 vi. Existing roads and manmade structures to a radius of 5 miles from each
1178 turbine.
1179 The project modeling shall demonstrate the visual impact of the wind turbines
1180 on the landscape. The wind turbines must be accurately scaled and represent

1181 the true visual impact to the project area. The project area model shall be
1182 viewed interactive and viewable from any position within five (5) miles.

1183 g. In addition to site plan requirements, the applicant/owner/operator shall
1184 provide the following:

1185 i. Documentation confirming manufacturer's specifications for each
1186 WECS.

1187 ii. GPS coordinates for each WECS.

1188 iii. A copy of the maintenance and operation plan.

1189 iv. Description of the procedures for lowering or removing nacelle or blade
1190 for maintenance.

1191 v. A description of the traffic logistics associated with transportation and
1192 construction of the WECS components and equipment including
1193 construction transport routes, intersection reconstruction, restoration
1194 of roads, curbing, culverts, signage, land features, buildings or other
1195 infrastructure, construction timetable and description of at least one
1196 alternative transport route and the rationale for the one chosen.

1197

1198 23. Post Construction Sound Requirements: Background sound pressure level
1199 measurements and post-construction sound pressure level measurements must be
1200 made after installation of the WECS and shall be done by a qualified professional at the
1201 applicant/owner/operator's expense and shall follow Noise Measurement Protocols
1202 specified in the ordinance. Documentation of the sound pressure level measurements
1203 shall be provided to Joyfield Township Zoning Administration within 60 days of the
1204 commercial operation for the project.

1205

1206 D. Review and Approval Standards, Additional Requirements for WECS Development

1207

1208 1. Approval Standards. The Joyfield Township Planning Commission shall not approve a
1209 Special Land Use Permit (SLUP) for a WECS unless it finds that the
1210 applicant/owner/operator has demonstrated compliance with the Purpose and Intent,
1211 General Provisions, Performance and Regulatory Standards, Application Requirements
1212 and Provisions for Granting Site Plan Review under the Joyfield Township Zoning
1213 Ordinance and shall meet all of the following standards:

1214 a. The WECS will not pose a risk to the health, safety and welfare of Joyfield
1215 Township residents.

1216 b. The WECS will not pollute, impair or destroy Joyfield Township's natural
1217 resources and environment.

1218 c. The WECS will not cause damage or harm to any sensitive area within the
1219 Township as defined and set forth herein based upon the reports of qualified
1220 experts and the recommendations of the US Fish and Wildlife Service and/or
1221 other State or federal agencies.

1222 d. The WECS will not destroy or impair the aesthetics and vistas of the community.

1223 e. The WECS will not destroy or impair the current and future tourism-based
1224 economy.

1225 f. The WECS will not have a negative impact on non-participating land or
1226 residential property values within a two (2) mile radius of a turbine.

1227 g. All required studies have been completed and the project meets with findings of
1228 the studies and this Ordinance.

1229 Issuance of Special Land Use Permit (SLUP) for Construction and Operation: If Joyfield Township
1230 Planning Commission finds that the applicant/owner/operator has met the approval standards, it shall
1231 issue a Special Land Use Permit (SLUP) for construction of a wind energy system.

1232
1233 Upon completion of construction, the applicant/owner/operator shall submit to Joyfield Township
1234 Zoning Administrator proof of compliance with all requirements of the Ordinance. If such submission
1235 does not occur within two (2) years, the SLUP shall be revoked.

1236
1237 2. Construction Activities. Construction activities shall be organized and timed to
1238 minimize impacts on township residents and wildlife from noise disruption (including
1239 disruption of wildlife habitat) and the presence of vehicles and people. Construction
1240 activities shall not take place from sun down to sun up or between the hours of 9:00
1241 p.m. and 7:00 a.m. No roads or highways shall be closed for more than one (1) hour
1242 without providing limited access to residents or providing a detour route. The
1243 applicant/owner/operator must coordinate with Benzie County Emergency Officials to
1244 insure emergency vehicles have access to residents, businesses and the construction site
1245 at all times including during construction activities.

1246
1247 3. Construction Codes: Towers & Interconnection Standards. All WECS shall comply with all
1248 applicable state construction and electrical codes and local building permit
1249 requirements. All electrical components of the wind energy facility shall conform to
1250 relevant and applicable local, state and federal codes, and relevant and applicable
1251 international standards. All on-site WECS expected to engage in net-metering or some
1252 version of a feed-in tariff, utility grid WECS, and community WECS will comply with
1253 Michigan Public Service Commission and Federal Energy Regulatory Commission
1254 standards. All Off-grid WECS are exempt from compliance with MPSC and FERC
1255 requirements.

1256
1257 All WECS requiring a SLUP shall comply with Federal Aviation Administration
1258 requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et
1259 seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481, et seq.),
1260 and local jurisdiction airport overlay zone regulations, as amended or succeeded.

1261
1262 4. Disposal of Hazardous Materials. All spent lubricants, cooling fluids, and any other
1263 hazardous materials shall be properly and safely removed in a timely manner. All
1264 hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA)
1265 must be disposed in compliance with all appropriate regulations.

1266
1267 5. Engineering Safety: The structural integrity of the WECS shall conform to the design
1268 standards of the International Electro Technical Commission; specifically IEC 61400-1
1269 "Wind Turbine Safety and Design," IEC 61400-2 and IEC 61400-23 "Blade Structural
1270 Testing," as amended or succeeded.

1271
1272 6. Post Construction Permits. Construction codes, towers and interconnection standards
1273 shall comply with all applicable State construction and electrical codes and local building
1274 permit requirements.

1275

- 1276 7. Sound Regulations Compliances. A WECS shall be considered in violation of the use
1277 permit unless the applicant/owner/operator demonstrates that the project complies
1278 with all the sound level limits using the procedures specified in this Ordinance. Sound
1279 levels in excess of the limits established in this Ordinance shall be grounds for the
1280 Joyfield Township Board to order immediate shut down of all noncompliant wind
1281 turbine units.
1282
- 1283 8. Survival Speed. Neither the turbine nor tower shall be erected unless the survival
1284 speed as certified by the manufacturer is 10% greater than the highest winds on record
1285 for the area.
1286
- 1287 9. Utilities. Power lines between WECS and substations must be placed underground.
1288 After substations all above ground lines, transformers or conductors should comply with
1289 the Avian Power Line Interaction Committee published standards to prevent avian
1290 mortality.
1291
- 1292 10. Complaint Resolution. For WECS requiring a SLUP the applicant/owner/operator of the
1293 WECS shall provide a 24/7 Complaint Hotline to document and respond to complaints.
1294 The applicant/owner/operator shall notify the Joyfield Township Zoning Administrator
1295 in writing of the complaint within two (2) business days. The
1296 applicant/owner/operator will attempt to mitigate the complaint within two (2)
1297 business days after being notified of a complaint by any property owner.
- 1298 a. A non-participating property owner shall be allowed four (4) complaints
1299 assumed to be valid. After the fourth invalid complaint, the non-participating
1300 property owner may have to share in fifty percent (50%) of the cost of the
1301 complaint investigation.
- 1302 b. Operational Complaints: Joyfield Township shall undertake an investigation of
1303 the alleged operational violation by a qualified individual acceptable to Joyfield
1304 Township.
- 1305 c. Noise Complaints: Joyfield Township shall undertake an investigation of the
1306 alleged noise violation. All required testing shall be performed by a qualified
1307 independent acoustical consultant acceptable to the complainant and Joyfield
1308 Township.
- 1309 d. For all complaints;
- 1310 i. Any testing required for the complaint resolution shall commence
1311 within ten (10) business days of the request. If required testing cannot
1312 be initiated within ten (10) business days, the WECS(s) in question shall
1313 be shut down until testing can be started.
- 1314 ii. A copy of any required test results shall be sent to the
1315 applicant/owner/operator of the WECS, the property owner, the
1316 Township Zoning Administrator, or Joyfield Township's designee within
1317 ten (10) days of test completion.
- 1318 iii. The reasonable cost and fees incurred by Joyfield Township in retaining
1319 said qualified individual shall be reimbursed by the
1320 applicant/owner/operator of the WECS or complainant as designated in
1321 paragraph 1 above.

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- iv. Funds for this assessment/investigation shall be withdrawn from the administrative escrow account prior to the complaint investigation and payment shall be independent of the investigation findings.
 - v. After the investigation, if Joyfield Township reasonably concludes that noise violations are shown to be caused by the WECS, the applicant/owner/operator shall use every effort to mitigate such problems on a case-by-case basis. The applicant/owner/operator shall take measures such as not operating during the night time or other noise sensitive periods if such operation was the cause of the complaint(s). If the WECS is in violation and both night and day and mitigation efforts are not successful, Joyfield Township may require the WECS be shut down and decommissioned.
 - vi. If such resolutions cannot be obtained, Joyfield Township may take action as authorized by Article 14 of this Ordinance. If mitigation efforts are not successful, Joyfield Township may require the WECS be shut down and decommissioned.
 - e. The applicant/owner/operator shall document each complaint by maintaining a record including at least the following information:
 - i. Name of the WECS and the applicant/owner/operator.
 - ii. Location of the WECS.
 - iii. Name of complainant, address and telephone number.
 - iv. Date and time of the complaint.
 - v. Date and time of response to complaint.
 - vi. Date and time complaint mitigated.
 - vii. Copy of the written complaint.
 - viii. Specific property description (if applicable) affected by complaint.
 - ix. Nature of the complaint including weather conditions, if germane.
 - x. Name of the person receiving the complaint.
 - xi. Person/company responding to complaint.
 - xii. Person/company investigating complaint.
 - xiii. Date reported to Joyfield Township Zoning Administrator.
 - xiv. Initial response, testing if applicable, action plan or mitigation.
 - xv. Final resolution, date and signature of complainant, and signature of Township Zoning Administrator.
 - f. Applicant/owner/operator must maintain a chronological log of complaints received summarizing the above information. A copy of the log shall be submitted April 15, July 15 and October 15 to the Zoning Administrator. An annual summary shall be submitted on or before January 15.
 - g. Joyfield Township may designate a person to seek a complaint resolution that is acceptable to complainant, Joyfield Township and the applicant/owner/operator. If such a resolution cannot be obtained, Joyfield Township may: a) seek arbitration or b) take action as authorized by the enforcement section of this Ordinance.
 - h. Joyfield Township may at any time determine the complaint is subject to enforcement and penalties as defined in this Ordinance.

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11. Discontinuation, Decommissioning and Abandonment.

- a. Removal Cost Guarantee: The cost of removal and site restoration is the full responsibility of the applicant/owner/operator and property owner of record. In order to provide the greatest possible financial assurance that there will be sufficient funds to administrate the removal of the WECS and to restore the site, the following steps shall be followed:
 - i. For each WECS, the applicant/owner/operator and property owner of record shall determine an amount of money equal to the estimated removal and restoration costs plus 50%. Recycle or salvage value cannot be included as a credit in the estimate.
 - ii. The Planning Commission shall require independent verification of the adequacy of this amount.
 - iii. This money shall be deposited in an escrow account specified by Joyfield Township which may be an interest bearing account. There shall be no alternative to such account. For administration of the Escrow Account, see Article 14.
 - iv. Withdrawals from the Escrow Account will be monitored and approved by Joyfield Township or its designee, only to pay for removal and site restoration of the WECS as provided for in this Ordinance.
 - v. If the applicant/owner/operator abandons, goes into bankruptcy or is unable to fund the decommissioning, the property owner of record and/or property owner will be responsible for the decommissioning.
 - vi. If the applicant/owner/operator defaults, the property owner of record with the approval of Joyfield Township, or Joyfield Township, will use the Escrow Account to fund the WECS removal and restoration of the land.

- b. Separation and Management of each Removal Cost Account: If more than one WECS is owned by the same applicant/owner/operator or landowner, the removal/restoration guarantee accounts may be joined together by Joyfield Township into a single account for that applicant/owner/operator or landowner. However, accounts for different applicant/owner/operators or landowners shall be kept separate. Joyfield Township may, from time to time, change the financial institution in which such accounts are deposited.

After the WECS has been removed and site restoration has been completed, as defined in this Ordinance, any balance remaining in this account shall be returned to the applicant/owner/operator or landowner.

- c. Insufficiency of Removal and Administrative Cost Accounts: During the useful life and operation of the WECS, every three (3) years, Joyfield Township shall determine whether the amounts deposited for removal, site restoration and administration costs are adequate for these purposes. (Costs of removal, restoration and administration may change due to technology, environmental considerations, inflation and many other causes.) If Joyfield Township determines that these amounts, including any interest earned to date, are not adequate, Joyfield Township shall require the applicant/owner/operator or

1418 landowner to make additional deposits to the escrow accounts. Joyfield
1419 Township shall consider the WECS in violation of the Ordinance if the
1420 applicant/owner/operator fails to cure the inadequacy within sixty (60) days of
1421 notification.

1422
1423 d. Abandoned, Inoperable and Unsafe WECS(s) and Adverse Impacts:

- 1424 i. Abandoned: Any WECS or anemometer tower that is not operated for
1425 a continuous period of six (6) months shall be considered abandoned
1426 and subject for removal.
- 1427 ii. Unsafe: Any WECS or anemometer tower that is found to present an
1428 imminent physical threat of danger to life, health or a significant threat
1429 of damage to property shall be shut down immediately and removed or
1430 repaired or otherwise made safe. A third party Michigan professional
1431 engineer selected by Joyfield Township shall certify its safety prior to
1432 resumption of operation. The applicant/owner/operator or landowner
1433 shall notify the Joyfield Township Zoning Administrator or Joyfield
1434 Township's designee within twenty-four (24) hours of an occurrence of
1435 tower collapse, turbine failure, fire, thrown blade or hub, collector or
1436 feeder line failure or injury.

1437
1438 e. Removal and Site Restoration:

- 1439 i. Within ninety (90) days of receipt of written notification from Joyfield
1440 Township, the applicant/owner/operator and landowner shall begin to
1441 remove any WECS or anemometer tower. The following shall be cause
1442 for removal of WECS and site restoration:
 - 1443 * if the applicant/owner/operator and landowner determines the
1444 system is at the end of its useful life; or
 - 1445 ** if Joyfield Township determines that the system is subject for
1446 removal because it is unsafe or abandoned; or
 - 1447 *** if Joyfield Township determines the SLUP is expired or has been
1448 revoked.
- 1449 ii. Failure to begin to remove a WECS or anemometer tower within the
1450 ninety (90) day period provided in this subsection shall be grounds for
1451 either the Property Owner of Record or Township to remove the wind
1452 turbine generator or anemometer tower at the
1453 applicant/owner/operator and/or landowner's expense.
- 1454 iii. All equipment associated with the WECS or anemometer tower
1455 including all materials above and below ground shall be removed and
1456 the site shall be restored to a condition that reflects the specific
1457 character of the site, including topography, vegetation, soils, drainage
1458 and any unique environmental features. The restoration shall include:
1459 road repair, if any, and all re-grading, soil stabilization, and
1460 re-vegetation necessary to return the subject property to a stable
1461 condition consistent with conditions existing prior to establishment of
1462 the WECS. The restoration process shall comply with all State, county,
1463 or local erosion control, soil stabilization and/or runoff requirements or
1464 ordinances and shall be completed within one (1) year of removal
1465 notification.

1466 12. Certification of Insurance. The applicant/owner/operator and landowner shall
1467 indemnify and hold harmless Joyfield Township Trustees, Planning Commission
1468 members, Zoning Administrator and the non-participating township residents. All of
1469 the aforementioned shall be named as additional insureds against any and all claims
1470 arising out of the existence and installation, operation and decommissioning of the
1471 WECS. Applicant/owner/operator, lessee, and property owner of record shall procure
1472 comprehensive general liability, casualty, wrongful acts insurance policies, and any
1473 other policies customary to the wind energy system industry. This insurance shall be in
1474 the amount of \$3,000,000.00 (Three Million and 00/100 Dollars) per wind energy
1475 system, but not to exceed \$100,000,000.00 (One Hundred Million and 00/100 Dollars) in
1476 the aggregate if the applicant/owner/operator owns more than one wind energy system
1477 in Joyfield Township. The Joyfield Township Board may adjust these amounts
1478 periodically to reflect inflation. The applicant/owner/operator, lessee, and property
1479 owner of record shall maintain these insurance coverages for the duration of the
1480 construction, operation, decommissioning, removal and site restoration of the WECS.
1481 The insurance carrier shall be instructed to provide Joyfield Township with certificates of
1482 the existence of such insurance coverages (annually), and shall be instructed to notify
1483 Joyfield Township if such insurances expire for any reason. The
1484 applicant/owner/operator, lessee, and property owner of record shall continuously
1485 meet the conditions of the insurance policy (policies) to ensure that any future claims on
1486 the insurance policy will be paid in full. Failure of the applicant/owner/operator,
1487 lessee, and property owner of record to maintain these insurance coverages at all times
1488 and to meet the conditions to ensure full reimbursement of a claim shall result in
1489 termination of the permit. A copy of the full insurance policy (policies) including all
1490 attachments, endorsements, waivers, or other special conditions associated with the
1491 policy (policies) shall be provided to Joyfield Township Zoning Administrator (or other
1492 Township designee) upon request.

1493
1494 E. Small Roof-Mounted or Single Tower WECS less than 95ft in Height. (refer to Section 5.12)

1495
1496 F. Noise Measurement Protocols

- 1497
1498 1. Purpose
1499 The potential impact of sound and sound induced building vibration associated with the
1500 operation of wind powered electric generators is often a primary concern for citizens
1501 living near proposed wind energy conversion systems (WECS). This is especially true of
1502 projects located near homes, residential neighborhoods, businesses, schools, and
1503 hospitals in quiet residential and rural communities. Determining the likely sound and
1504 vibration impacts is a highly technical undertaking and requires a serious effort in order
1505 to collect reliable and meaningful data for both the public and decision makers.
1506
1507 2. Sites with no existing Wind Energy Systems (Baseline Sound Study)
1508 a. All properties within the proposed WECS project boundaries will be considered
1509 for this study. One test shall be conducted during the period defined by the
1510 months April through November with the preferred time being the months of
1511 June through August. These months are normally associated with more contact
1512 with the outdoors and when homes may have open windows during the evening
1513 and night. Unless directed otherwise by the Joyfield Township Planning

- 1514 Commission, the season chosen for testing will represent the background
1515 soundscape for other seasons.
- 1516 b. All measurement points (MPs) shall be located with assistance from the
1517 Township Planning Commission property owner(s) and Joyfield Township's
1518 Acoustical Consultant and positioned such that no significant obstruction
1519 (buildings, trees, etc.) blocks sound and vibration from the nearest proposed
1520 WECS site.
- 1521 c. Sound level managements shall be taken as designated by Joyfield Township
1522 Acoustical Consultant.
- 1523 d. Duration of measurements shall be a minimum of ten (10) continuous minutes
1524 for all criteria at each location. The duration must include at least six (6) minutes
1525 that are not affected by transient sounds from near-by and non-nature sources.
1526 The measurements shall consist of the metrics specified in Section 5.12.F.3.a.ii
1527 and Section 5.12.F.3.b.ii. Multiple ten (10) minute samples over longer periods
1528 such as 30 minutes or one (1) hour may be used to improve the reliability of the
1529 LA90 and LC90 values. For any sample to be valid, both LA10 minus LA90 and
1530 LC90 cannot be greater than 10dB and the maximum wind speed at the
1531 microphone must be less than 2 m/s during the same ten (10) minute period as
1532 the acoustic data. Of the valid samples, the ten (10) minute sample with the
1533 lowest valid L90 values will be used to define long term background sound.
- 1534 e. The tests at each site selected for this study shall be taken during the expected
1535 'quietest period of the day or night' as appropriate for the site. For the purpose
1536 of determining long term background sound characteristics, the preferred
1537 testing time is from 10 p.m. until 4 a.m. If circumstances indicated that a
1538 different time of the day should be sampled, the test may be conducted at the
1539 alternate time if approved by Joyfield Township.
- 1540 f. Sound level measurements shall be made on a weekday of a non-holiday week.
1541 Weekend measurements may also be taken at selected sites where there are
1542 weekend activities that may be affected by wind turbine sound.
- 1543 g. Measurements must be taken with the microphone at 1.2 to 1.5 meters above
1544 the ground and at least 15 feet from any reflective surface following ANSI
1545 S12.9-Part 3 protocol including selected options and other requirements
1546 outlined later in this Section.
- 1547 h. The results of the model showing the predicted worst case LAeq and LCEq sound
1548 emissions of the proposed WECS project will be overlaid on a map (or separate
1549 LAeq and LCEq maps) of the project area.
- 1550 i. The test points shall be located at the property line bounding the property of
1551 the turbine's host closest to the wind turbine. Additional sites may be added if
1552 appropriate.
- 1553 j. A grid comprised of one (1) mile boundaries (each grid cell is one (1) square
1554 mile) should be used to assist in identifying two (2) to ten (10) measurement
1555 points per cell. The grid shall extend to a minimum of two (2) miles at the
1556 discretion of the Joyfield Township Planning Commission. The measurement
1557 points shall be selected to represent the noise sensitive receptor sites based on
1558 the anticipated sound propagation form the combined wind turbines in the
1559 project.
- 1560
- 1561

- 1562 3. Reporting
- 1563 a. For each Measurement Point and for each qualified measurement period,
- 1564 provide each of the following measurements:
- 1565 i. LAeq, LA10, and LA90, and
- 1566 ii. LCEq, LC10, and LC90
- 1567 b. A narrative description of any intermittent sounds registered during each
- 1568 measurement. This may be augmented with video and audio recordings.
- 1569 c. A narrative description of the steady sounds that form the background
- 1570 soundscape. This may be augmented with video and audio recordings.
- 1571 d. Wind speed and direction at the microphone (Measurement Point), humidity
- 1572 and temperature at time of measurement shall be included in the
- 1573 documentation. Corresponding information from the nearest 10 meter weather
- 1574 reporting station may also be obtained. Measurements taken only when wind
- 1575 speeds are less than 2 m/s (4.5 mph) at the microphone location will be
- 1576 considered valid for this study. A windscreen of the type recommended by the
- 1577 monitoring instrument's manufacturer must be used for all data collection.
- 1578 e. Provide a map and/or diagram clearly showing (using plot plan provided by
- 1579 Township or Applicant):
- 1580 i. The layout of the project area, including topography, the project
- 1581 boundary lines, and property lines.
- 1582 ii. The locations of the Measurement Points.
- 1583 iii. The distance between any Measurement Points and the nearest wind
- 1584 turbine(s).
- 1585 iv. The location of significant local non-WECS sound and vibration sources.
- 1586 v. The distance between all measuring points and significant local sound.
- 1587 vi. The location of all sensitive receptors including but not limited to:
- 1588 schools, day-care centers, hospitals, residences, residential
- 1589 neighborhoods, places of worship, and elderly care facilities.
- 1590
- 1591 4. Sound Level Estimate for Proposed Wind Energy Conversion Systems (When Adding
- 1592 More Wind Turbines to an Existing Project)
- 1593 a. In order to estimate the sound impact of the proposed WECS project on the
- 1594 existing environment, an estimate of the sound produced by the proposed
- 1595 WECS under the worst-case conditions for producing sound emissions must be
- 1596 provided. The estimate shall be developed using a computer sound
- 1597 propagation model using algorithms such as those specified in ISO 9613-2
- 1598 Acoustics-Attenuation of sound during propagation outdoors. General method
- 1599 of calculation with the following requirements:
- 1600 i. The reported sound pressure levels shall include the 3 dB tolerance
- 1601 (confidence limits) of the ISO 9613-2 procedure and the tolerance for
- 1602 the measurements and/or calculations used to derive the sound power
- 1603 level information for the wind turbine under IEC 61400-11. This is
- 1604 generally accepted to be an increase of 3.6 dB over the predicted sound
- 1605 pressure levels.
- 1606 ii. Sound power levels used to represent the wind turbine sound emissions
- 1607 shall represent operation during a stable atmospheric condition at night
- 1608 with a wind shear of 0.4 or higher above the temperature inversion
- 1609 boundary layer and/or other sources of in-flow turbulence. These

1610 conditions increase the wind turbine sound emissions above those
1611 reported by the IEC 61400-11 test procedure which test sound
1612 emissions during operation in a neutral atmosphere with wind shear of
1613 0.2 or lower, very low in-flow turbulence, and a steady gradient of wind
1614 speed from ground level to a height greater than the top of the blades
1615 at their highest point of rotation. If this data is not available, a
1616 correction of five (5) dB shall be added to the predicted overall sound
1617 levels (dBA, dBC and dBLinear/unweighted) using the IEC data to
1618 account for the higher sound emissions.

1619 iii. The sound propagation of low frequency sounds in the 125 Hz octave
1620 band and below shall be assumed to be at a rate of 3 dB per doubling of
1621 distance to account for atmospheric conditions. Sound propagation of
1622 sounds above the 125 Hz octave band may be either at 3 dB or 6 dB per
1623 doubling of distance depending on the arrangement of the wind
1624 turbines. If the arrangement is generally linear, then all frequencies
1625 shall be calculated using a 3 dB per doubling decay rate.

1626

1627 b. The qualifications of the firm should be presented along with details of the
1628 procedure that will be used, software applications, and any limitations to the
1629 software or prediction methods as required elsewhere in this Ordinance for
1630 models.

1631

1632 c. Provide the manufacturer's sound power level (L_{Aw}) and (L_{ew}) characteristics
1633 for the proposed WECS operating at full load utilizing the methodology in IEC
1634 61400-11 Wind Turbine Noise Standard. Provide one-third octave band sound
1635 power level information from 6.3 Hz to 10,000 Hz or 1/1 octave band sound
1636 power levels from 8Hz to 10,000 Hz. Furnish the data in tabular format using
1637 no frequency weighting including the summation of the sound pressure levels in
1638 the individual frequency bands (e.g. dB linear). A-weighted and C-weighted
1639 data is optional. Provide sound pressure levels predicted for the WECS in
1640 combination and at full operation and at maximum sound power output for all
1641 areas where the predictions indicate LA_{eq} levels of 30 dBA and above. The same
1642 area shall be used for reporting the predicted LC_{eq} levels. Contour lines shall be
1643 in increments of 5 dB.

1644

1645 d. Present tables with the predicted sound levels for the proposed WECS as LA_{eq}
1646 and LC_{eq} and at all octave band centers (8 Hz to 10,000 Hz) for distances of 500,
1647 1000, 1500, 2000, 2500 and 5000 feet from the center of the area with the
1648 highest density of WECS. For projects with multiple WECS, the combined sound
1649 level impact for all WECS operating at full load must be estimated.

1650

1651 e. The above tables must include the impact (increased dBA and dBC (L_{eq}) above
1652 baseline L₉₀ long term background sound levels measured according to the
1653 procedures above) of the WECS operations on all residential and other noise
1654 sensitive receiving locations within the project boundary. To the extent possible,
1655 the tables should include the sites tested (or likely to be tested) in the
1656 background study.

1657

- 1658 f. Provide a contour map of the expected sound level from the new WECS using 5
1659 dB and LAeq and LCEq increments created by the proposed WECS extending out
1660 to a distance of two (2) miles from the project boundary, or other distance
1661 necessary, to show the 25 LAeq and 50 LCEq boundaries.
1662
- 1663 g. Provide a description of the impact of the proposed sound from the WECS
1664 project on the existing environment. The results should anticipate the receptor
1665 sites that will be most negatively impacted by the WECS project and to the
1666 extent possible provide data for each measuring points (MPs) that are likely to
1667 be selected in the background sound study (note the sensitive receptor
1668 measuring points):
- 1669 i. Report expected changes to existing sound levels for LAeq and LA90.
 - 1670 ii. Report expected changes to existing sound levels for LCEq and LC90.
 - 1671 iii. Report the expected changes to existing sound pressure levels for each
1672 of the 1/3 or 1/1 octave bands in tabular form from 6.3/8 Hz to 10,000
1673 Hz octave band centers.
 - 1674 iv. Report all assumptions made in arriving at the estimate of impact, any
1675 limitations that might cause the sound levels to exceed the values of the
1676 estimate, and any conclusions reached regarding the potential effects
1677 on people living near the project area. If the effects of coherence, worst
1678 case weather, or operating conditions are not fully reflected in the
1679 model, a discussion of how these factors could increase the predicted
1680 values is required.
 - 1681 v. Include an estimate of the number of hours of operation expected from
1682 the proposed WECS and under what conditions the WECS would be
1683 expected to run. Any differences from the information filed with the
1684 application should be addressed.
 - 1685 vi. The over-all values shall be presented as overlays to the Applicant's
1686 ISO-level plot plan graphics and, for 1/1 or 1/3 octave data, in tabular
1687 form with location information sufficient to permit comparison of the
1688 baseline results to the predicted levels.
1689
- 1690 5. Post Construction Measurements.
1691 Within twelve months of the date when the project is fully operational, preferably
1692 within four (4) weeks of the anniversary date of the pre-construction background sound
1693 measurements, repeat the measurements. Post construction sound level measurements
1694 shall be taken both with all the WECS running and with all the WECS off except as
1695 provided in this ordinance. Joyfield Township shall identify specific locations that shall
1696 be included based on formal or informal complaints. The post construction tests shall
1697 also include the locations used for the long-term background sound level tests.
1698 Additional sites may also be included at the discretion of the Acoustical consultant
1699 conducting the study. These studies must include measurements during nighttime
1700 conditions of stable atmosphere with high wind shears and/or turbulence at the
1701 elevation of the blades and all other weather or operating conditions that may have
1702 been reported as high noise conditions by formal or informal complaints. The post
1703 construction tests must include specific tests for all conditions that result in high wind
1704 turbine noise either outside or inside homes of non-participating residential property
1705 owners.

1706 Report post-construction measurements to the Joyfield Township Planning Commission
1707 using the same format as used for the background study.
1708

1709 6. Instrumentation/Measurement Standard/References.

1710 All instruments and other tools used to measure audible, inaudible and low frequency
1711 sound shall meet the requirements for ANSI or IEC Type 1 Integrating Averaging Sound
1712 Level Meter Standards. The principle standard reference for this Ordinance is ANSI
1713 S12.9-Part 3 with important additional specific requirements for the measuring
1714 instrumentation and measurement protocol.

1715 1.5 Windscreen: Required

1716 5.1 Background sound: Use definition (1) 'long-term'

1717 5.2 Long-term background sound: The L90 excludes short-term background sounds

1718 5.3 Basic measurement period: Ten (10) minutes L90 (10 minutes)

1719 5.6 Sound Measuring Instrument: Type 1 Integrating Meter meeting ANSI S1.43 or
1720 IEC 61672-1. The sound level meter shall cover the frequency range from 6.3 Hz
1721 to 20,000 Hz and simultaneously measure dBA LN and dBC LN. The instrument
1722 must also be capable of accurately measuring low-level background sounds
1723 down to 20 dBA.

1724 6.6(a) An anemometer accurate to $\pm 10\%$ at 2 m/s (4.5 mph) to full scale accuracy. The
1725 anemometer shall be located 1.5 to 2 meters above the ground and oriented to
1726 record the maximum wind velocity. The maximum wind velocity, wind direction,
1727 temperature and humidity shall be recorded for each ten (10) minute sound
1728 measurement period observed within five (5) meters of the measuring
1729 microphone.

1730 7.1 Long-term background sound.

1731 7.2 Data Collection Methods: Second method with observed samples to avoid
1732 contamination by short-term sounds (purpose: to avoid loss of statistical data).

1733 8. Source(s) Data Collection: All requirements in ANSI S12.18 Method #2 precision
1734 to the extent possible while still permitting testing of the conditions that lead to
1735 complaints. The meteorological requirements in ANSI S 12.18 may not be
1736 applicable for some complaints. For sound measurements in response to a
1737 complaint, the compliance sound measurements should be made under
1738 conditions that replicate the conditions that caused the complaint without
1739 exceeding instrument and windscreen limits and tolerances.

1740 8.1(b) Measuring microphone with windscreen shall be located 1.2 meters to 1.8
1741 meters (1.5 meters preferred) above the ground and greater than 8 meters from
1742 large sound reflecting surface.

1743 8.3(a) All meteorological observations required at both (not either) microphone and
1744 nearest 10 meters weather reporting station.

1745 8.3(b) For a 10 minute background sound measurement to be valid, the wind velocity
1746 shall be less than 2 m/s (4.5 mph) measured less than 5 meters from the
1747 microphone. Compliance sound measurements shall be taken when winds shall
1748 be less than 4 m/s at the microphone.

1749 8.3(c) In addition to the required acoustic calibration checks, the sound measuring
1750 instrument internal noise floor, including microphone, must also be checked at
1751 the end of each series often minute measurements and no less frequently than
1752 once per day. Insert the microphone into the acoustic calibrator with the
1753 calibrator signal off. Record the observed dBA and dBC reading on the sound

1754 level meter to determine an approximation of the instrument self-noise.
1755 Perform this test before leaving the background measurement location. This
1756 calibrator covered microphone test must demonstrate the results of this test
1757 are at least 5 dB below the immediately previous ten-minute acoustic test
1758 results, for the acoustic background data to be valid.
1759

1760 This test is necessary to detect undesired increase in the microphone and sound
1761 level meter internal self-noise. As a precaution, sound measuring
1762 instrumentation should be removed from any air conditioned space at least an
1763 hour before use. Nighttime measurements are often performed very near the
1764 meteorological dew point. Minor moisture condensation inside a microphone or
1765 sound level meter can increase the instrument self-noise and void the measured
1766 background data.

1767 8.4 The remaining sections starting at 8.4 in ANSI S12.9 - Part 3 Standard do not
1768 apply.
1769

1770 G. Other Applicable Standards

1771 1772 ***Supplemental - ANSI S12.18 -1994 (R2004) American National Standard Procedures for Outdoor*** 1773 ***Measurement of Sound Pressure Level***

1774
1775 This American National Standard describes procedures for the measurement of sound pressure levels in
1776 the outdoor environment, considering the effects of the ground, the effects of refraction due to wind
1777 and temperature gradient, and the effects due to turbulence. This standard is focused on measurement
1778 of sound pressure levels produced by specific sources outdoors. The measured sound pressure levels
1779 can be used to calculate sound pressure levels at other distances from the source or to extrapolate to
1780 other environmental conditions or to assess compliance with regulation.
1781

1782 This standard describes two methods to measure sound pressure levels outdoors. METHOD NO.1:
1783 general method; outlines conditions for routine measurements. METHOD NO.2: precision method;
1784 describes strict conditions for more accurate measurements. This standard assumes the measurement
1785 of A-weighted sound pressure or time-averaged sound pressure level or octave, 1/3-octave or
1786 narrowband sound pressure, but does not preclude determination of other sound descriptors.
1787

1788 ***Supplemental - ANSI S1.43-1997 (R2007) American National Standard Specifications for Integrating*** 1789 ***Averaging Sound Level Meters***

1790
1791 This standard describes instruments for the measurement of frequency weighted and time-average
1792 sound pressure levels. Optional, sound exposure levels may be measured. This standard is consistent
1793 with the relevant requirements of ANSI S1.4 - 1983 (R 1997) American National Standard Specification
1794 for Sound Level Meters, but specifies additional characteristics that are necessary to measure the
1795 timeaverage sound pressure level of steady, intermittent, fluctuating, and impulsive sounds.
1796

1797 1798 ***Supplemental - ANSI S1.11 - 2004 American National Standard 'Specification for Octave-Band and*** 1799 ***Fractional-Octave-Band Analog and Digital Filters'***

1800

1801 This standard provides performance requirements for analog, sampled-data, and digital
1802 implementations of band-pass filters that comprise a filter set or spectrum analyzer for acoustical
1803 measurements. It supersedes ANSI S1.11 - 1986 (R1998) American National Standard Specification for
1804 Octave-Band and Fractional Octave-Band Analog and Digital Filters, and is a counterpart to International
1805 Standard IEG 61260: 1995 Electroacoustics – Octave-Band and Fractional-Octave-Band Filters. Significant
1806 changes from ANSI S1.11 - 1986 have been adopted in order to conform to most of the specifications of
1807 IEG 61260: 1995. This standard differs from IEG 61260:1995 in three ways: (1) the test methods of IEG
1808 61260 clause 5 n is moved to an informative annex, (2) the term 'band number,' not present in IEC
1809 61260, is used as in ANSI S1.11 - 1986, (3) references to American National Standards are incorporated,
1810 and (4) minor editorial and style differences are incorporated.

1811
1812 ***Supplemental - ANSI S1.40 - 2006 American National Standard Specifications and Verification***
1813 ***Procedures for Sound Calibrators***

1814
1815 ***Supplemental - IEC 61400-11***

1816
1817 Second edition 2002-12, Amendment 1 2006-05

1818
1819 ***Supplemental - IEC 61400-11***

1820
1821 Second edition 2002-12, Amendment 1 2006-0

1822
1823 ***Supplemental - Wind turbine generator system-Part 11: Acoustic noise measurement techniques***

1824
1825 The purpose of this part of IEC 61400 is to provide a uniform methodology that will ensure consistency
1826 and accuracy in the measurement and analysis of acoustical emissions by wind turbine generator
1827 systems. Its purpose is to standardize testing of wind turbine sound emissions so that the purchasers
1828 can compare noise emissions. It also provides the data needed to construct noise models. It is not
1829 intended as a community noise standard and should not be used or referenced as such.

1830
1831 ***Supplemental - End of Measurement Procedure***

1832
1833 This procedure may be modified as recommended by the qualified/certified acoustical specialist if a
1834 more recent ANSI or other method is available and accepted by the Joyfield Township Planning
1835 Commission.

1836
1837 **5.12 Private Wind Energy Conversion Facilities (Private WECF)**

1838
1839 A. Authorization: Private WECFs shall be construed as accessory structures, as defined in this
1840 Ordinance, and are permissible in all districts.

- 1841 1. Approval Procedures.
- 1842 a. Zoning Administrator Approval. A private WECF that meets the
1843 conditions of subsection (1) or (2) below is subject to Zoning
1844 Administrator approval. The applicant shall submit a plot plan
1845 containing the information required by Section 11.4 and any
1846 additional information necessary to demonstrate conformance with
1847 the standards of subsection (B) below. The Zoning Administrator shall
1848 approve such application upon finding that the WECF application

1849 complies with the standards and regulations of this Section and
1850 Ordinance.
1851 b. The private WECF is no greater than sixty (60) feet in height,
1852 measured from the ground elevation below to the highest point of
1853 the wind turbine including to a blade tip in its highest vertical position
1854 if such tip is the highest point, and is to be located a minimum of
1855 one-hundred fifty (150) feet from an existing building on another lot.
1856 c. The private WECF is no greater than twenty (20) feet in height,
1857 measured from the ground elevation below to the highest point of
1858 the wind turbine including to a blade tip in its highest vertical position
1859 if such tip is the highest point, and is to be no closer to a lot line than
1860 two (2) times the height of the WECF.
1861 d. Planning Commission Approval. A private WECF that is not subject to
1862 Zoning Administrator approval according to subsection (a) above shall
1863 be subject to Planning Commission approval. The applicant shall
1864 submit a plot plan containing the information required by Section
1865 14.3 and any additional information necessary to demonstrate
1866 conformance with the standards of subsection (B) below. The
1867 Planning Commission shall approve such application upon finding that
1868 the WECF application complies with the standards and regulations of
1869 this Section and Ordinance, and that the WECF is sited to maximize
1870 compatibility with surrounding conditions to the greatest extent
1871 practical.

1872 **B. Standards:**

1873 1. Visual Appearance.

1874 a. A private WECF shall be a non-reflective, non-obtrusive color (e.g.
1875 white, gray, black). The appearance of the turbine, tower and any
1876 ancillary facility shall be maintained throughout the life of the WECF.
1877 b. A private WECF shall not be artificially lighted, except to the extent
1878 required by the FAA or other applicable authority, or otherwise
1879 necessary for the reasonable safety and security thereof.
1880 c. A private WECF shall not be used for displaying any advertising
1881 (including flags, streamers, or decorative items), except for
1882 identification of the turbine manufacturer.

1883
1884 2. Ground Clearance.

1885 a. The lowest extension of any exposed blade or other exposed moving
1886 component of a private WECF shall be at least twenty (20) feet above
1887 the ground, at the highest point of the natural grade within fifty (50)
1888 feet of the WECF, and at least twenty (20) feet above any outdoor
1889 surfaces intended for human use including balconies or roof gardens,
1890 that are located below the WECF.
1891 b. There shall be required no minimum clearance for any exposed blade
1892 or other moving component where the movement is of a horizontal
1893 nature and the design and construction of the WECF does not permit
1894 access below such moving features or the moving features are a
1895 minimum of five (5) feet above the ground below
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- 3. Noise. Noise emanating from the operation of a private WECF shall not exceed the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural used parcel or from the property line of parks, schools, hospitals and churches. Noise emanating from the operation of a private WECF shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- 4. Vibration. Vibrations shall not be produced which are humanly perceptible beyond the lot on which the WECF is located.
- 5. Guy Wires. Guy wires are prohibited.
- 6. Electrical System. All electrical systems shall comply with all state, county and National Electrical Codes.
- 7. Design. The design of a private WECF shall conform to industry standards.
- 8. Height. A private WECF shall not exceed a height of eighty (80) feet, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest vertical position.
- 9. Setbacks.
 - a. A private WECF and test tower shall be set back from all lot lines, public right-of-ways, public easements, occupied buildings and overhead utility lines, a distance equal to the height of the wind turbine, as measured from the normal ground elevation at the wind turbine base to the highest point of the wind turbine including to a blade tip in its highest vertical position.
 - b. If mounted directly on a roof or other elevated surface of an existing structure, the setback for a private WECF shall be a minimum of fifteen (15) feet from all lot lines, public right-of-ways, public easements, occupied buildings and overhead utility lines.
 - c. If a private WECF is affixed by any extension to the side, roof, or other elevated surface, then the minimum fifteen (15) foot setback in (b) above shall be increased by the same dimension as the extension.
- 10. Shadow Flicker. A private WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on June 21 and December 21, specific to the Joyfield Township, including the source and basis for such projections.

5.13 Wireless Communication Facilities

- A. Class One Wireless Communication Facility.

1944 Any wireless communication facility and modifications thereto that meet all of the following
1945 requirements:

- 1946 1. No construction or other improvements provide for the erection of a new wireless
1947 communications support structure, but may provide for an increase in height of an
1948 existing tower as provided by subsection (c)(1) below.
- 1949 a. All proposed wireless communications equipment will be collocated on an existing
1950 wireless communications support structure or in an existing equipment compound.
- 1951 b. The existing wireless communications support structure or existing equipment
1952 compound is in compliance with this Ordinance or was previously approved by the
1953 municipality in which it is located.
- 1954 c. The proposed collocation of equipment shall not do any of the following:
 - 1955 i. Increase the overall height of the wireless communications support
1956 structure by more than 20 (twenty) feet or 10% (ten percent) of its
1957 original height, whichever is greater.
 - 1958 ii. Increase the width of the wireless communications support structure by
1959 more than the minimum necessary to permit collocation.
 - 1960 iii. Increase the area of the existing equipment compound to greater than
1961 2,500 square feet.
 - 1962 iv. Be in violation of the terms and conditions of any previous final approval
1963 of the wireless communications support structure or equipment
1964 compound by the then-designated approving body.

1965 B. Class Two Wireless Communication Facility: The erection of a new wireless
1966 communications support structure, or any modification of an existing wireless communication
1967 facility that is not classified as Class One Wireless Communication Facility.

1968 C. Application, Review and Approval for Class One Wireless Communication Facility.

1969 A Class One Wireless Communication Facility constitutes a use permitted by right in any district,
1970 subject to site plan approval according to Article 11.

- 1971 1. Application Review Time Frame and Fees
 - 1972 a. After a Class One application for a wireless communication facility is
1973 filed with the Planning Commission, the Planning Commission shall determine
1974 whether the application is administratively complete. Unless the Planning
1975 Commission proceeds as provided under subsection (b) below, the
1976 application shall be considered to be administratively complete when the
1977 Planning Commission makes that determination or the passing of fourteen
1978 (14) business days after the Planning Commission receives the application,
1979 whichever occurs first.
 - 1980 b. If, before the expiration of the fourteen (14) day period under subsection (a)
1981 above, the Planning Commission notifies the applicant that the application is
1982 not administratively complete, specifying the information necessary to make
1983 the application administratively complete, or notifies the applicant that a fee
1984 required to accompany the application has not been paid, specifying the
1985 amount due, the running of the 14-day period under subsection (a) above is
1986 tolled until the applicant submits to the body or official the specified
1987 information or fee amount due. The notice shall be given in writing or by
1988 electronic notification. A fee required to accompany any application shall not
1989 exceed actual, reasonable costs to review and process the application or
1990 \$1,000.00, whichever is less.

1991 c. The Planning Commission shall approve or deny the application not more
1992 than sixty (60) days after the application is considered to be administratively
1993 complete. If the Planning Commission fails to timely approve or deny the
1994 application, the application shall be considered approved and the Planning
1995 Commission shall be considered to have made any determination required for
1996 approval.

1997 D. Application, Review and Approval for Class Two Wireless Communication Facility:

1998 A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to
1999 this Ordinance's provisions addressing the same including compliance with Article 11, Article 5
2000 (Special Land Uses) and the following provisions:

- 2001 1. Application Review Time Frame and Fees: The provisions of subsection (C)(1) above
2002 shall apply to Class Two applications for wireless communication equipment except
2003 that the Planning Commission shall approve or deny the application not more than
2004 ninety (90) days after the application is considered to be administratively complete.
- 2005 2. Additional Application Requirements: In addition to submitting the information
2006 required for all special land use applications, including a site plan pursuant to Article
2007 11, each applicant for a Class Two wireless communication facility shall provide the
2008 following additional information. Any information of an engineering nature that the
2009 applicant submits, whether civil, mechanical, electrical, or structural, shall be
2010 certified by a licensed professional engineer of applicable expertise registered in the
2011 State of Michigan.
 - 2012 a. An inventory of its existing towers, antennas, or sites approved for towers
2013 or antennas, that are within Joyfield Township and one (1) mile of the
2014 border thereof, including specific information about the location, height
2015 and design of each tower, the distance from the proposed tower, the
2016 owner(s)/operator(s) of the existing tower(s), and any additional
2017 information that is relevant in terms of potential collocation or in
2018 demonstrating the need for the proposed facility.
 - 2019 b. Elevation drawings of the proposed tower and any other structures.
 - 2020 c. The distance between the proposed tower to dwellings within a one-half
2021 (1/2) mile radius, and the distance to Residential districts and platted and
2022 similar neighborhood developments.
 - 2023 d. Method of fencing and finished color and, if applicable, the method of
2024 camouflage.
 - 2025 e. A written statement by the applicant as to whether construction of the
2026 tower will accommodate collocation of additional antennae for future
2027 users.
 - 2028 f. Identification of the entities providing the lines that connect a provider's
2029 towers/cell sites to one or more cellular telephone switching offices, long
2030 distance providers, and/or the public switched telephone network
2031 (backhaul routes) for the tower(s) described in the application, and other
2032 cellular sites owned or operated by the applicant in Joyfield Township.
 - 2033 g. A description of the suitability of the use of existing towers, other
2034 structures, or alternative technology not requiring the use of towers or
2035 structures, to provide the services of the proposed new tower.

2036 h. A certification by a professional engineer of applicable expertise licensed
 2037 in Michigan that all construction features of the tower comply with the
 2038 requirements of all agencies having jurisdiction and the State Construction
 2039 Code.

2040 E. Compliance with Table 5.2:

2041 See Table 5.2 for standards pertaining to minimum lot area, width, frontage and yard setbacks, and
 2042 maximum building height and lot coverage, except as follows:

- 2043 1. The lot on which a tower is located shall be equal to or exceed 2 acres in size.
- 2044 2. Class Two towers and antennas shall be set back from lot lines a minimum distance
 2045 equal to the tower’s height, including antennas, except where the application
 2046 documents that the tower is designed to fall upon itself, in which case the minimum
 2047 setback shall be one-half the height of the tower but not less than one-hundred
 2048 (100) feet.
- 2049 3. No tower shall exceed one hundred ninety five (195) feet in height, measured from
 2050 the base of the tower to the highest point of the tower including antennae. All
 2051 towers and antenna shall comply with the height restrictions of any airport
 2052 management plan filed with and approved by the Michigan Aeronautics
 2053 Commission.

2054 F. Additional Standards:

- 2055 1. Separation Distances: The following separation distances shall apply to Class Two
 2056 wireless communication facilities except that the approving body may reduce the
 2057 standard separation distance by no greater than twenty-five percent (25%) upon a
 2058 finding that there exist on-site or surrounding conditions that mitigate the need for
 2059 such separation distances and that the purpose of this Ordinance will be preserved.
 2060 Separation distances shall be measured from the base of the tower to the lot line of
 2061 the off-site use except where otherwise noted.

2063 **Table 5.2**

Off-Site Use or Designated Area	Separation Distance
Rural	300 feet or 150% of the tower’s height, whichever is greater.
Commercial	200 feet or 100% of the tower’s height, whichever is greater.
Another communication tower	1 mile, measured by a straight line between the base of the existing and proposed tower.

- 2065 2. Fencing and Lighting
- 2066 a. The base of a tower shall be fenced with a minimum six (6) foot high fence
- 2067 with anti-climbing measures.
- 2068 b. Towers and antenna shall not be artificially lighted unless required by the
- 2069 Federal Aviation Administration or Federal Communications Commission. If
- 2070

- 2071 lighting is required, the lighting plan shall cause the least disturbance to
2072 surrounding uses.
- 2073 3. Tower Construction
- 2074 a. Towers shall be of monopole construction. Guy wires are prohibited.
- 2075 b. Towers shall be of a white, light gray, silver or other similar color that
2076 blends with the background sky, and shall be constructed of or treated
2077 with corrosive resistant material.
- 2078 c. All towers and antennas including all support systems, antenna mounts,
2079 structural and electrical components, and wind load resistance, shall
2080 comply with the most current standards and regulations of the Federal
2081 Aviation Authority, Federal Communications Commission, State
2082 Construction code and all other codes and agencies having jurisdiction,
2083 and shall be maintained in compliance.
- 2084 d. All new communication towers shall be designed and constructed so as to
2085 accommodate collocation of a minimum of three (3) wireless
2086 communication facilities.
- 2087 4. Landscaping and Signage
- 2088 a. Signage shall be limited to emergency information only except as may be
2089 required bylaw.
- 2090 b. Trees shall be established, if not already present, that effectively screen
2091 the view of the tower facility from nearby residential properties, and shall
2092 provide for coniferous plantings spaced at no greater than fifteen (15)
2093 feet apart and located within forty (40) feet of the perimeter of the tower
2094 facility and within any leased land area comprising the tower facility.
- 2095 5. Presence of Personnel: No persons shall be located on a communication tower
2096 site except for the occasional presence of personnel associated with periodic
2097 maintenance or emergency conditions.
- 2098 6. General Design: The design of buildings and structures shall, to the greatest extent
2099 practical, use materials, colors, textures and screening that will encourage their
2100 compatibility with surrounding buildings. Where an antenna is installed on a
2101 structure other than a tower, the antenna and supporting equipment shall be of a
2102 color to make the antenna and equipment as visually unobtrusive as reasonably
2103 practical.
- 2104 7. Collocation
- 2105 a. Statement of Policy: It is the policy of Joyfield Township to minimize the
2106 overall number of newly established locations for communication towers
2107 within the community, and encourage the use of existing structures or
2108 towers while promoting the public health, safety and welfare and
2109 minimizing negative impacts of such sites. If a provider fails or refuses to
2110 permit collocation on a facility owned or otherwise controlled by it, where
2111 collocation is feasible, the result will be that a new and unnecessary
2112 additional structure will be compelled, contrary to Joyfield Township's
2113 policy for collocation. The provisions of this subsection are designed to
2114 carry out and encourage conformity with this policy.
- 2115 b. Feasibility of Collocation: Collocation shall be deemed to be feasible and
2116 practical for purposes of this subsection (7) except where satisfactory
2117 evidence is submitted demonstrating that no existing tower, structure or
2118 alternative technology can accommodate the applicant's proposed
2119 antenna. Such evidence may consist of any of the following:

- 2120 i. No existing towers or structures are located within the geographic
2121 area that meets applicant's engineering requirements.
2122 ii. Existing towers or structures are not of sufficient height to meet
2123 applicant's engineering requirements.
2124 iii. Existing towers or structures do not have sufficient structural strength
2125 to support applicant's proposed antenna and related equipment.
2126 iv. The applicant's proposed antenna would cause electromagnetic
2127 interference with the antenna on the existing towers or structures, or
2128 the antenna on the existing towers or structures would cause
2129 interference with the applicant's proposed antenna.
2130 v. The fees, costs, or contractual provisions required by the owner in
2131 order to share an existing tower or structure or to adapt an existing
2132 tower or structure for sharing are unreasonable. Costs exceeding new
2133 tower development are presumed to be unreasonable.
2134 vi. The applicant demonstrates that there are other limiting factors that
2135 render existing towers and structures unsuitable.
2136 vii. The applicant demonstrates that an alternative technology that does
2137 not require the use of towers or structures, such as a cable micro cell
2138 network using multiple low-powered transmitters/receivers attached
2139 to a wire line system, is unsuitable. Costs of alternative technology
2140 that exceed new tower or antenna development shall not be
2141 presumed to render the technology unsuitable.
2142 c. Requirements for Collocation:
2143 i. A permit for the construction and use of a communication tower shall not
2144 be granted unless and until the applicant demonstrates that a feasible
2145 collocation is not available for the coverage area and capacity needs.

2146 G. Discontinuation, Decommissioning, and Abandonment:

2147 Refer to Section 5.11.D.11 for compliance standards.
2148

2149 H. Removal

- 2150 1. Any tower that is not operated for a continuous period of 365 days shall be
2151 considered abandoned, and the owner of such tower shall remove the same
2152 and the site shall be restored to the condition it existed prior to the
2153 placement of the tower within ninety (90) days of receipt of notice from the
2154 zoning administrator for such removal. In the case where there are multiple
2155 users of a single tower, removal of the tower shall be not be required until
2156 all users cease use of the tower for a continuous period of 365 days.
2157 2. If the required removal of a facility has not been completed within ninety
2158 (90) days of the condition specified in subsection (a) above, the facility may
2159 be removed with reliance on the security posted at the time application was
2160 made for establishing the facility.
2161

2162 I. Nonconforming Towers/Antenna:

2163 Nonconforming towers and antennas shall be subject to the provisions of Article 12, Nonconforming
2164 Lots, Uses and Structures, except that a nonconforming tower or antenna that is damaged or destroyed
2165 may be rebuilt provided the new tower is of the same type, height and location of the original tower,
2166 and the tower facility is of no greater intensity than the original facility. This provision shall apply

2167 provided all building permits for the new tower are acquired within 180 days of the damage date. If
2168 such permits are not acquired within this time frame or said permits expire, the tower or antenna shall
2169 be deemed abandoned and subject to the removal provisions of subsection Habove.
2170

2171 **5.14 Reasonable Conditions**
2172

2173 A. Site plans for Special Land Uses, Planned Unit Developments, Condominium Projects,
2174 variances or other discretionary decisions may be approved with reasonable conditions.
2175

2176 B. The conditions may include conditions necessary to insure that public services and
2177 facilities affected by a proposed land use or activity will be capable of accommodating
2178 increased service and facility loads caused by the land use or activity, to protect the
2179 natural environment and conserve natural resources and energy, to insure compatibility
2180 with adjacent uses of land, and to promote the use of land in a socially and economically
2181 desirable manner. Conditions imposed shall meet the following requirements:
2182

- 2183 1. Be designed to protect natural resources, the health, safety, and welfare ,as well
2184 as the social and economic well-being of those who will use the land use or
2185 activity under consideration, residents, and landowners adjacent to the
2186 proposed land use or activity, and the community as a whole.
- 2187 2. Be related to the valid exercise of the police power, and to the proposed use or
2188 activity.
- 2189 3. Be necessary to meet the intent and purpose of the zoning requirements; be
2190 related to the standards established in this Ordinance for the land use or activity
2191 under consideration; and be necessary to insure compliance with those
2192 standards.
- 2193 4. Be in compliance with the conditions of any permits and approvals issued for
2194 the project by other jurisdictions or agencies.
2195

2196 C . Recording Conditions with the Register of Deeds At the direction of the body or official
2197 making the final decision to approve or approve with conditions a Planned Unit
2198 Development, Special Land Use, variance or other discretionary approval authorized by
2199 this Ordinance, or as otherwise may be specified by this Ordinance or at the discretion
2200 of the Zoning Administrator, an approval or approval with conditions may be recorded
2201 with the County Register of Deeds. The following requirements shall be met with each
2202 recording :

- 2203 1. The applicant shall record an affidavit which has received the approval of
2204 Joyfield Township's Attorney with the County Register of Deeds containing the
2205 full legal description of the project site, containing the approved site plan, the
2206 specific terms of any permit, any documents that pertain to permanent
2207 preservation of open space, the date of final Township approval, and declaring
2208 that all improvements will be carried out in accordance with the approved site
2209 plan or variance unless an amendment thereto is adopted by Joyfield Township.
2210 In addition, all deed restrictions and easements associated with the property
2211 shall be duly filed with the Register of Deeds of the County in which the
2212 property is located and copies of all recorded documents shall be presented to
2213 the Zoning Administrator. These documents shall be binding upon the
2214 landowners, their successors and assigns, and shall constitute the development

2215 regulations for the land. The applicant shall submit proof to the Zoning
2216 Administrator that these documents have been recorded with the County
2217 Register of Deeds within ninety (90) calendar days of project approval or the
2218 approval shall be rendered invalid. Once the proper documents have been
2219 recorded with the County Register of Deeds, the applicant may proceed,
2220 consistent with the approved Site Plan and Permit, to develop the land.

2221 2. A copy of any agreement between joint users of parking areas shall be filed with
2222 the application for a Zoning Permit and recorded with the Register of Deeds.
2223 The agreement shall include a guarantee for continued use of the parking
2224 facility by each party. A copy of all recorded documents shall be presented to
2225 the Zoning Administrator.

2226 3. All documents to be recorded with the County Register of Deeds at the initiative
2227 of Joyfield Township, shall be first reviewed and approved as to form and
2228 content by Joyfield Township Attorney or other legal representative of Joyfield
2229 Township retained for that purpose.

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**Article 6
RESERVED**

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Article 7
GENERAL REGULATIONS

7.1 Purpose

It is the purpose of this Article of the Ordinance to provide regulations for miscellaneous and other requirements that apply in all zoning districts to all permitted uses and special uses.

7.2 Scope

Zoning applies to all lots of land and to every building, structure or use. No lot of land, no building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

7.3 General Provisions

No lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as is required by applicable provisions of the State Construction Code and rules promulgated hereunder and/or the State Fire Marshal.
- B. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- D. No malodorous gas, vapor or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- E. No pollution of air by fly-ash, dust, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule hereunder.
- F. Pollution of water shall be subject to such requirements and regulations as are established by State, County or Federal water pollution statutes or regulations promulgated by rule hereunder.
- G. Audible noise shall refer to Section 10.3 B – Community Noise Standards.

- 47 H. Any use, proposed use, or activity that the Zoning Administrator may determine as
48 possibly not meeting the standards / requirements of A through G (above) must be
49 reviewed and approved by the Joyfield Township Planning Commission.
50

51 **7.4 Waste Accumulation and Outside Storage**

52 It shall be unlawful for any person to accumulate rubbish or waste materials of any kind on any land in
53 Joyfield Township except in a permitted junkyard or a licensed sanitary landfill. No sewage, waste water
54 or water containing foreign substances shall be deposited or drained into any open ditch, creek, stream,
55 lake, pond, or other body of water unless the same has first been approved by state and county health
56 authorities. The provisions of this Section shall not be deemed to prohibit storing or spreading of
57 manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry or home garden or
58 lawn operation.
59

60 **7.5 Removal of Soil, Sand and Other Material**

61 The use of land for the removal of topsoil, sand, gravel or other material to be sold from the land is not
62 permitted in any district except District R and then only under special land use permit issued by the
63 Joyfield Township Planning Commission pursuant to the provisions of Article 5. The application shall be
64 accompanied by the filing of a suitable agreement or bond that such removal will not cause stagnant
65 water to collect or leave the surface of the land in an unstable condition or unfit for growing of turf or
66 other land uses permitted in the district in which such removal occurs. Contaminated soils shall not be
67 sold or removed offsite without approval from the appropriate state agency.
68

69 **7.6 Fill**

70 A soil erosion permit from the Benzie County Building Department is required for the following
71 activities:

- 72 1. Earth disturbance of more than one acre
- 73 2. Earth disturbance within 500' of a stream
- 74 3. Earth disturbance on an environmentally sensitive parcel
- 75 4. Commercial or industrial activities
- 76 5. Subdivision or condominium development
77

78 **7.7 Lot, Principal Structure**

79 No more than one (1) principal structure shall be erected on any lot of land unless such lot of land is
80 used for multiple family dwellings, mobile home parks, or for agricultural, commercial, or manufacturing
81 purposes, or as may be allowed by another section of this Ordinance.
82

83 **7.8 Accessory Structures and Uses**

84 Accessory structures and buildings, except as otherwise permitted in this Ordinance, shall be subject to
85 the following regulations:

- 86 A. Accessory structures and buildings used in active farm operations and agricultural
87 related industries shall not be subject to this section, except that no such structures
88 shall be located within a required yard. The accessory structure or building must be
89 located on a parcel of land that contains an active farm operation. Structures for
90 agricultural purposes that are used in the business of retail trade are subject to this
91 section.
92
- 93 B. Where the accessory structure or building is structurally attached to a main building, it
94 shall be subject to, and must conform to, all regulations of this Ordinance applicable to

95 the main building. Structurally attached buildings or structures are exempted from the
96 maximum allowable square footage.

97
98 C. Accessory structures or buildings shall not be erected in subzone A nor in any required
99 setback.

100
101 D. No detached accessory structure or building shall be located closer than ten (10) feet to
102 any main building. In no instance shall an accessory structure or building be located
103 within a dedicated easement right-of-way.

104
105 E. Accessory structures or buildings in the Commercial District (C) may occupy 100 percent
106 of the permitted yard area.

107
108 F. Accessory structures or buildings in the Rural District (R): the total floor area (being
109 the entire area enclosed with the exterior walls) of all detached accessory structures
110 and buildings on a parcel of land, shall be limited as follows:

111

If the area of the parcel of land is:	Then the maximum floor area of all detached accessory structures or buildings shall not exceed:
Less than .99 acres	960sf
At least 1 acre but less than 2 acres	1,600sf
At least 2 acres but less than 3 acres	2,080sf
At least 3 acres but less than 5 acres	2,600sf
At least 5 acres but less than 8 acres	3,200sf
At least 8 acres but less than 10 acres	4,000sf
10 acres or more	5,200sf plus 200 square feet for each acre increment above 10 acres up to a maximum of 8,000 square feet

112
113 G. Accessory structures or buildings in the Rural District (R) exceeding maximum floor area
114 in the table above may be allowed with a special use permit.

115
116 H. Only one non-accessory garage or non-accessory storage structure may be constructed
117 on a parcel in the Rural District (R) prior to the erection of a principal structure.

118

119 **7.9 Dwellings**

120 No person shall use, occupy or permit the use or occupancy of a structure as a dwelling or duplex, which
121 does not comply with dwelling standards of this ordinance, or standards of the State of Michigan and
122 United States Department of Housing and Urban Development (HUD), whichever is applicable, within

123 any district within Joyfield Township, except in a designated mobile home park which shall comply with
124 the rules and regulations of the Michigan Mobile Home Commission, and except as hereinafter
125 provided. All dwellings shall comply with the following minimum standards:

- 126
- 127 A. It shall comply with the minimum square footage requirements of this Ordinance.
- 128
- 129 B. The minimum dimension shall be at least twenty (20) feet in length or twenty (20) feet
130 in width in its core living area. Core living area shall be the main or central part of a
131 dwelling, excluding wings, attached garages, enclosed porches, expansions, or any part
132 of a building added after initial completion or added to a mobile home after delivery
133 and setup on site and it is occupied.
- 134
- 135 C. It shall comply in all respects with the Michigan State Construction Code as promulgated
136 by the Michigan State Construction Code Commission under provisions of 1972, Public
137 Acts 230, as amended, (MCL 125.1501-1531) including minimum heights for habitable
138 rooms. Where a dwelling is required by law to comply with any federal or state
139 standards or regulations for construction and where such standards or regulations for
140 construction are different than those imposed by the Michigan Building Code, then and
141 in that event such federal or state standard or regulation shall apply.
- 142
- 143 D. It shall be enclosed around the perimeter at the ground level with masonry or other
144 approved weather and rodent proof materials.
- 145
- 146 E. It shall contain no additions or rooms or other areas which are not constructed with
147 similar quality workmanship as the original structure including permanent attachment
148 to the principal structure as long as such attachment does not include a bearing load on
149 a mobile home and construction of a foundation as required herein.
- 150
- 151 F. Each dwelling unit shall be connected to public water and sanitary sewer lines, or to
152 on-site water and sanitary sewerage facilities approved by the District Health
153 Department.
- 154
- 155 G. Each dwelling unit and any addition thereto shall comply with all pertinent building and
156 fire codes. In the case of a mobile home, all construction and all plumbing, electrical
157 apparatus and insulation within and connected to said mobile home shall be of a type
158 and quality conforming to the "Mobile Home Construction and Safety Standards" as
159 promulgated by the United States Department of Housing and Urban Development,
160 being 24 PART 1700 to End, PART 3280 et. seq. CFR. Additionally, all dwellings shall
161 meet or exceed all applicable roof snow load and strength requirements.
- 162
- 163 H. An accessory building, garage, non-accessory garage, or non-accessory storage structure
164 shall not be used or occupied as a dwelling.
- 165

166 **7.10 Incomplete Structure**

167 No basement, cellar, garage or structure may be occupied as a dwelling and no primary structure may
168 be occupied without completing the exterior in a watertight manner, including finished siding, windows
169 and roofing; until all exterior and interior construction is completed and a Land Use Compliance Permit
170 or Temporary Permit is issued by the Zoning Administrator or legally designated authority.

171 **7.11 Home Occupations**

172 Home occupations shall not be allowed in any zoning district in Joyfield Township except as hereinafter
173 provided:

- 174
- 175 1. The home occupation(s) takes place at a home, dwelling or accessory building on
176 property owned by and used as their primary residence.
177
 - 178 2. The home occupation(s) shall be accessory to the principal use (residential) of the
179 property.
180
 - 181 3. The activities of the home occupation(s) shall be operated in such a manner that other
182 residents of the area, under normal circumstances, would not be aware of the existence
183 of the home occupation.
184
 - 185 4. The home occupation(s) shall be conducted entirely within the enclosed dwelling with
186 no external evidence of the activity.
187
 - 188 5. The home occupation(s) does not result in the employment of more than two (2)
189 individuals.
190
 - 191 6. The home occupation(s) shall not involve the use of any toxic or dangerous materials or
192 hazardous equipment.
193
 - 194 7. If the home occupation is a bed and breakfast, it shall meet the parking requirements
195 described in Article 9.
196
 - 197 8. No traffic shall be generated by such home occupation in greater volumes than would
198 be normally expected in that neighborhood, and any need for parking generated by the
199 conduct of such home occupation shall be provided for on the premise.
200

201 **7.12 Creation of Ponds**

202 All ponds must comply with any applicable MDEQ permitting requirements.
203

204 **7.13 Temporary Dwelling Structures**

205 No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature
206 may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose
207 whatsoever for any length of time whatsoever, except as provided in this section.
208

209 During construction of a new residence, or if a dwelling is destroyed or damaged to the extent that it is
210 uninhabitable for a period of time, by a natural or man-made event, such as fire, flood, windstorm, or
211 tornado, a mobile home or other temporary dwelling approved by the Zoning Administrator may be
212 moved onto the premises for use as a temporary dwelling during construction or repair of the
213 permanent dwelling after obtaining a permit from the Zoning Administrator. Application for said permit
214 shall be filed with the Township Clerk along with all fees established by resolution of the Township
215 Board. The Building Official, prior to approval of such temporary structure, shall determine that the
216 proposed structure is safe for habitation and is adequately served by public utilities. The temporary
217 dwelling shall be placed so as to conform to all yard requirements of the zoning district in which located.

218 Where municipal water and/or sanitary sewage disposal systems are not available, such on-site services
219 shall be approved by the Benzie-Leelanau District Health Department.

220

221 The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, said
222 date not to exceed one (1) year from the date of said destruction or damage or the date of issuance of a
223 Building Permit for new construction; however, the temporary dwelling shall be removed from the
224 premises within six (6) months (180 days) of the date of issuance of an occupancy permit for the
225 permanent dwelling. All utility connections shall be severed and temporary dwelling permit shall
226 expire on issuance of an occupancy permit for the permanent dwelling.

227

228 **7.14 Temporary Construction Structures**

229 Temporary buildings and/or structures may be used as construction facilities provided that a permit is
230 obtained for such use from the Zoning Administrator. The Zoning Administrator shall, in each case,
231 establish a definite time limit on the use of such facilities.

Article 8
LAND DEVELOPMENT OPTIONS

8.1 Purpose

The purpose of this Article is to allow and encourage alternative designs for residential developments, site condominiums or subdivisions in order to maintain the open and natural space and protect the rural character of Joyfield Township; including woodlots, range lands, and cultivated fields, and to protect environmentally sensitive and unique features.

Joyfield Township encourages use of land development options to conventional developments because they promote the location of dwelling units to be sited on those portions of a property most suitable for development, while leaving substantial portions as undeveloped open space. These developments may also include a variety of lot sizes ranging from large farm or estate lots to small lots resulting in the preservation of contiguous open space and important environmental resources.

The standards for permitted uses in each district are designed to protect these features. By allowing the use and application of flexible development standards, developments shall be designed to protect and enhance the natural features to an equal or greater degree than if the development were to proceed under the standard guidelines for permitted uses in each underlying land use district. Provisions outlined in this Article are adopted pursuant to Public Act 110 of 2006, known as the Michigan Zoning Enabling Act.

Subject to the “Conditions and Qualifications” of this section, property owners can utilize the planned unit development provisions to develop their property as residential. Planned unit development provisions may also be used for non-residential developments pursuant to the provisions of this section.

8.2 Planned Unit Development

The Planned Unit Development (PUD) option is intended to allow, with Township approval, private or public development, which is substantially in accord with the goals and objectives of the Joyfield Township Master Plan and Future Land Use Map. In reviewing a PUD plan, the Planning Commission shall consider the following objectives:

- A. The development allowed under this Article shall be considered as an optional means of development in Joyfield Township.
- B. Use of the PUD option will allow flexibility in the control of land development by encouraging innovation through an overall development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage useful open spaces suited to the needs of the parcel in question; and provide proper housing including workforce housing, employment, service and shopping opportunities suited to the needs of the residents of Joyfield Township.
- C. It is further intended the planned development may be used to allow land uses in areas not permitted by right or special use permit; to permit densities or lot sizes which are different from the applicable district and to allow the mixing of land uses that would otherwise not be allowed; provided other community objectives are met and the resulting development would promote the public health, safety and welfare, reduce

48 sprawl, and be consistent with the Joyfield Township Master Plan and Future Land Use
49 Plan Map.

- 50
51 D. It is further intended the development will be laid out so the various land uses and
52 building bulk will relate to one another and to adjoining existing and planned uses in
53 such a way that they will be compatible, with no material adverse impact of one use on
54 another.

55
56 **8.2.1 Criteria for Qualification**

57 To qualify for the planned development option, it must be demonstrated that all the following
58 criteria will be met:

- 59
60 A. The use of a planned development shall not be for the sole purpose of avoiding the
61 applicable zoning requirements. Any permission given for any activity or building or use
62 not normally allowed shall result in an improvement to the public health, safety and
63 welfare in the area affected.
64
65 B. The planned development shall not be used where the same land use objectives can be
66 carried out by the application of conventional zoning provisions or standards. Problems
67 or constraints presented by applicable zoning provisions shall be identified in the PUD
68 application.
69
70 C. The planned development option may be granted only when the proposed land use will
71 not materially add service and facility loads beyond those considered in the Joyfield
72 Township Master Plan, and other public agency plans, unless the proponent can prove
73 to the sole satisfaction of Joyfield Township that such added loads will be
74 accommodated or mitigated by the proponent as part of the planned development.
75
76 D. The Planned development must meet the following objectives of Joyfield Township:
77
78 1. To permanently preserve open space or natural features because of their
79 exceptional characteristics or because they can provide a permanent transition
80 or buffer between land uses.
81
82 2. To permanently establish land use patterns which are compatible or which will
83 protect existing or planned uses.
84
85 3. To accept dedication or set aside open space areas in perpetuity.
86
87 4. To provide alternative uses for parcels which can provide transition buffers to
88 residential areas.
89
90 5. To promote the goals and objectives of the Joyfield Township Master Plan.
91
92 6. To foster the aesthetic appearance of Joyfield Township through quality building
93 design and site development, provide trees and landscaping beyond minimum
94 requirements; the preservation of unique and/or historic sites or structures; and

95 the provision of open space or other desirable features of a site beyond
96 minimum requirements.

- 97
- 98 7. To bring about redevelopment of sites where an orderly change of use or
99 requirements is determined to be desirable.
- 100
- 101 8. To promote the use of smart growth designs such as Traditional Neighborhood
102 Design (TND) consistent with the principles of the Congress for New Urbanism.
- 103
- 104 9. To promote sustainable development especially on parcels with active farmland
105 and orchards as defined by MCL 324.36201 (h).
- 106

107 **8.2.2 Uses Permitted**

- 108
- 109 A. A land use plan shall be proposed for the area to be included within the PUD. The land
110 use plan shall be defined by the zoning ordinance districts that are most applicable to
111 the various land use areas of the PUD.
- 112
- 113 B. Uses permitted and uses permitted subject to special land use in this Ordinance may be
114 allowed within the districts identified on the PUD plan, except that some uses may be
115 specifically prohibited from districts designated on the PUD plan. Alternatively, Joyfield
116 Township may allow uses not permitted in the district if specifically noted on the PUD
117 plan. Conditions applicable to uses permitted subject to special approval shall be used
118 as guidelines for design and layout but may be varied by the Joyfield Township Planning
119 Commission provided such conditions are indicated on the PUD plan.
- 120

121 **8.2.3 Height, Bulk, Density and Area Standards**

122 The standards regarding height, bulk, density, and setbacks of each district shall be applicable within
123 each district area designated on the plan except as specifically modified and noted on the PUD plan.

124

125 **8.2.4 Submittal and Request for Qualification**

- 126
- 127 A. Any person owning or controlling land in Joyfield Township may make application for
128 consideration of a planned unit development. Such application shall be made by
129 presenting a request for a preliminary determination to whether a parcel qualifies for
130 the PUD option.
- 131
- 132 B. Prior to the submission of an application for planned unit development approval, the
133 applicant is encouraged to meet with the Zoning Administrator to review required
134 information and procedures.
- 135
- 136 C. A request shall be submitted to Joyfield Township. The submission shall include the
137 information required below:
- 138 1. Proof the criteria set forth in the Criteria for Qualification section above, are or
139 will be met.
- 140
- 141 2. A schematic land use plan containing enough detail to explain the role of open
142 space; site drainage and stormwater mitigation, location of land use areas,

143 streets providing access to the site, pedestrian and vehicular circulation within
144 the site; dwelling unit density and types; and buildings or floor areas
145 contemplated, as applicable.

146
147 3. A plan to protect natural features or preservation of open space or greenbelts.

148
149
150 D. Based on the documentation presented, the Joyfield Township Planning Commission
151 shall make a preliminary determination about whether a parcel qualifies for the PUD
152 option under the Criteria for Qualification in Section 8.2.4(C).

153
154 E. The Joyfield Township Planning Commission shall review the applicant's request for
155 qualification. If approved, the applicant may then continue to prepare a PUD Plan on
156 which a final determination will be determined. Approval shall confer upon the
157 applicant the right to proceed to preparation of the PUD Plan, but shall not bind Joyfield
158 Township to approval of the Plan.

159
160 **8.2.5 Submittal of the PUD Plan and Application Materials**

161 The application, reports, and drawings shall be filed in paper and digital format. All drawings shall be
162 provided to Joyfield Township in the most recent release of a computer aided design format
163 acceptable to the Joyfield Township Planning Commission. Other graphics and exhibits, text and
164 tabular information shall be provided in a "pdf" format. The site plans must meet the scale
165 requirements and all submittal requirements in Article 11.

166
167 Submittal of Proposed PUD Plan: An application shall be made to Joyfield Township for review and
168 recommendation by the Joyfield Township Planning Commission of the following:

169
170 A. A boundary survey of the exact acreage prepared by a registered land surveyor or civil
171 engineer.

172
173 B. A topographic map of the entire area at a contour interval of not more than two (2)
174 feet. This map shall show all major stands of trees, bodies of water, wetlands and
175 unbuildable areas. Should the topography of the site have significant slope, the Joyfield
176 Township Planning Commission may increase the contour interval to no more than five
177 (5) feet, however, the integrity and intent of the map may not be compromised due to
178 this interval change.

179
180 C. A proposed development plan shall show the following:

181
182 1. Land use areas.

183
184 2. Vehicular circulation including major drives and location of vehicular access
185 including cross sections of public streets or private places.

186
187 3. Transition treatment, including minimum building setbacks to land adjoining the
188 PUD and between different land use areas within the PUD.

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4. The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.
 5. The general location of residential unit types and densities and lot sizes by area.
 6. Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.
 7. The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.
 8. A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
 9. A preliminary grading plan, showing the extent of grading and delineating any areas, which are not to be graded or disturbed.
 10. A public or private water distribution, storm and sanitary sewer plan.
 11. A written statement explaining in detail the full intent of the applicant, showing dwelling units types or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
 12. Written documentation from the Fire Department providing fire protection to Joyfield Township acknowledging their review of the plans and outlining any recommendations for modifications, if any.
- D. If requested by the Joyfield Township Planning Commission, the applicant shall submit the following:
- a. Market Study – components of the study should include a definition of the market, analysis of data pertaining to the market problem, the type and amount of market supportable real estate, and absorption rate(s) needed to sell and/or occupy the property within the project.
 - b. Traffic Impact Study – components of this study should include an assessment of existing traffic counts and movements, forecast of additional traffic based on ITE traffic/trip generation manual, and improvements necessary to accommodate and/or mitigate the increased traffic resulting from the proposed project.
 - c. Environmental Impact Assessment – components of the study should include a statement of the purpose and need of the proposed project, description of the affected environment, range of alternatives to the proposed action, analysis of environmental impacts such as threatened or endangered species, air and water quality impacts, impacts to historic and cultural sites, and social and economic impacts.
 - d. A pattern book or design guidelines manual if requested by the Joyfield Township Planning Commission.

238 **8.2.6 Preliminary Approval of Planned Unit Development**
239

240 A. Joyfield Township Planning Commission Review of Proposed PUD Plan:
241

- 242 1. The Joyfield Township Planning Commission shall hold a public hearing on the
243 PUD plan in accord with the Michigan Zoning Enabling Act, PA 110 of 2006, MCL
244 125.3103 *et seq.*
245
- 246 2. The Joyfield Township Planning Commission shall review the proposed PUD plan
247 and make a determination about the proposal's qualification for the PUD option
248 and for adherence to the objectives and requirements in this Article.
249
- 250 3. Upon its review, the Planning Commission shall take one of the following actions:
251 a. Approval. Approval shall confer upon the applicant the right to proceed
252 to preparation of the Final Plan, but shall not bind the Board to approval
253 of the Final Plat or Plan.
254 b. Tabling. Upon finding that the Preliminary Plan does not meet the
255 criteria set forth in this Article, but could meet such criteria if revised,
256 Joyfield Township Planning Commission may table action until a revised
257 Preliminary Plan is resubmitted.
258 c. Denial. Upon finding that the Preliminary Plan does not meet the
259 criteria set forth in this Article, Joyfield Township Planning Commission
260 shall deny preliminary approval.
261

262 **8.2.7 Final Approval of Planned Unit Development**
263

- 264 A. On receiving the report of approval of the Preliminary Plan, the Joyfield Township
265 Planning Commission's attorney will prepare a contract setting forth the conditions on
266 which such approval is based. Once the contract is prepared, it shall be signed by
267 Joyfield Township and the applicant.
268
- 269 B. The agreement shall become effective on execution after its approval. The agreement
270 shall be recorded at the Benzie County Register of Deeds office.
271
- 272 C. Once an area has been included with a plan for PUD and Joyfield Township has
273 approved such plan, no development may take place in such area nor may any use of it
274 be made except under such plan or under an approved amendment, unless the plan is
275 terminated.
276
- 277 D. An approved plan may be terminated by the applicant or the applicant's successors or
278 assigns, before any development within the area involved, by filing with Joyfield
279 Township and recording in the County records an affidavit so stating. The approval of
280 the plan shall terminate on such recording.
281
- 282 E. No approved plan shall be terminated after development begins except with the
283 approval of the Joyfield Township Planning Commission and of all parties in interest in
284 the land.
285

286 F. Within one (1) year following approval of the PUD contract by the Joyfield Township
287 Planning Commission, final plats or site plans for an area embraced within the PUD must
288 be filed as provided. If such plats or plans have not been filed within the one (1) year
289 period, the right to develop under the approved plan may be terminated by Joyfield
290 Township.

291
292 G. Approval of PUD by Joyfield Township Planning Commission shall also constitute an
293 approved revision of the Official Zoning Map, which shall delineate the boundaries of
294 the approved PUD and its date of approval.
295

296 **8.2.8 Submission of Final Plat, Site Plans; Schedule for Completion of PUD**

297 Before any permits are issued for the PUD, final plats or site plans and open space plans for a project
298 area shall be submitted to Joyfield Township for review and approval by the Joyfield Township
299 Planning Commission, and of the following:

300
301 A. Review and approval of site plans shall comply with Article 11 as well as this Section
302 except as otherwise modified in the approved plan.
303

304 B. Before approving any final plat or plan, the Joyfield Township Planning Commission shall
305 determine that the following have been met:
306

307 1. All portions of the project area shown on the approved plan for the PUD for use
308 by the public or the residents of lands within the PD have been committed to
309 such uses under the PUD contract;
310

311 2. The final plats or site plans are in conformity with the approved contract and
312 plan for the PUD;
313

314 3. Provisions have been made under the PUD contract to provide for the financing
315 of any improvements shown on the project area plan for open spaces and
316 common areas which are to be provided by the applicant and that maintenance
317 of such improvements is assured under the PUD contract.
318

319 4. If development of approved final plats or site plans is not substantially
320 completed in three years after approval, further final submittals under the PUD
321 shall stop until the part in question is completed or cause can be shown for not
322 completing same.
323

324 C. The applicant shall be required, as the Planned Unit Development is built, to provide
325 Joyfield Township with “as built” drawings in both paper and/or digital format.
326

327 **8.2.9 Fees**

328 Fees for review of PUD plans under this Section shall be established by resolution of Joyfield
329 Township Board.
330

331 **8.2.10 Interpretation of Approval**

332 Approval of a PUD under this Article shall be considered an optional method of development and
333 improvement of property subject to the mutual agreement of Joyfield Township and the applicant.

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8.2.11 Amendments to PUD Plan

Proposed amendments or changes to an approved PUD plan shall be presented to the Joyfield Township Planning Commission. The Commission shall decide whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan and in such event may approve or deny the proposed amendment. The burden shall be on the applicant to show good cause as to any requested change. If the Commission decides the proposed amendment is material in nature, the Commission shall review the amendment under the provisions and procedures of this Article as they relate to final approval of the PUD.

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Article 9
SITE DESIGN STANDARDS

9.1 Off-Street Parking

9.1.1 General Parking Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile, off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building use, shall be provided prior to the issuance of a Certificate of Occupancy as prescribed in this Zoning Ordinance.
- B. Application for parking lot construction: Any person desiring to establish or change a parking area shall submit plans to Joyfield Township showing the locations, elevations, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. Any curb cuts, entrances, exits and drainage involving County or State highways shall be submitted to the appropriate agency for approval.
- C. Minimum required off-street parking areas shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- D. Off-street parking existing at the effective date of this Zoning Ordinance in connection with the operation of an existing building or use shall not be reduced to any amount less than that required in this Zoning Ordinance for a similar new building or new use.
- E. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses if computed separately.
- F. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, Joyfield Township may grant an exception.
- G. The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles or equipment in designated off-street parking areas of a property for the purpose of sale, rental or repair including the storage of such items is prohibited, except as may be provided in this Zoning Ordinance.
- H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that Joyfield Township considers is similar in type.
- I. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require (1) parking space.
- J. For the purpose of computing the number of parking spaces required, the definition of "floor area, usable" in Article 2 shall govern. In those instances, where floor area cannot be

48 computed from plans, seventy-five percent (75%) of gross floor area shall be considered
 49 usable floor area.

51 K. For all residential buildings and institutional, public or essential services uses, the required
 52 parking area shall be provided on the same lot with the buildings or on a lot immediately
 53 adjacent, under the same ownership.

54
 55 L. A resident of a dwelling unit may not have more than two (2) motorized vehicles, boats or
 56 trailers for sale on the site of such dwelling unit at any time and in no instance shall vacant
 57 residential lots or parcels be utilized for the sale of vehicles. In no instance shall a vehicle for
 58 sale be displayed in a front yard other than the driveway portion of the yard.

59
 60 **9.1.2 Required Off-Street Parking**

61

<i>Residential</i>	Minimum	Maximum	Measurement
Single Family Dwelling	2	N.A.	per unit
Multiple Family Dwelling	1.5	1.5	per unit
<i>Non-Residential</i>			
<i>Non-Residential</i>	Minimum	Maximum	Measurement
Agricultural Uses			Exempt
Automotive Sale and Services	3.5	4	per 1,000 GFA
Banks and Financial Establishments	2	3	per 1,000 GFA
Consumer / Personal Services	2	3	per 1,000 GFA
Eating and Drinking Establishments	1	1	per 3 seats
Office Uses	2.5	3	per 1,000 GFA
Places of Assembly	1	1	per 3 seats or number permitted by Fire Code
Commercial & Retail Business Uses	2	3	per 1,000 GFA
Other Uses Not Listed or Classified	Determined by Planning Commission		

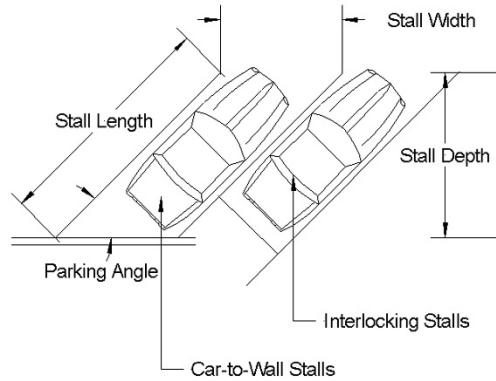
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 65 A. Parking for Handicapped: Off-street parking facilities required for physically
 66 handicapped-accessible buildings shall be provided in all parking areas in accord with
 67 provisions of the Americans with Disabilities Act (ADA). An individual vertical free standing
 68 or wall mounted “handicapped” signage is required.

69
 70 B. Parking space layout standards shall be provided in accordance with the specification in the
 71 following table:

72
 73

Parking Stall Dimensions				
Angle of Parking Stall [1]	Degrees of Parking Angle			
	Parallel	30-53	54-74	75-90
Maneuvering Lane Width	12 Ft	12 Ft	15 Ft	20 Ft
Parking Space Width	8.5 Ft	9 Ft	9 Ft	9 Ft
Parking Space Length	23 Ft	20 Ft	20 Ft	20 Ft
Total Width - One (1) Tier Parking Plus Maneuvering Lane	-	26 Ft	36 Ft	40 Ft
Total Width - Two (2) Tier Parking Plus Maneuvering Lane	-	46 Ft	56 Ft	60 Ft

[1] The standard-size parking stall shall be at least nine (9) feet wide and twenty (20) feet long unless otherwise noted above.



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9.1.3 Pavement Design

The surface of the parking lot shall consist of a concrete, bituminous or compacted stone surface with the exception that a porous pavement can be used for the parking stalls. The maneuvering lane shall be constructed with a deep strength bituminous surface.

81 **9.2 Sign Regulations**

82

83 **9.2.1 Purpose**

84 It is the purpose of this section to regulate the size, placement, and general appearance of all
85 manner of on and off-premise advertising structures in order to promote the public health, safety,
86 morals, convenience, and general welfare, as well as the stated purposes of this chapter. These
87 purposes include the enhancement of the aesthetic desirability of the environment and the
88 reduction of hazards to life and property in Joyfield Township.

89

90 **9.2.2 Permit Required**

91

92 A Land Use Compliance permit is required for all Off-Premise Advertising Structures and On-Premise
93 Advertising Structures. However, compliance with this Ordinance does not relieve the applicant of
94 the responsibility for compliance with other Township, state or federal sign regulations, nor does
95 the issuance of a Land Use Compliance permit grant permission to the applicant to place signs on
96 any property including road rights-of-way other than property owned or otherwise legally under the
97 control of the applicant.

98

99

9.2.3 Billboards

100

Billboard structures are only permitted in the C district in accordance with the following limitations, in addition to such regulations set forth by the Michigan Department of Transportation pursuant to the Highway Advertising Act of 1972, PA 106 of 1972:

101

102

103

- 104 A. Location: Billboard structures in the C districts shall only be located immediately adjacent to
105 principal arterial streets. Such structures shall be located in accordance with the setback
106 requirements of the district.
- 107
- 108 B. Illumination: Billboard structures may not be illuminated.
- 109
- 110 C. Maintenance: Billboard structures shall be adequately maintained. Such maintenance shall
111 include proper alignment of structure, continued readability of message, and preservation

112 of structure with paint or other surface finishing material. If a Billboard structure is not
113 maintained, written notice of any disrepair shall be issued by the chief building inspector to
114 the owner of such structure. If the disrepair is not corrected within thirty (30) days, such
115 structure shall be removed at the owner's expense.

116
117 D. Size: No Billboard structure shall exceed one hundred twenty-eight (128) square feet in
118 surface display area per side.

119
120 E. Required spacing: No Billboard structure shall be located within a distance of one thousand
121 (1000) feet of any other Billboard structure, such distance to be measured along a line
122 parallel to the right-of-way of the highway upon which the Billboard structure fronts.

123
124 F. Such signs and sign structures shall not exceed twenty four (24) feet in height.

125
126 G. Billboard signs shall be set back a minimum of fifty (50) feet from the Highway Right of Way.

127
128 H. All Billboard signs shall, prior to construction, require a land-use permit from Joyfield
129 Township or designated enforcement.

130

131 **9.2.4 On-Premise or Off-premise Advertising Structures**

132
133 A. Location: On-premise advertising structures in the R and C districts shall only be located
134 immediately adjacent to the public road. Such structures shall be located in Zone A and in
135 accordance with the property line setback requirements of the district.

136
137 B. Size:

138
139 1. Commercial District: signs shall not exceed 40 square feet in area and shall not exceed
140 16 feet in height above road grade except by special permission granted as a condition
141 of site plan approval.

142
143 2. Rural District: signs shall not exceed 24 square feet in area and shall not exceed 7 feet
144 in height above road grade.

145

146 **9.3 Storage and Use of Recreational Vehicles**

147
148 A. The parking or storage of any recreational vehicle in any residential occupied lot shall be
149 subject to all the following:

150
151 1. Recreational vehicle must be the property of the owner or lessee of entire property
152 and must have current registration or license unless it is a removable truck camper.

153
154 2. The number of recreational vehicles parked or stored shall not exceed two (2) of any
155 type and not exceed six (6) in combination.

156
157 3. Parking or storage of recreational vehicles is permitted between April 1st and
158 October 31st of each calendar year in any yard, provided that the vehicle is not
159 closer than five (5) feet to any lot line.

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- 4. Storage of recreational vehicles is not permitted between November 1st and March 31st of each calendar year, except in a rear or side yard and then only if the vehicle is not closer than five (5) feet to any lot line.
- 5. Recreational vehicles shall not be used or occupied as a dwelling.

9.4 Exterior Lighting and Dark Sky Provisions

Refer to Section 10.4.

9.5 Access Controls and Private Roads

9.5.1 Access to Roads

- A. In any district every use, building or structure established after the effective date of this Ordinance shall be on a lot which has its minimum frontage on a public or private road as specified in each respective district.
- B. If the lot exists prior to the effective date of this Ordinance and it does not meet the standards of 9.5.1.A, then that lot shall be allowed even if it does not meet the terms of this section.
- C. If the lot has the required frontage on a public road right-of-way in an existing subdivision and/or planned development, that shall be considered to be a lot which has met the required access to a public road, even if the road has not been constructed, and can be made passable without substantial earth movement or trespass off the road right-of-way.

9.5.2 Curb Cuts and Driveways

- A. Curb cuts and driveways shall be located and constructed in accordance with the Private Commercial Driveway and Private Residential Road Approach Specifications of the Benzie County Road Commission.
- B. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two (2) family dwelling unless adjoining property owners execute a cross access easement agreeable in form and content to Joyfield Township.
- C. No driveways providing access to nonresidential uses and structures shall cross residentially occupied property.

9.5.3 Construction of New Roads

- A. Private Roads:
 - 1. Private roads shall be designed and constructed in accordance with the Private Road standards and specifications issued by the Benzie County Road Commission.

208 2. Private roads that will be constructed as part of a subdivision, site condominium,
209 cluster housing project or other private development shall comply with the Benzie
210 County Road Commission Standards and Specifications for Subdivisions, Site
211 Condominiums and Other Development Projects.

212

213 B. Public Roads:

214

215 1. Public roads that will be constructed as part of a subdivision, site condominium,
216 cluster housing project or other private development shall comply with the Benzie
217 County Road Commission Standards and Specifications for Subdivisions, Site
218 Condominiums and Other Development Projects.

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ARTICLE 10
ENVIRONMENTAL PROVISIONS

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10.1 Purpose

It is the intent of these regulations to protect the health, safety and welfare of the citizens and it is acknowledged that protection of the environment in which they live is crucial to attaining those objectives. This regulation further acknowledges that there are areas of Joyfield Township that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats, floodplain, slope erosion or other factors, and that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of Joyfield Township are directly linked and related to the natural environment of the area, it is recognized by this Article that in order to maintain sensitive areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation. It is further recognized that degradation of the environment can occur from other than tangible/physical degradation and that it is essential to provide environmental protection from intangible/non-physical degradation such as but not limited to emission and transmission of injurious, unnatural or annoying noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

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10.2 Regulation of Environmentally Sensitive Areas

All uses allowable in zoning districts of this Ordinance shall comply with the standards set forth in this section regulating the development of environmentally sensitive areas. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district.

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10.2.1 Environmentally Sensitive Areas

The protection of areas of environmental concern, such as wetlands, swamps, wetlands and steep slope areas must be considered in conjunction with development and must conform with the following regulations of federal, state, county and township agencies as applicable:

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- A. Wetlands
 - B. Steep Slopes
 - C. Public and Private Conserved Land
 - D. Migratory Bird Treaty Acts, Bald and Golden Eagle Acts, Endangered Species Acts and US Fish & Wildlife Acts and recommendations.

10.3 Provisions for the Protection of the Environment, Health, Safety and Overall Quality of Life for Joyfield Township

- A. Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein

49 established which are hereby determined to be the maximum permissible hazards to
50 humans or to human activity.
51

52 B. Community Noise Standard:

53 1. It shall be unlawful for any person or entity to make, maintain, or continue, or
54 cause to be made or continue excessive, unnecessary, unnatural, repeated,
55 prolonged or unusual noise which annoys, disturbs, injures, irritates, or impairs
56 the comfort, repose, health, or peace of another person.
57

58 2. It shall be unlawful for the owner of any premises within Joyfield Township, and
59 for the occupant or person in possession of any premises or lands within Joyfield
60 Township, and for the occupant or person in possession of any premises or
61 lands within Joyfield Township, whether individual, corporate, or otherwise, to
62 knowingly make, allow to be made, or to permit to be made upon the premises
63 so owned, occupied, or possessed, any excessive, unnecessary, unnatural,
64 repeated, prolonged or any noise which annoys, disturbs, injures, irritates, or
65 impairs the comfort, repose, health, or peace of another person, within the
66 limits of Joyfield Township.
67

68 3. Noise shall not exceed at the property line, the established outdoor background
69 sound level LA90 and 50 dba, (Residual Noise ANSI S12.9 Part I) between the
70 hours of 9p.m. and 7 a.m.
71

72 4. Specific Noises Prohibited: The following noises and acts are hereby declared
73 to be in violation of this Ordinance, said specification is not to be construed to
74 exclude other violations not enumerated:
75

76 a. Horns and Other Signaling Devices. The sounding of any horn or
77 signaling device on any automobile, motorcycle, boat, bus, truck, or any
78 other vehicle, except as a danger warning.
79

80 b. Radios, Televisions, Audio Equipment, and Musical Instruments. The
81 using, operating or permitting to be played, used or operated, any radio
82 receiving set, television receiving set, audio equipment, or musical
83 instrument, or any other such device for the production or reproduction
84 of sound, in such a manner as to unreasonably or unnecessarily irritate,
85 annoy, or disturb the peace, quiet, and comfort of the neighboring
86 inhabitants, or at any time at a volume unnecessary for the convenient
87 listening of the person or persons in the room, vehicle, or chamber in
88 which such machine or device is being operated, and who are
89 voluntarily listeners thereto. The operation of any such radio,
90 television, audio equipment, musical instrument, or any other machine
91 or device between the hours of nine o'clock (9:00) p.m. and nine o'clock
92 (9:00) a.m. in such a manner as to be plainly audible at the property line
93 or which is plainly audible in a dwelling unit other than in which it is
94 located, shall be prima facie evidence of a violation of this Section.
95

96 c. Exhaust Noises. The discharge into the open air of the exhaust of any

97 steam engine, stationary internal combustion engine, or any other form
98 of engine, whether in a boat, motor vehicle, motorcycle, off-road
99 vehicle, or tractor, except through a muffler or other device which
100 effectively prevents or reduces loud or explosive noises.

101
102 d. Construction, Repairing or Maintenance of Buildings or Yards. The
103 erection (including excavation), demolition, alteration or repair of any
104 building or structure other than between the hours of seven o'clock
105 (7:00) a.m. and nine o'clock (9:00) p.m. where such activity results in
106 the creation of unusually loud noise or noise that annoys, disturbs,
107 injures or impairs the comfort, repose, health, peace or safety of others
108 except in the case of urgent necessity in the public interest of the public
109 health and safety, for the duration of such emergency.

110
111 e. Business Operations And Other Premises Activities. The carrying on of
112 any business operations, or other activities upon any premises in such a
113 manner so as to create any excessive, unnecessary, unnatural, repeated,
114 prolonged or unusual noise which annoys, disturbs, injures, irritates, or
115 impairs the comfort, repose, health, or peace of another person.

116
117 f. The operation of any race track, proving grounds, testing area, or
118 obstacle course for vehicles, motorcycles, snowmobiles, boat racers,
119 automobiles, off-road vehicles, or vehicles of any kind or nature in
120 Joyfield Township where such noise emanating from the identified
121 vehicle would be unusually loud or continuous, unreasonably disturbing,
122 or upsetting to another person in that vicinity.

123
124 5. The noise prohibitions set out herein before shall not apply to the
125 following:

126
127 a. Any police vehicle, ambulance, fire engine, or other emergency vehicle
128 while engaged in necessary emergency activities.

129
130 b. Excavation or repair of bridges, streets, and highways on behalf of the
131 State of Michigan, Joyfield Township, of the County of Benzie, between
132 sundown and seven o'clock (7:00) a.m. when the public welfare, health,
133 safety or convenience renders it impossible to perform such work
134 during other hours.

135
136 c. Noises emitted from warning devices for the purpose of notifying
137 individuals or the public at large as authorized by law.

138
139 d. Normal agricultural (orchard or crop management) practices.

140
141 e. Agricultural processing in compliance with the Michigan Department of
142 Agriculture & Rural Development Generally Accepted Fruit, Vegetable,
143 Dairy, Meat and Grain Processing Practices for Noise and Odor (GAPPs)
144 according to the Michigan Agricultural Processing Act (1998 PA 381).

- 145
146 f. Livestock or other large animal operation in which the land is zoned for
147 including domestic pets which from time to time may communicate.
148
149 g. Noise emanating from the discharge of firearms.
150
151 h. Fireworks are permitted July 3-5th and December 31st between the dusk
152 and 1AM.
153

154 6. Permits for special events: Any person wishing to obtain a permit to increase
155 the noise level between the hours of 9 p.m. to midnight for special events shall
156 contact the zoning administrator for such permit. The Zoning Administrator
157 shall have the right to deny such permit. Allowed special events include
158 weddings, birthdays, graduation, festivals, reunions and other occasions of
159 celebration.
160

161 C. Environmental Reviews: The Joyfield Township Zoning Administrator shall review all
162 Special Land Use applications to determine if environmental studies are recommended.
163 The Planning Commission will review and collaborate as to the extent of the studies to
164 be performed. The Planning Commission may require, at the cost of the Applicant, a
165 third party Environmental Specialist who is acceptable to Joyfield Township to provide
166 an Environmental Assessment to determine the appropriate environmental studies for
167 the project. The Environmental Specialist shall identify and assess any potential
168 impacts on the natural environment and identify the appropriate studies to be required
169 prior to the permit being issued. The Environmental Specialist shall provide
170 recommendation for specific studies and methods to be followed. Environmental
171 studies may include but should not be limited to the following:
172

- 173 1. Environmental Impact Study.
174 2. One to Three Year Avian Impact Study including migration.
175 3. Identify nesting Eagles within 5 miles of the project.
176 4. Water Quality Impact Study.
177 5. Groundwater Impact Analysis.
178 6. Three year Bat Study.
179 8. Soil Erosion and Sedimentation Study.
180 9. Environmental Impact on Herring Lakes Watershed.
181 10. Identify all Sensitive Areas as defined in Section 2.2 within project footprint and
182 determine the potential impacts on these Sensitive Areas.
183

184 Applicants must comply with all Michigan DNR/DEQ requirements and regulations. The
185 Applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts
186 identified in the analysis, and shall show those measures on the site plan. If mitigation efforts
187 are required to minimize adverse impacts, the Applicant must obtain approval of the mitigation
188 plan from the Joyfield Township Zoning Administrator, the Planning Commission and their
189 Independent Environmental Consultant. The Applicant shall identify and evaluate the
190 significance of any net effects or concerns that will remain after mitigation efforts including, but
191 not limited to wildlife (birds, bats, etc.) wetlands and other fragile ecosystems, historical and
192 cultural sites, and antiquities following the guidelines.

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- D. Viewsheds: No tall structure shall be erected on a ridge or in a viewshed as defined in the Master Plan. No structure on a ridge line will be higher than the highest tree thus interrupting the natural view and nature of the ridge.

- E. All proceedings of the Planning Commission, Zoning Board of Appeals, and Township Board of Trustees shall be conducted, and all decisions shall be made with due consideration given to the above referenced environmental concerns. Maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

10.4 Exterior Lighting Regulations

The purpose of the exterior lighting regulations is to:

- 1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night.

 - 2. Curtail and reverse any degradation of the nighttime visual environment and the night sky.

 - 3. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

 - 4. Conserve energy and resources to the greatest extent possible.

 - 5. Help protect the natural environment from the damaging effects of night lighting.
- B. Requirements:
- 1. Exterior lighting is required to use either a or b noted below:
 - a. All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.

 - b. Baffles or shields shall be required as needed so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed above a horizontal plane passing through the fixture, and also so that vehicular and pedestrian traffic are protected from unnecessary and dangerous glare and from the intense light of directly visible light sources.

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2. Exterior lighting installed after the effective date of this ordinance shall have the Fixture Seal of Approval (FSA) for dark sky friendly light fixtures as certified by the International Dark Sky Association. FSA compliant fixture can be referenced at www.darksky.org/outdoorlighting-29.
 3. Exterior light fixtures shall be energized only when necessary by means of automatic timing devices and through the use of motion detection devices on security lighting.
 4. Sodium light sources or LED (“warm-white”) shall be used for street lighting, parking lot lighting, and for security lighting when such security lighting is not to be energized by motion detection devices. Where feasible, low-pressure sodium lighting is to be encouraged.
 5. Floodlights shall be directed downward, shielded as necessary so that the light source is not visible from roads or adjacent property, and located and directed so that light is neither unnecessarily reflected onto adjacent property or into the night sky.
 6. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan to meet the requirements and comply with the intent of this Article.
 7. Billboard signs, if permitted, shall not be illuminated externally or internally.
 8. Advertising signs shall not be illuminated between one (1) hour after the close of business and one (1) hour before the opening of business on the following day except by special permission granted as a condition of site plan approval. All fixtures or circuits illuminating advertising sights shall be equipped with automatic timing device.
 9. Back-lit and internally illuminated signs in the Commercial District (C) shall not cause excessive glare, and light emitted from such signs shall not encroach onto surrounding properties.
 10. Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.
 11. All parking lots shall be illuminated only when in use during regular business hours and thereafter only until the public and employees have left the premises. Approved security lighting will be permitted.
 12. Entrance and traffic marker lights along access roads and drives, in parking lots and along pedestrian ways shall be sodium type and equipped with full cut-off shielding, as well as shielding to keep the light source out of view of vehicular and pedestrian traffic.
 13. Outdoor display areas including display or storage lots may be illuminated during the hours the business is open to the public or until 11:00 p.m. Metal halide light sources may be used provided such fixtures are equipped with full cut-off shielding and project only the minimum amount of light necessary for good visibility.
 14. Lighting of building facades shall be from the top and directed downward with full cut-off shielding and additional shielding to keep the light source from the view of vehicular and pedestrian traffic and adjacent property.
 15. Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.
 16. Limit the type of LED light to a “warm-white” or filtered LEDs’s (with a Correlated Color Temperature – CCT lower than 3,000K) to minimize blue emissions.
 17. LED rope lights, or lighting that flashes or scrolls are prohibited.

- 289 18. Electronic message boards, of any type, are prohibited.
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291 C. Approved Materials: The provisions of this Article are not intended to prevent the use of
292 any design, material or method of installation, even if not specifically prescribed by this
293 Article, provided that such alternate has been approved by the Planning Commission and
294 meets or exceeds the Illuminating Engineers Society (IES) standards and has the Fixture
295 Seal of Approval (FSA) from the International Dark Sky Association.
296
297 D. Exemptions: The following uses and activities shall be exempt from these Exterior
298 Lighting Regulations:
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300 1. Lighting in swimming pools and other water features governed by Article 680 of
301 the National Electrical Code.
302
303 2. Exit signs and other illumination required by building codes.
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305 3. Lighting for stairs and ramps, as required by the building code.
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307 4. On-premise signs are regulated by the sign code, but all sign lighting is
308 recommended to be fully shielded.
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310 5. Holiday and temporary lighting (less than thirty days' use in any one year).
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312 6. Football, baseball, and softball field lighting; only with permit from Joyfield
313 Township recognizing that steps have been taken to minimize glare and light
314 trespass, and utilize sensible curfews.
315
316 7. Low voltage landscape lighting, but such lighting should be shielded in such a
317 way as to eliminate glare and light trespass.
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319 **10.5 Use, Storage and Handling of Hazardous Substances**

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321 A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute,
322 impair or destroy the air, water, soils or other natural resources within the Township
323 through the use, storage and handling of hazardous substances and/or wastes or the
324 storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
325
326 B. Any person, firm, corporation or other legal entity operating a business or conducting an
327 activity which uses, stores or generates hazardous substances shall obtain the
328 appropriate permits or approval from the State of Michigan, and/or other designated
329 enforcing agencies.
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331 C. Any person, firm, corporation or other legal entity operating a business or conducting an
332 activity which uses, stores or generates hazardous substances or petroleum products
333 shall complete a Hazardous Chemicals Survey and a Pollution Incidence Protection Plan
334 (PIPP) in conjunction with the following:
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336 1. Upon submission of a site plan.

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2. Upon any change of use or occupancy of a structure or premise
 3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- D. All businesses and facilities which use, store, or generate hazardous substances must comply with the guidelines in Fire Marshall Bulletin-9. Compliance guidelines may include the following:
1. Firefighters Right-to-Know
 2. MIOSHA Hazardous Waste Operations and Emergency Responses (HAZWOPER)
 3. Superfund Amendments and Reauthorization Act (SARA) Title III

Article 11
SITE PLAN AND PLOT PLANS

11.1 Purpose

It is the purpose of this Article to specify standards, data requirements and the review process which shall be followed in the preparation of site plans, plot plans, and Special Land Uses as required by this Zoning Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as commercial, industrial and multiple-family developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments such as single family and two (2)-family dwellings.

11.2 Approval of Site Plan or Plot Plan Required

- A. Site plan approval is required by the Joyfield Township Planning Commission, prior to the issuance of a Land Use Compliance Permit, unless required otherwise by this Zoning Ordinance, for the following uses:
 - 1. All uses permitted by right within any commercial district.
 - 2. All uses for which this Zoning Ordinance requires at least three (3) or more off-street parking spaces.
 - 3. All Special Land Uses.
 - 4. Multiple-family developments.
- B. Prior to the issuance of a Land Use Compliance Permit, plot plan approval is required by the Joyfield Township Zoning Administrator for all other uses not listed above. The Commission shall review such plans in accordance with the same procedures, requirements and standards used by the Municipality as specified in this Article.

11.3 Optional Sketch Plan Review

Prior to submitting an application, or site plan, for a land use permit an applicant may choose to submit a sketch plan for review by the Zoning Administrator and/or the Joyfield Township Planning Commission. The sketch plan may be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed structures, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting and type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

11.4 Site Plan Review

Site plan review shall be undertaken by the Joyfield Township Planning Commission in accordance with the following requirements and procedures set forth in this Article.

11.5 Required Data for Site Plan

49 A. Each site plan as may be required by this Zoning Ordinance shall be provided on a
50 professional quality drawing of scale not less than one (1) inch equals one hundred (100)
51 feet. All information depicted shall be designed and sealed by an engineer, architect or
52 landscape architect licensed in Michigan. In addition to the applicant's full name(s),
53 address(es) and phone number(s), cell phone number, e-mail address, the following
54 data shall be submitted with applications for zoning permits for uses requiring a site
55 plan:

56
57 1. A survey showing property dimensions and legal description, including angles,
58 lot area and dimensions and an arrow pointing north.

59
60 2. A project description, including the total number of structures, units, bedrooms,
61 offices, square feet, total and usable floor area, carports or garages, employees
62 by shift, amount of recreational and open space, type of recreation facilities to
63 be provided and related information as pertinent or otherwise required by this
64 Zoning Ordinance.

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66 3. A plan showing the location of all buildings and structures existing and proposed
67 on the site including building elevation drawings and all of the following listed
68 items:

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70 a. The natural features such as woodlands, streams, flood plains, drains,
71 ponds, topography (at two (2) foot intervals on-site and within one
72 hundred fifty (150) feet of the site) and man-made features such as
73 existing roads and structures, with indication as to which are to be
74 retained and which are to be removed or altered.

75
76 b. The existing public rights-of-way, private easements, private places of
77 record and deed restrictions.

78
79 c. The proposed streets and alleys, including cross-sections, acceleration,
80 deceleration or right-turn lanes, driveways, parking spaces and
81 sidewalks with indication of the direction of travel and the inside radii of
82 all curves including driveway curb returns. The width of streets,
83 driveways and sidewalks, the total number of parking spaces, the
84 dimensions of a typical individual parking space and associated aisles.
85 Proposed traffic control measures including signs and proposed street
86 or road names shall also be indicated.

87
88 d. A vicinity sketch showing the location of the site in relation to the
89 surrounding street system and other land uses within three hundred
90 (300) feet in every direction of the proposed use including land uses on
91 the opposite side of any public street.

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93 e. The location of utilities, water supply and the location and design of
94 waste water systems as well as any easements that exist or are
95 proposed to be established for installation, repair and maintenance of
96 utilities.

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- f. The proposed location of trash receptacles, accessory buildings and uses and signs.
- g. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing and lighting in compliance with the requirements of this Zoning Ordinance. Also, the plan must include the proposed locations of common open spaces, if applicable.
- h. A storm drainage and storm water management plan for all streets and impervious surfaces.
- i. The location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials as well as any containment structures or clear zones required by government authorities.
- j. The location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
- k. A statement from the applicant identifying all Federal, State and local permits required, if any.
- l. Such other information and/or assessments as necessary to enable the Municipality to determine whether the proposed site plan will conform to the provisions of this Zoning Ordinance.

11.6 Required Data for Plot Plans

- A. The following data shall be submitted with applications for zoning and/or land use permits for uses requiring a plot plan:
 - 1. An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair and demolitions as determined by the Joyfield Township Planning Commission. The Commission may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit or for information to be submitted to the Board of Zoning Appeals in order to make a decision on an appeal or request for Zoning Ordinance interpretation or variance:
 - a. Name, address and telephone number of the applicant(s) (and owner(s) if different).
 - b. The location, shape, area and dimension of the lot.

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- c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered or moved on the lot.
 - d. A description of proposed use of the building(s), land or structures.
 - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
 - f. The yard, open space, parking lot and space dimensions and number of spaces.
 - g. A vicinity sketch showing the location of the site in relation to the surrounding street system and adjacent land uses within five hundred (500) feet in every direction including on the opposite side of any public street.
 - h. Location of any septic system or drain field and well.
 - i. Configuration of the driveway and parking.
 - j. Drains and site drainage patterns.
 - k. Existing public rights-of-way or easements.
 - l. All public utilities.
 - m. Any other information deemed necessary by the Joyfield Township Planning Commission to determine and provide for the enforcement of this Zoning Ordinance.

176 **11.7 Required Data for a Site Plan Involving Special Groundwater Protection**
177 **Provisions**

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- A. All businesses and facilities which use or generate hazardous substances except:
 - 1. Fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor.
 - 2. Materials in a five (5) gallon, or smaller, pre-packaged sealed containers for purposes of resale and located inside a retail establishment.
 - B. In addition to all the data required for a Site Plan, the following shall also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.

- 193 2. Location of all underground and above ground storage tanks for such uses as
194 fuel storage, waste oil holding tanks, chemical storage, hazardous waste
195 storage, collection of contaminated storm water or wash water, and all similar
196 uses.
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- 198 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch
199 basins; retention/detention areas; sumps and other facilities designed to collect,
200 store or transport storm water or wastewater. The point of discharge for all
201 drains and pipes shall be specified on the site plan.
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- 203 4. Location of all water wells on the site and within one hundred and fifty (150)
204 feet surrounding the parcels property boundaries.
205
- 206 5. Delineation of areas on the parcel which are known or suspected to be
207 contaminated, together with a report on the status of site cleanup.
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209 **11.8 Submittal and Distribution of Site Plans**

210 At least twelve (12) copies of the application and Site Plan shall be submitted to the Joyfield Township
211 Planning Commission at least twenty (20) days prior to the Commission's regularly scheduled meeting.
212 Two (2) copies of the Site Plan drawings shall be on twenty-four inch by thirty-six inch (24" x 36") paper
213 drawn in a scale of one (1) inch equals forty (40) feet. Ten (10) copies shall be on eleven inch by
214 seventeen inch (11" x 17") paper reduced from original drawing. In addition, all site plans and
215 documents shall be submitted on a compact disk or memory stick in pdf format. The Zoning
216 Administrator shall review the application and Site Plans for completeness and if such application or
217 plans are not complete, the plans shall be returned to the applicant with a written notice identifying the
218 plans' inadequacies. Upon receipt of an adequately completed application and plans, the Zoning
219 Administrator shall record the date of their receipt.
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221 **11.9 Completeness of the Site Plan Application**

222 The Joyfield Township Planning Commission shall review the application and plans and determine their
223 conformity with the applicable provisions of this Zoning Ordinance. The Commission may, at its
224 discretion, delay deliberating upon a Site Plan at its next regularly scheduled or special meeting unless
225 the site plan and all supporting documents, including a zoning permit application form and escrow
226 payment, have been received by Joyfield Township at least seven (7) business days prior to such
227 meeting.
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229 **11.10 Joyfield Township Planning Commission Review and Action**

230 After conducting a review, the Joyfield Township Planning Commission shall reject, approve or
231 conditionally approve the Site Plan as it pertains to requirements and standards contained in the Zoning
232 Ordinance. Any conditions required by the Commission for approval shall be stated in writing, together
233 with the reasons and delivered to the applicant. Decisions and recommendations by the Commission
234 shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of
235 the Joyfield Township Planning Commission, an extension of time is necessary to adequately collect and
236 review information pertinent to a decision or recommendation. A Site Plan shall be approved by the
237 Commission if it contains the information required by and is in compliance with this Zoning Ordinance,
238 the conditions imposed pursuant to the Zoning Ordinance, other planning documents, other applicable
239 Codes and County, State and Federal laws and statutes.
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241 **11.11 Approved Site Plans**

242 Three (3) copies of the approved Site Plan, with any conditions required shall be maintained as part of
243 the Joyfield Township Planning Commission’s records for future review and enforcement. One (1) copy
244 shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the
245 Chair and Secretary of the Joyfield Township Planning Commission. If any variances from the Zoning
246 Ordinance have been obtained from the Board of Zoning Appeals, the minutes concerning the variances,
247 duly signed, shall also be filed with the Commission's records as a part of the site plan and delivered to
248 the applicant for information and direction.

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250 **11.12 Site Plan Approval Criteria**

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252 A. Each Site Plan shall conform to the applicable provisions of this Zoning Ordinance and
253 the criteria listed below in addition to any conditions imposed by the Joyfield Township
254 Planning Commission:

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256 1. All elements of the Site Plan shall be harmoniously and efficiently organized in
257 relation to topography, the size and type of lot, the character of adjoining
258 property and the type and size of buildings. The site shall be so developed as not
259 to impede the normal and orderly development or improvement of surrounding
260 property for uses permitted in this Zoning Ordinance.

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262 2. The landscape shall be preserved in its natural state, insofar as practical, by
263 minimizing tree, other vegetative material and soil removal and by topographic
264 modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and allow for the
265 appropriate blending of the Site Plan with the surrounding community and in
266 the case of parking lots, provide directional guidance to drivers. Landscaping,
267 buffering and screening shall conform to the requirements of this Zoning
268 Ordinance.

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271 3. Special attention shall be given to proper site drainage so that removal of storm
272 waters will not increase off-site sedimentation or otherwise adversely affect
273 neighboring properties, Herring Lakes or its tributaries.

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275 4. The Site Plan shall provide reasonable, visual and sound privacy for all dwelling
276 units located therein. Special attention shall be given to ensure the peaceful
277 surroundings of any nearby dwellings or other types of communities so as to
278 lend continuity and that adequate natural light that may be currently enjoyed
279 and continued to be enjoyed by the surrounding structures. Fences, walks,
280 barriers and landscaping shall be used, as appropriate, for the protection and
281 enhancement of property and for the privacy of its occupants.

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283 5. All buildings or groups of buildings shall be so arranged as to permit emergency
284 vehicle access by some practical means to all sides. This review shall be
285 conducted by the Fire Department Fire Marshall.

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287 6. Every structure or dwelling unit shall have access to a public street, private
288 easement, private place, walkway or other area dedicated to common use.

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7. A pedestrian circulation system shall be provided which is insulated as completely as reasonably possible from the vehicular circulation system.
8. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing, twinkling or intermittent lights shall not be permitted.
9. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the Benzie County Road Commission.
10. All roads dedicated to public use shall be developed in accordance with Benzie County Road Commission specifications.
11. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at ingress and egress points to intersecting roads, including the use of service drives as appropriate and minimize the negative visual impact of such parking areas.
12. Residential and nonresidential development shall not include unnecessary curb cuts and commercial service drives shall be used where the opportunity exists.
13. The Site Plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
14. Site Plans shall conform to all applicable requirements of State and Federal statutes (i.e. Soil and Sedimentation Control, Wetlands, Critical Dunes, High Risk Erosion, etc.) and approval may be conditioned on the applicant receiving necessary State and Federal permits before the Site Plan approval is granted.
15. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers or wetlands.
 - b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.

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- c. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

11.13 Conformity to Approved Site Plans

Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received approval from the body which had approved the original site plan. If construction and development does not conform with such approved plans, the approval and associated permits shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

11.14 Amendment to a Site Plan

No changes shall be made to an approved Site Plan prior to or during construction except where the Joyfield Township Planning Commission and applicant mutually agree according to the following procedures:

- A. Minor Changes: Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas or exterior building and structure walls; adjustment of utilities; and similar minor changes as may be approved by Joyfield Township.

- B. Major Changes: Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Joyfield Township Planning Commission, or in the case of a Planned Unit Development project, in the same manner as the original application was submitted, reviewed and approved and subject to the finding of all of the following:
 - 1. Such changes will not adversely affect the initial basis for granting approval;
 - 2. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - 3. Such changes shall not result in the reduction of open space area as required herein.

11.15 Amendments to a Plot Plan

The Zoning Administrator shall review proposed changes to an approved plot plan in accordance with the same procedures, requirements and standards used by the Joyfield Township Planning Commission. Joyfield Township Zoning Administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan. Minor changes of an

385 approved final site plan may be incorporated without amendment to the approved preliminary site plan
386 at the discretion of the Planning Commission.

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388 **11.16 Review Fees and Security Requirement**

389 If the Planning Commission or Zoning Board of Appeals determines that the zoning fees will not cover
390 the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of
391 Appeals determines that review of the application and/or participation in the review process or appeal
392 by qualified professional planners, engineers, attorneys or other professionals is necessary, then the
393 applicant shall deposit with the Township Treasurer such additional zoning fees in an amount
394 determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional
395 costs.

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397 The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay
398 these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial
399 escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the
400 application or decision on the appeal is not completed, then the Planning Commission or Zoning Board
401 of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by
402 the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the
403 review or decide the appeal.

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405 Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to
406 make the application incomplete or the appeal procedurally defective thereby justifying the denial of
407 the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned
408 to the applicant following final action on the application or the final decision on the appeal. Any actual
409 costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant
410 and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on
411 an appeal.

Article 12
NONCONFORMING USES

12.1 Purpose

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed consistent with the provisions in the Michigan Zoning Enabling Act, Act 110 of 2006; MCL 125.3208.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance, to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

12.2 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

12.3 Nonconforming 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:

- 460
461 A. No such structure may be enlarged, or altered in a way which increases its nonconformity.
462
463 B. Should such structure be intentionally moved for any reason for any distance whatever, it
464 shall thereafter conform to the regulations for the district in which it is located after it is
465 removed.
466
467 C. If a nonconforming structure is destroyed by natural causes or methods not initiated by the
468 property owner, such structure may be rebuilt as it existed at the time of passage or
469 amendment of this Ordinance.
470

471 **12.4 Nonconforming Uses of Structures and Land**

472 If a lawful use of a structure, or of structure and land in combination, exists at the effective date of
473 adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains
474 otherwise lawful, subject to the following provisions:
475

- 476 A. No existing structure devoted to a use not permitted by this Ordinance in the district in
477 which it is located shall be enlarged, extended, constructed, reconstructed, moved or
478 structurally altered except in changing the use of the structure to a use permitted in the
479 district in which it is located.
480
481 B. Any nonconforming use may be extended throughout any parts of a building which were
482 manifestly arranged or designed for such use, and which existed at the time of adoption
483 or amendment of this Ordinance, but no such use shall be extended to occupy any land
484 outside such building.
485
486 C. Any structure, or structure and land in combination, in or on which a nonconforming use
487 is superseded by a permitted use, shall thereafter conform to the regulations for the
488 district in which such structure is located, and the nonconforming use may not
489 thereafter be resumed.
490
491 D. Where nonconforming use status applies to a structure and land in combination,
492 removal or destruction of the structure shall eliminate the nonconforming status of the
493 land.
494

495 **12.5 Repairs and Maintenance**

496 On any building devoted in whole or in part to any nonconforming use, work may be done in any period
497 of twelve (12) consecutive months on ordinary repairs, or on repair replacement of nonbearing walls,
498 fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of
499 passage or amendment of this Ordinance, shall not be increased. Nothing in this Ordinance shall be
500 deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof
501 declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
502

503 **12.6 Change of Tenancy or Ownership**

504 There may be a change of tenancy, ownership or management of any existing nonconforming uses of
505 land structures, and premises provided there is no change in the nature or character of such
506 nonconforming uses except in conformity with the provisions of this Ordinance.

ARTICLE 13
ZONING BOARD OF APPEALS

13.1 Purpose & Scope

It is the purpose of this Article to create a Zoning Board of Appeals, to establish its responsibilities and to establish standards for its operation.

13.2 Creation of Board of Appeals

- A. Establishment: There is hereby established a Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Board of Appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.
- B. Membership, term of office of the Board of Appeals:
 - 1. The Board of Appeals shall consist of not less than three (3) and not more than seven (7) members who shall be appointed and shall serve in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 - 2. The membership of the Board of Appeals shall be as representative as possible to include the greatest and most varied available expertise. One member of the Board of Appeals shall be a member of Joyfield Township Planning Commission.
- C. Powers: The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end, shall have all the powers of the office or body from whom the appeal was taken, and may issue or direct the issuance of a permit. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order that there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance.
- D. Members of the Board of Appeals shall be removable by Joyfield Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- E. The term of office of each member shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration of the terms of members appointed from the electorate shall be adjusted so that all do not expire at the same time. A successor shall be appointed not more than one (1) month after the term of the preceding

49 member has expired. All vacancies for unexpired terms shall be filled for the
50 remainder of the term.
51

52 **13.3 Rules, Limits on Authority of the Board of Appeals and Use Variance**

- 53
- 54 A. The Board of Appeals shall establish rules of procedure or by-laws to govern its
55 procedures. The Board shall choose its own chairman, and in his or her absence, an
56 acting chairman who may administer oaths and compel the attendance of witnesses.
57
- 58 B. The concurring vote of a majority of the members of the Board of Appeals shall be
59 necessary to reverse an order, requirement, decision or determination of the
60 administrative official or body, or to decide in favor of the applicant any matter upon
61 which they are required to pass or to effect any variation under this Ordinance.
62
- 63 C. The Joyfield Township Board of Appeals shall not have the power to alter or change the
64 zoning district classification of any property, nor to make any change in the terms or
65 intent of this Ordinance; these powers are reserved to the governing body.
66

67 **13.4 Zoning Appeals**

68

69 The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an
70 error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any
71 other official in administering or enforcing any provisions of this Ordinance. The procedure for
72 appealing to the Zoning Board of Appeals, or requesting a variance, ordinance interpretation or filing
73 any other request is as follows:
74

- 75 A. The appeal shall be taken within such time as prescribed by the rules or by-laws of the
76 Zoning Board of Appeals.
77
- 78 B. A fee, prescribed by Joyfield Township Board, shall be submitted to the Zoning
79 Administrator at the time of the filing of the application form.
80
- 81 C. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an
82 officer, department, board, agency, or bureau of Joyfield Township, county, state,
83 federal, or other legally constituted form of government.
84
- 85 D. The person, firm, agent, or attorney thereof making the appeal shall file by completing
86 and signing the application form provided by Joyfield Township.
87
- 88 E. All persons shall file a written statement signed by the principal stating the agent's right
89 to act upon their behalf.
90
- 91 F. A completed application form shall be submitted to the Zoning Administrator. The
92 application shall state the reasons for the appeal and the order or ruling appealed.
93 When applicable, the legal description of the property involved shall be stated in the
94 notice of appeal. Before the application is processed, the fees shall be collected. If the
95 Zoning Administrator determines that the application does not fully comply with the
96 submittal requirements, the application and fee shall be returned to the applicant. If the

97 application is approved, the Zoning Administrator shall forthwith transmit to the
98 recording secretary for the Zoning Board of Appeals the application and all papers
99 constituting the record from which the appeal was taken.

- 100
- 101 G. An appeal stays all proceedings in furtherance of the action appealed unless the officer
102 from whom the appeal is taken certifies to the Board of Appeals that by reason of facts
103 stated in the appeal application, a stay would in his or her opinion cause imminent peril
104 to life and property.
- 105
- 106 H. When a properly executed application form has been filed, the recording secretary,
107 upon consultation with the chairman for the Zoning Board of Appeals, shall schedule the
108 matter for a public hearing.
- 109
- 110 I. Notice of the public hearing shall be provided per Section 103 of Public Act 110 of 2006.
- 111
- 112 J. Following the public hearing, the Board of Appeals shall return a decision on a case in a
113 timely manner, or if time frames are included within its rules of procedure, then within
114 the time specified in the rules of procedure.
- 115
- 116 K. No Land Use Compliance Permit shall be issued by the Zoning Administrator based on a
117 decision of the Board of Appeals before eight (8) days have expired.
- 118

119 **13.5 Variances**

120

121 The Board of Appeals shall have the power to authorize, upon appeal, a dimensional non-use variance
122 from requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty",
123 by demonstrating as follows:

124

- 125 A. That strict compliance with the Ordinance would unreasonably prevent the owner from
126 using the property for a permitted purpose, or would render conformity with such
127 restrictions unnecessarily burdensome.
- 128
- 129 B. That the problem is due to a unique circumstance of the property.
- 130
- 131 C. That the specific conditions relating to the property are not so general or recurrent in
132 nature, in the zoning district, so as to require an amendment to the zoning ordinance,
133 instead of a variance.
- 134
- 135 D. The property problem was not created by the action of the applicant.
- 136
- 137 E. That the granting of the variance will not cause a substantial adverse effect upon
138 property values in the immediate vicinity, or in the district in which the property of the
139 applicant is located.
- 140
- 141 F. That the requested variance will relate only to the property under the control of the
142 applicant.
- 143
- 144 G. That the non-conforming dimensions of other lands, structures, or buildings in the same

- 145 zoning district shall not be considered grounds for the issuance of a variance.
146
147 H. That the variance is the minimum variance that will make possible the reasonable use of
148 the land, building or structure in the zoning district in which it is located.
149
150 I. That the proposed use of the premises is in accord with the Zoning Ordinance.
151
152 J. That the variance would do substantial justice to the applicant as well as to other
153 property owners in the district.
154
155 K. That the granting of the variance will ensure that the spirit of the ordinance is observed,
156 public safety secured and substantial justice applied.
157
158 L. That the requested variance shall not amend the permitted uses of the zoning district in
159 which it is located.
160

161 **13.6 Special Rules for Variances**

162

163 The following rules shall be applied in the granting of a variance:
164

- 165 A. The Zoning Board of Appeals shall specify, in writing, such conditions regarding the
166 character, location, and other features which will, in its judgment, secure the objectives
167 and intent of this Ordinance, provided there is an applicable standard in this Ordinance
168 to serve as the basis for such condition. The breach of such condition shall
169 automatically invalidate the permit granted.
170
171 B. Each variance granted under the provisions of this Ordinance shall become null and void
172 unless the construction authorized has been commenced within one (1) year after the
173 hearing date when the variance was granted.
174

175 **13.7 Interpretation and Other Powers**

176

177 The Board of Appeals shall have the power to:
178

- 179 A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out
180 the intent and purpose of this Ordinance.
181
182 B. Determine the precise location of the boundary lines between zoning districts.
183
184 C. Classify a use which is not specifically mentioned as part of the use regulations of any
185 zoning district so that it conforms to a comparable permitted or prohibited use, in
186 accordance with the purpose and intent of each district. The classification of the
187 unmentioned use does not automatically permit the use, it only identifies the district in
188 which it may be located and the zoning regulations with which it must conform.
189
190 D. Determine the signage, landscaping, buffering, off-street parking and loading space
191 requirements of any use not specifically mentioned in this Ordinance, by applying the
192 most comparable provisions for other similar uses.

193
194 When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article II,
195 the meaning of all the relevant sections in the Ordinance, past decisions of the Board of Appeals on
196 similar matters, research and any conclusions by the Zoning Administrator, consultant or attorney paid
197 by Joyfield Township, and shall make a decision on the narrowest grounds feasible so as not to upset the
198 meaning and application of this Ordinance.

199
200 **13.8 Determination of a Lot of Record**

201
202 The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with
203 the following procedure:

204
205 A. Upon application of any person claiming to be the owner of the legal or equitable title to
206 a parcel of land which was the subject to a deed or land contract, not recorded in the
207 Office of the Register of Deeds on the effective date of this Ordinance, the Board of
208 Appeals is authorized to conduct a hearing to determine whether a variance should be
209 granted to such owner entitling him to have the parcel treated as a "lot of record" as
210 provided for in this Ordinance.

211
212 B. The Board shall grant said variance when it finds by a preponderance of the evidence
213 that the instrument purporting to transfer title to the parcel of said owner was executed
214 prior to the effective date of this Ordinance. In making its determination, the Board is
215 authorized to consider all matters it deems relevant, including but not limited to, the tax
216 roll of Joyfield Township, the relationship of the parties to the purported transfer, the
217 degree of formality of the purported document of transfer, and the testimony of the
218 applicant and his witnesses.

219
220 C. Such a determination shall have only the effect of equating such an owner with the
221 owner of a lot of record and shall not relieve such owner from complying with the other
222 requirements set forth in this Ordinance.

223
224 **13.9 Nonconformity Appeals**

225
226 Nonconforming buildings or structures may be structurally changed, altered, or enlarged upon appeal in
227 cases of hardship or other extenuating circumstances, and when approval of said appeal will not have an
228 adverse effect on surrounding property, and when consistent with the requirements of this Ordinance.

229
230 **13.10 Findings of Fact**

231
232 A. The Board of Appeals shall grant no variance or make any determination on an appeal,
233 ordinance interpretation or other issue requested of it unless the Board records specific findings of fact
234 based directly on the particular evidence presented to it. These findings of fact must support
235 conclusions that the standards imposed by the requirements of this Ordinance have been met.

236
237 B. Said findings of fact shall include, but not be limited to the following information:
238 1. How the application of the Zoning Ordinance creates unnecessary hardship or
239 practical difficulty in the use of petitioner's property.
240 2. Identify the unique physical circumstances or conditions or exceptional

- 241 topography that create practical difficulties.
- 242 3. Specific findings (characteristics of the land) showing that because of physical
- 243 circumstances or conditions there is no possibility that the property can be
- 244 developed in strict conformity with the provisions of the Zoning Ordinance.
- 245 4. That the authorization of a variance is, therefore, necessary to enable the
- 246 reasonable use of the property and that the condition is specific to this property
- 247 and not general to other properties in the area.
- 248 5. Finding that the practical difficulty was not created by the appellant and is
- 249 related only to property that is owned or occupied by the appellant.
- 250 6. A statement of the impacts of the variance if authorized, the property values,
- 251 use and enjoyment of the property in the neighborhood or district, and on the
- 252 public health, safety and welfare.
- 253 7. The proposed variance does not permit the establishment of any use which is
- 254 not permitted by right within the district or any use or dimensional variance for
- 255 which a Special Use Permit is necessary.
- 256 8. Findings on whether the proposed development complies with the
- 257 requirements, standards or procedures given in the Zoning Ordinance or an
- 258 interpretation of the disputed ordinance provisions, if applicable.
- 259 9. Findings on any error in judgment or procedure in the administration of the
- 260 relevant zoning provisions.
- 261 10. The possible precedents or affects which might result from the approval or
- 262 denial or the appeal.
- 263 11. Findings on the impact if the appeal is approved, on the ability of Joyfield
- 264 Township or other governmental agency to provide adequate public services
- 265 and facilities and/or programs that might reasonably require in the future if the
- 266 appeal is approved.
- 267

268 **13.11 Burden of Proof in Appeals and Variances**

269

270 When an appeal is taken to the Board of Appeals, the applicant shall have the burden of presenting to

271 the Board sufficient evidence and argument to justify the requested order or decision.

272

273 **13.12 Re-Applications and Re-hearings**

274

275 Any request for reapplication or rehearing shall be made within eight (8) days of the meeting at which

276 the original decision was made. If the Board of Appeals votes to consider a reapplication or to grant a

277 rehearing, the Board shall then, at the same hearing, proceed with the appeal, variance or interpretation

278 without charging the applicant a second fee.

279

280 **13.13 Bond Authorized**

281

282 In authorizing any variance, the Board of Appeals may require that a bond or other performance

283 guarantee be furnished to insure compliance with the requirements, specifications and conditions

284 imposed with the granting of a variance.

Article 14
ADMINISTRATION AND ENFORCEMENT

14.1 Enforcement

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of this department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

14.2 Duties of Zoning Administrator

The Zoning Administrator shall have the power to administer and enforce all provisions of this Ordinance and shall have the power to grant land use permits, and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 12.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

14.3 Land Use Compliance Permits

The following shall apply in the issuance of any land use compliance permit:

- A. Permits Not to be Issued: No land use permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- B. Permits for New Use of Land: No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a land use permit is first obtained for the new or different use.
- C. Permits for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a land use permit is first obtained for the new or different use.
- D. Permits Required for the Erection, Alteration or Repair of Buildings: No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a land use permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by State Construction Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
- E. Permits for Wrecking Buildings: Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities

49 having service connections within the building such as water, electric, gas, sewer, and
50 other connections. A permit to wreck a building shall not be issued unless a release is
51 obtained from the utilities stating that their respective service connections and
52 appurtenant equipment, such as meters and regulators, have been removed and/or
53 sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report
54 has been received from the public utility companies concerned, that said wrecking
55 operations may be accomplished in such a manner as not to create a hazardous
56 condition as a result of the proximity of such public utility installations.
57

- 58 1. The wrecking company and the person who secures the permit for the razing of
59 the structure, will be held responsible for the compliance with these regulations
60 and other laws and ordinances covering this subject. They will also be held
61 responsible and liable for the acts of subcontractors or other persons who do
62 any work of removal or destruction in the wrecking of the building. The
63 methods to be used in wrecking shall not involve undue hazards to the public or
64 unnecessary danger to the workmen and shall be in accordance with good
65 practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable,
66 and other similar mechanical devices shall not be used to wreck buildings or
67 structures except in individual cases wherein detailed plans and proposed
68 procedures are submitted with the application for wrecking permit and are
69 approved by the building official. Suitable provision shall be made for the
70 disposal of materials which are accumulated during the wrecking operations. No
71 part of the structure shall be overloaded by excessive storage of materials or
72 debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial,
73 and safe for the purpose for which they are intended. Materials, which in their
74 removal, would cause an excessive amount of dust, shall be well wet down to
75 prevent the creation of a nuisance. No open fires or other sources of flame
76 except necessary cutting torches will be permitted on the inside of the building
77 which is being wrecked, and may not be in close proximity to flammable
78 materials outside of the building. Every precaution shall be taken to prevent
79 the possibility of fire.
80
- 81 2. Blasting and use of explosives shall be done only by a person licensed by the
82 State of Michigan and approved by the Fire Marshall and Zoning Administrator
83 to perform such work and notification shall be given to Joyfield Township and
84 surrounding property owners within three hundred (300) feet of the site and
85 within five (5) calendar days of the work.
86
- 87 3. The requirements of this section are designated as the minimum necessary for
88 average conditions and, in the case of unusual or dangerous situations,
89 adequate provision shall be made and every precaution taken to protect the
90 safety of the public and workmen. All abandoned basements or cellars and
91 holes shall be filled to grade, and all excess materials, rubbish, and debris shall
92 not be permitted to remain on the premises above grade. The Fire Department
93 shall be notified before removing standpipes, sprinklers, or fire protection water
94 supplies.
95

96 F. Expiration of Land Use Permit: If the work described in any land use permit has not begun
97 within twelve (12) months from the date of issuance thereof, said permit shall expire; it shall
98 be canceled by the Zoning Administrator, and written notice thereof shall be given to the
99 persons affected. If the work described in any land use permit has not been substantially
100 completed within two (2) years of the date of issuance thereof, said permit shall expire and
101 be canceled by the Zoning Administrator, and written notice thereof shall be given to the
102 persons affected, together with notice that further work, as described in the canceled
103 permit, shall not proceed unless, and until, a new land use permit has been obtained.
104

105 G. Timing of Permits
106

- 107 1. The Zoning Administrator or appropriate governing body has the power to
108 require a permit to be obtained on a prompt basis.
109
- 110 2. The Zoning Administrator or appropriate governing body may require
111 construction to commence within a specified date from the date of issuance of
112 the permit, that the construction be pursued in a diligent manner, and that the
113 construction be completed by a specified date.
114
- 115 3. Any time periods specified in the ordinance for the start and completion of a
116 project may be modified by the applicable body as a condition of project
117 approval.
118

119 **14.4 Building Permit**

120 No building permit shall be issued for the erection, structural alteration, moving or repair of any
121 structure or part thereof which does not comply with all provisions of this Ordinance and unless a
122 Preliminary Land Use Compliance Permit has been issued by the Zoning Administrator. No structure
123 shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued
124 therefor by the Building Inspector.
125

126 Where repairs to a single-family dwelling and/or residential accessory building are exclusive of
127 structural, mechanical or electrical modifications, the Zoning Administrator shall not require a
128 Preliminary Land Use Compliance Permit .
129

130 **14.5 Certificates of Occupancy**

131 A Certificate of Occupancy shall be required prior to occupancy or use of any land, building, structure, or
132 part thereof.
133

134 **14.6 Inspection**

135 The holder of every land use permit for the construction, erection, alteration, repair, or moving of any
136 building, structure, or part thereof, shall notify the Zoning Administrator, or their designee, immediately
137 upon the completion of the work authorized by such permit for a final inspection. The Zoning
138 Administrator has the authority to make periodic inspections to ensure compliance of the Zoning
139 Ordinance. Authorization for period or formal inspections shall be incorporated in applicable permits.
140

141 **14.7 Fees**

142 Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued
143 under the provisions of this Ordinance, may be collected by the Zoning Administrator in advance of

144 issuance. The amount of such fees shall be established by resolution of Joyfield Township Board and
145 shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. No
146 certificate or permit shall be issued unless required fees have been paid in full.
147

148 **14.8 Requests for Information and Complaints**

149 Any request for information and/or complaint regarding an interpretation of a zoning provision,
150 administrative or enforcement of any provisions shall be submitted to Joyfield Township in writing for
151 review and action. Only written communication will be considered.
152

153 **14.9 Violations and Penalties**

154
155 A. Nuisance per se: Any land, dwellings, buildings or structures, including tents and trailer
156 coaches, used, erected, altered, razed or converted in violation of this Ordinance or in
157 violation of any regulations, conditions, permits or other rights granted, adopted or
158 issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
159

160 B. Inspection: The Zoning Administrator shall have the duty to investigate each alleged
161 violation and shall have the right to inspect any property for which a zoning permit has
162 been issued to the ensure compliance with the plans and conditions of the zoning
163 permit or approved site plan.
164

165 C. Violation notice and correction: It shall be the duty of the Township Zoning
166 Administrator or such other person as designated by the Joyfield Township Board as the
167 Enforcement Officer to notify the owner and/or occupant of the violation.
168

169 D. Procedures
170 1. Informal notice by regular mail (optional). This option does not apply to
171 violations that constitute dangerous conditions.
172
173 2. Service of written notice shall be made personally upon the owner of the
174 property or structure in whose name the property appears on the last local tax
175 assessment records and utilize the following protocol:
176
177 i. shall be in writing, certified mail, return receipt requested
178 ii. shall describe the property and the causes of ordinance violation
179 iii. shall specify a timeframe to remedy the violation after service of the notice
180 iv. may include a stop work order to halt all construction activities and/or use
181 of the premises pending resolution of the violation
182

183 3. In the event the owner cannot be located, prominent posting of such notice
184 upon the premises for 48 hours and mailing of the notice by first-class mail to
185 the owner's last known address shall constitute adequate notice.
186

187 4. The Zoning Administrator may grant an extension of the correction period
188 provided the following:
189

190 i. the request is submitted in writing
191 ii. a good faith effort is being made to correct the violation

192 iii. the violation does not constitute an immediate danger to public safety or
193 the property of others
194

195 E. Penalties

196 1. Any person, partnership, limited liability company, corporation, or association
197 who creates or maintains a nuisance per se or who violates or fails to comply
198 with this Ordinance or any permit issued pursuant to this Ordinance shall be
199 responsible for a municipal civil infraction as defined in Public Act 12 of 1994,
200 amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the
201 Michigan Compiled Laws, and shall be subject to a fine of not more than Five
202 Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues
203 shall constitute a separate and distinct offense under the provisions of this
204 Ordinance. Nothing in this section shall exempt the offender from compliance
205 with provisions of this Ordinance.
206

207 2. The Township Zoning Administrator is hereby designated as the authorized
208 Township official to issue municipal civil infraction citations directing alleged
209 violators of this Ordinance to appear in court.
210

211 3. In addition to enforcing this Ordinance, as a municipal civil infraction, the
212 Township may initiate proceedings in the Circuit Court to abate or eliminate the
213 nuisance per se or any other violation of this Ordinance and recover any and all
214 costs, including the Township's actual attorney fees and costs.
215

216 **14.10 Rights and Remedies are Cumulative**

217 The rights and remedies provided herein are cumulative and in addition to any other remedies provided
218 by law.
219

220 **14.11 Performance Guarantee**

221
222 A. Where in this Ordinance there is delegated to the Zoning Board of Appeals and the
223 Joyfield Township Planning Commission the function of establishing certain physical site
224 improvements as a contingency to securing a zoning amendment, site plan approval,
225 special approval or variance, the Zoning Board of Appeals or the Joyfield Township
226 Planning Commission shall, to ensure strict compliance with any regulation contained
227 herein or required as a condition of the issuance of a permit, require a cash,
228 performance, or surety bond executed by a reputable surety company authorized to do
229 business in the state, or irrevocable letter of credit or cash escrow account in an amount
230 determined by the Zoning Board of Appeals or the Joyfield Township Planning
231 Commission to be reasonably necessary to ensure compliance hereunder; provided,
232 however, that in fixing the amount of such cash, performance, surety bond, irrevocable
233 letter of credit or cash escrow account, consideration shall be given to the size and
234 scope of the proposed improvement project, current prevailing cost of rehabilitating the
235 premises upon default of the operator, estimated expenses to compel the operator to
236 comply by court decree, and such other factors and conditions as might be relevant in
237 determining the sum reasonable in light of all facts and circumstances surrounding each
238 application.
239

- 240 B. The performance guarantee shall be deposited with Joyfield Township at the time of the
241 issuance of the permit authorizing the activity or project.
242
- 243 C. The Joyfield Township Planning Commission shall establish procedures whereby a
244 rebate of cash deposits, in reasonable proportion to the ratio of work completed on the
245 required improvements, will be made as work progresses.
246
- 247 D. As used in this section, "improvements" means those features and actions associated
248 with a project which are considered necessary by the body or official granting approval
249 to protect natural resources or the health, safety and welfare of the residents of Joyfield
250 Township and future users or inhabitants of the proposed project or project area,
251 including but not limited to roadways, paving, walls, curbing, striping, lighting, utilities,
252 sidewalks, screening, landscaping and drainage.
253
- 254 Objection to a performance guarantee requirement must be in writing and filed with the
255 Joyfield Township Planning Commission within thirty (30) days of notice of the
256 requirement. The determination of the Commission shall be final.

Article 15
CHANGES AND AMENDMENTS

15.1 Purpose

Joyfield Township may from time-to-time, on recommendation from the Joyfield Township Planning Commission, its own initiative or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.

15.2 Petition for Amendments

An amendment to the Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a two-thirds (2/3) vote of the Joyfield Township Planning Commission, unless a larger vote, but not to exceed three-quarters (¾) vote, if required by ordinance or charter. The protest petition shall be presented to the Joyfield Township Planning Commission before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

- A. The owners of at least twenty-percent (20%) of the area of land included in the proposed change.
- B. The owners of at least twenty-percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
- C. For purposes of this section, publicly owned land shall be excluded in calculating the twenty-percent (20%) land area requirement.

15.3 Conditional Rezoning

- A. Intent: It is recognized that there are certain instances where it would be in the best interests of Joyfield Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Michigan Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions:
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

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3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of Joyfield Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. Planning Commission Review: The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 15 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. Township Board Review: After receipt of the Planning Commission's recommendation, Joyfield Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Joyfield Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 15 of this Ordinance. Should Joyfield Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then Joyfield Township Board shall refer such amendments to the Planning Commission for a report thereon within a time specified by Joyfield Township Board and proceed thereafter in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, to deny or approve the conditional rezoning with or without amendments.

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- E. Approval:
1. If the Joyfield Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Joyfield Township Board to accomplish the requested rezoning.
 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Joyfield Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by Joyfield Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Joyfield Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by Joyfield Township with the Register of Deeds of the County in which the land is located. The Joyfield Township Board shall have

145 authority to waive this requirement if it determines that, given the nature of the
146 conditions and/or the time frame within which the conditions are to be satisfied,
147 the recording of such a document would be of no material benefit to Joyfield
148 Township or to any subsequent owner of the land.

149
150 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform
151 thereafter to all of the requirements regulating use and development within the
152 new zoning district as modified by any more restrictive provisions contained in
153 the Statement of Conditions.

154
155 F. Compliance with Conditions:

156
157 1. Any person who establishes a development or commences a use upon land that
158 has been rezoned with conditions shall continuously operate and maintain the
159 development or use in compliance with all of the conditions set forth in the
160 Statement of Conditions. Any failure to comply with a condition contained
161 within the Statement of Conditions shall constitute a violation of this Zoning
162 Ordinance and be punishable accordingly. Additionally, any such violation shall
163 be deemed a nuisance per se and subject to judicial abatement as provided by
164 law.

165
166 2. No permit or approval shall be granted under this Ordinance for any use or
167 development that is contrary to an applicable Statement of Conditions.

168
169 G. Time Period for Establishing Development or Use: Unless another time period is
170 specified in the Ordinance rezoning the subject land, the approved development and/or
171 use of the land pursuant to building and other required permits must be commenced
172 upon the land within 18 months after the rezoning took effect and thereafter proceed
173 diligently to completion. This time limitation may upon written request be extended by
174 the Joyfield Township Board if (1) it is demonstrated to Joyfield Township Board's
175 reasonable satisfaction that there is a strong likelihood that the development and/or
176 use will commence within the period of extension and proceed diligently thereafter to
177 completion and (2) Joyfield Township Board finds that there has not been a change in
178 circumstances that would render the current zoning with Statement of Conditions
179 incompatible with other zones and uses in the surrounding area or otherwise
180 inconsistent with sound zoning policy.

181
182 H. Reversion of Zoning: If approved development and/or use of the rezoned land does not
183 occur within the time frame specified under Subsection G above, then the land shall
184 revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion
185 process shall be initiated by the Joyfield Township Board requesting that the Planning
186 Commission proceed with consideration of rezoning of the land to its former zoning
187 classification. The procedure for considering and making this reversionary rezoning shall
188 thereafter be the same as applies to all other rezoning requests.

189
190 I. Subsequent Rezoning of Land: When land that is rezoned with a Statement of
191 Conditions is thereafter rezoned to a different zoning classification or to the same
192 zoning classification but with a different or no Statement of Conditions, whether as a

193 result of a reversion of zoning pursuant to Subsection H above or otherwise, the
194 Statement of Conditions imposed under the former zoning classification shall cease to
195 be in effect. Upon the owner's written request, the Joyfield Township Clerk shall record
196 with the Register of Deeds of the County in which the land is located a notice that the
197 Statement of Conditions is no longer in effect.
198

199 J. Amendment of Conditions:
200

201 1. During the time period for commencement of an approved development or use
202 specified pursuant to Subsection G above or during any extension thereof
203 granted by the Joyfield Township Board, Joyfield Township shall not add to or
204 alter the conditions in the Statement of Conditions.
205

206 2. The Statement of Conditions may be amended thereafter in the same manner
207 as was prescribed for the original rezoning and Statement of Conditions.
208

209 K. Township Right to Rezone: Nothing in the Statement of Conditions nor in the provisions
210 of this Section shall be deemed to prohibit Joyfield Township from rezoning all or any
211 portion of land that is subject to a Statement of Conditions to another zoning
212 classification. Any rezoning shall be conducted in compliance with this Ordinance and
213 the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).
214

215 L. Failure to Offer Conditions: Joyfield Township shall not require an owner to offer
216 conditions as a requirement for rezoning. The lack of an offer of conditions shall not
217 affect an owner's rights under this Ordinance.
218

219 **15.4 Factors to Consider when Rezoning Any Parcel**

220 In reviewing an application for the rezoning of land, whether the application be made with or without an
221 offer of conditions, factors that should be considered by the Planning Commission and Joyfield Township
222 Board include, but are not limited to, the following:
223

224 A. Whether the rezoning is consistent with the policies and uses proposed for that area in
225 Joyfield Township's Master Land Use Plan;
226

227 B. Whether all of the uses allowed under the proposed rezoning would be compatible with other
228 zones and uses in the surrounding area;
229

230 C. Whether any public services and facilities would be significantly adversely impacted by a
231 development or use allowed under the requested rezoning; and
232

233 D. Whether the uses allowed under the proposed rezoning would be equally or better suited to
234 the area than uses allowed under the current zoning of the land.

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Article 16

PUBLIC HEARINGS AND NOTIFICATION PROCEDURES

16.1 Public Notice

All applicants for development approval requiring a public hearing, regardless of whether or not action to be taken is by the Joyfield Township Board, Planning Commission or Zoning Board of Appeals, shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006; Section 103; MCL 125.3103 with regard to public notification.

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Article 17
INTERPRETATION AND CONFLICT

17.1 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

17.2 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

17.3 Severability

If any part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the part thereof directly involved in the controversy in which said judgment shall have been rendered.