

DAFTER TOWNSHIP ZONING ORDINANCE

20.000 – Title

An ordinance enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, known as the “Township Rural Zoning Act” for the establishment of zoning districts in the unincorporated portions of Dafter Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents and trailer coaches which may hereafter be erected or altered; for the regulation of area yards, courts, and other open spaces and the sanitary, safety and prospective measures that shall be required for such dwellings, buildings and structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and trailer coaches; to establish a Zoning Board of Appeals, to grant authority to said board in addition to that expressly provided in Public Act 184; to provide standards guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and repeal of all ordinances or part of ordinances in conflict therewith.

20.001 - Preamble

In accordance with the authority and intent of Act 184 of the Public Acts of 1943, as amended, the township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The township further desires to assure adequate sites for industry, commerce, food production, recreation and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for parking of vehicles of customers and employees using commercial, retail and industrial area; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

20.002 – Enacting Clause

The Township of Dafter, County of Chippewa, State of Michigan ordains:

20.010

ARTICLE I Short Title

20.011

This Ordinance shall be known as the Dafter Township Zoning Ordinance

20.020

**ARTICLE II
Definitions**

20.021 – General

When not inconsistent with the context, words used in the present tense words used in the singular number include the plural number and words used in the plural number include singular. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

20.022 – Specific Terms

The following terms shall have the following meanings when used within the Ordinance.

20.023 – Accessory Building

Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

20.024 – Accessory Use

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

20.025 – Apartment House

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

20.026 – Basement

That portion of the building below the first floor joists, containing a floor below the adjacent grade level of at least 50% of the distance between the floor and the bottom of the floor joists.

20.027 – Boarding House

A dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

20.028 – Building

A structure erected onsite, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

20.029 – Dwelling, Single-Family

A building containing not more than one dwelling unit designed for residential use , complying with the following standards.

- (1) It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- (2) It has a minimum width across any front, side or rear elevation of 16 feet, complies in all respects with the County Building Code including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations and where such standards or regulations for construction are different than those imposed by the County Building Code, then and in that event such Federal or State standards or regulations shall apply.
- (3) It is firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such a dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- (4) In the event that the dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The dwelling is aesthetically compatible in design and appearance with other residence in the vicinity, with either a roof overhang of not less than 6 inches on all sides, or alternatively with window sills or roof drainage systems concentration roof drainage at collection points along the sides of the dwelling; has a roof with a minimum of 3/12 pitch or steeper (a minimum of 3 inches of rise vertically for each 12 inches of horizontal width); has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Dafer Township Zoning Inspector/Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of Mobile Home Parks within 2000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contours, or relief from the common or standard designed homes.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principle structure and construction of a foundation as required herewith.

- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed Mobile Home Park except to the extent required by State or Federal Law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
- (11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable County building code provisions and requirements.

20.030 – Dwelling, Two Family

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.029.

20.031 – Dwelling, Multiple-Family

A building containing three or more dwelling units designed for residential use and conforming in all other respects to standards set forth in Section 20.029.

20.032 – Essential Services

The term Essential Public Services means the erection, construction, alteration or maintenance by public utilities or township departments or commission of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electrical substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings **EXCEPT THOSE REFERRED TO HEREIN**) reasonably necessary for the furnishing of adequate service by such public utilities or township departments or commissions or for the health or safety or general welfare.

Essential Public Services do not include business engaged in the delivery of fuels by vehicle for vehicles or homes. These would be considered retail businesses. Nor does it include communication towers, commercial television towers, microwave towers, wind energy conservation towers.

20.033 – Family

An individual or a group of two or more persons related by blood, marriage or adoption including foster children, together with not more than one additional person not related by blood, marriage or adoption, living together, as a single housekeeping unit in a dwelling.

20.034 – Home Occupations

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations.

- (1) Are operated in their entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
- (2) Are only conducted by the person or persons occupying the premises as their principal residents a major portion of each month; provided, however, the Zoning Board of Appeals shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.
- (3) The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- (4) The occupation conducted therein is clearly incidental and subordinate to the principle use of the premises for residential purposes.
- (5) The goods are sold from the premises which are not strictly incidental to the principle home occupation conducted therein.
- (6) No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall be discernable beyond the boundaries of the property from which the occupation is conducted.
- (7) Any such home occupation shall be subject to annual inspection by the Zoning Inspector of the Township and may be terminated by order of such Inspector whenever the same fails to comply with the zoning ordinance.
- (8) The Zoning Board shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

20.035 – House Trailer or Mobile Home

Any vehicle, whether self-propelled or non self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a dwelling or sleeping place for one or more persons, office or business use, and whether or not the same has a foundation there under if said foundation is designed to permit the removal of such house trailer or mobile home and its readapting for conveyance upon the public streets or highways.

20.036 – House Trailer Park or Mobile Home Park

Any parcel or tract of land which three or more occupied trailer coaches or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such trailer coaches or mobile homes.

20.037 – House Trailer or Mobile Home Site or Space

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

20.038 – Junkyard

Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

20.039 – Lot

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on the street.

20.040 – Lot Area

The total horizontal area included within lot lines. Where the front line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

20.041 – Lot, Corner

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

20.042 – Lot Depth

The mean horizontal distance from the front street line to the rear lot line.

20.043 – Lot Interior

A lot other than a corner lot.

20.044 – Lot, Front Line

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

20.045 – Lot, Rear Line

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining require rear yard spacing.

20.046 – Lot, Side Line

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

20.047 – Lot Width

The mean horizontal difference between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

20.048 – Nonconforming Uses or Structures

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

20.049 – Office

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases and/or accounting, filing, recording, communication and other stenography equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or building.

20.050 – Recreational Vehicles

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided however that any such vehicle or unit which is 40 feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

20.051 – Setback

The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

20.052 – Zones or Zoning District Boundaries

When uncertainty exists as to the boundaries of any of the districts or zones shown on the Zoning Map, the following rules shall apply.

- (1) Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning map.
- (2) Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.

- (3) Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant there from, such lot lines shall be such boundaries
- (4) If un-subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- (5) If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones if there be more than one.

20.100

**ARTICLE III
Zoning District**

20.101

Division Of Township

The Township of Dafter shall be divided into zoning districts, as hereinafter described, within which districts no building or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as “permitted uses” under each separate zoning district classification, or hereinafter set forth as “special exception uses” under each such zoning district classification; subject however to such prior approval as is hereinafter required to be obtained from the Township Zoning Board for such special exception uses.

AG – Agricultural District

20.111 – Statement of Purpose

Agricultural districts are those open areas of the township where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included, Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state, and nation.

20.112 – Permitted Uses

- (1) Farm dwellings, private single family dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.
- (2) Agricultural, horticultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bona fide farming or agricultural enterprises excluding however rendering plant, commercial fertilizer production or garbage feeding or disposal activities.

- (3) Greenhouses or nurseries.
- (4) Markets for sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are unsubstantial part of said business including an advertising sign not more than eight feet square in area advertising such products.
- (5) Home occupations as defined in the within ordinance.
- (6) Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.
- (7) Community buildings, parks, public recreation areas or golf courses.
- (8) Essential services.
- (9) Cemeteries.
- (10) Private landing fields.

20.113 – Special Exception Uses

- (1) Public Utility and service buildings.
- (2) Additional single or two-family homes.
- (3) Nursing or convalescent homes.
- (4) Wildlife reserves.
- (5) Hunting preserves.
- (6) Mobile home parks.
- (7) Animal feedlots and piggeries.
- (8) A complex or development of a multiple of “permitted” or designated “special exceptions” uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the zoning board under procedure and standards specified in the ordinance for special exception uses.
- (9) Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- (10) Large Wind Energy Conversion System”
- (11) Temporary automotive storage facility

20.120

R1 – Residence District

20.121 – Statement of Purpose

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

20.122 – Permitted Uses

- (1) Private single-family dwellings.
- (2) Home occupations.
- (3) Schools, libraries, and other municipal structures and uses.
- (4) Parks and other municipally owned or operated public recreational facilities.
- (5) Churches.
- (6) Hospitals.
- (7) Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

20.123 – Special Exception Uses

- (1) Private two or three-family dwellings.
- (2) Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.
- (3) Essential public utility service buildings, or gas or electric regulator stations or buildings.
- (4) Senior citizen housing or nursing homes.
- (5) A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the zoning board under the procedure and standards specified in the ordinance for special exception uses.
- (6) Day nursing.
- (7) Essential public utility services, excluding building and regulator stations.
Large Wind Energy Conversion System”

20.124 – Minimum Lot Area for Residence District (R1)

Every one-family or two-family dwelling hereafter erected shall be located on not less than fifteen thousand (15,000) square feet in area, and not less than one hundred (100) feet in width or a depth of one hundred fifty (150) feet. In the event a lot now on record at the Chippewa County Register of Deeds on the effective date of this ordinance has a width less than that required by the provisions of the district wherein located, such lot may be used for the erection of a one-family dwelling in district R1, Rural Residential Commercial, and Forestry/Recreational.

20.140

Rural Residential Commercial

20.141 – Statement of Purpose

This district is designed to be the second most restrictive of the residential districts. It is designed to encourage an environment of predominantly single and double family dwellings while at the same time allowing for the development of commercial interest by special exemption process.

20.142 – Permitted Uses

- (1) Private single or double family dwellings.
- (2) Home occupations.
- (3) Schools, libraries and other municipal structures and uses.
- (4) Parks and other municipally owned or operated public recreation facilities.
- (5) Churches.
- (6) Hospitals.
- (7) Essential public utility services excluding regulator stations.
- (8) Accessory buildings and uses customarily incident to any of the foregoing permitted uses when located on the same lot and not involving the conduct of a business.

20.142A – These Permitted Uses shall comply with the set back and sideline requirements of section 20.601 of the ordinance.

20.143 – Special Exception Uses

- (1) Retail sales businesses where no assembling, treatment or manufacturing is required.
- (2) Offices.
- (3) Banks, building and loan associations and other lending institutions.
- (4) Funeral homes.
- (5) Restaurants.
- (6) Indoor theaters.
- (7) Hotels, motels and apartment houses.
- (8) Cleaning and laundry services.
- (9) Barber shops and beauty parlors.
- (10) Storage Building.
- (11) Bait houses.
- (12) Gas stations.
- (13) Indoor commercial recreation facilities.
- (14) Outdoor theaters.
- (15) Veterinary hospitals.
- (16) Kennels.
- (17) Outdoor commercial recreation facilities.
- (18) Drive-In eating places.
- (19) Wholesale sales.
- (20) Nursery and greenhouses.
- (21) Automobile body shops.
- (22) Automobile repair garages.
- (23) Outdoor automobile sales.

- (24) Senior citizen housing or nursing homes.
- (25) Mobile home parks

- (26) A complex or development of “permitted” or “special exemption” uses which do not comply with all the conditions and limitations pertinent thereto, but which still comply with the spirit of this ordinance with the approval of the Zoning Board under the procedure specified in the ordinance for special exception uses.
- (27) Farming and agricultural operations together with a reasonable number of accessory buildings and a right to sell products grown on the premises.
- (28) Large Wind Energy Conversion System”
- (29) Temporary automotive storage facility

20.143A – These Special Exemption uses shall comply with the setback and sideline requirements of section 20.602 of the ordinance.

20.144 – Minimum Lot Area For Rural Residential Commercial

In areas determined by the Chippewa County Health Department to be appropriate for septic and drain field systems every one-family or two-family dwelling here after erected shall be located on a lot not less than fifteen thousand (15,000) square feet in area, and not less than one hundred (100) feet in width or a depth of one hundred fifty (150) feet. In the event a lot now on record at the Chippewa County Register of Deeds on the effective date of this ordinance has a width less than that required by the provisions of the district wherein located, such lot may be used for the erection of a one-family dwelling in districts R1, Rural Residential Commercial, and Forestry/Recreational.

In areas required by the Chippewa County Health Department to have a lagoon system, every one-family or two-family dwelling hereafter erected shall be located on a lot not less than five (5) acres in area, and not less than three hundred fifty-five (355) feet in width. In The event a lot now on record at the Chippewa County Register of Deeds office on the effective date of this ordinance has area or width less than required by the provisions of the district wherein located , such lot may be used for the erection of a one-family dwelling in districts R1, Rural Residential Commercial and Forestry/Recreational.

20.160

C1 – Commercial District

20.161 – Statement of Purpose

This district is designed to provide commercial services uses catering to the general public as distinguished from industry.

20.162 – Permitted Uses

- (1) Retail sales businesses where no assembling, treatment or manufacturing is required.
- (2) Offices.
- (3) Banks, building and loan associations, and other lending institutions.
- (4) Funeral homes
- (5) Restaurants.
- (6) Essential public utility service.
- (7) Indoor theaters.
- (8) Hotels, motels, and apartment houses.
- (9) Cleaning and laundry services.
- (10) Rug weaving.
- (11) Barber shops and beauty parlors.
- (12) Storage Building
- (13) Churches.
- (14) Accessory buildings and uses customarily incidental to any of the forgoing, not including any manufacturing or treatment activities.
- (15) Automatic dry cleaning or laundry facilities.
- (16) Bait houses.
- (17) Gas Stations.
- (18) Automobile repair garages.
- (19) Outdoor automobile sales.
- (20) Indoor commercial recreation facilities.
- (21) Any uses allowed as permitted or special uses in any zoning district classification hereinbefore set forth.
- (22) A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but still comply with the spirit of this ordinance with approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses.

20.163 – Special Exception Uses

- (1) Outdoor theaters.
- (2) Veterinary hospitals.
- (3) Kennels.
- (4) Outdoor commercial recreation facilities.
- (5) Drive-in eating places.
- (6) Wholesale sales.
- (7) Nursery and greenhouses.
- (8) Automobile body shops.
- (9) Lumber yards.
- (10) A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but still comply with the spirit of this ordinance with approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses.
- (11) Large Wind Energy Conversion System”

20.180

I– Industrial District

20.181 – Statement of Purpose

This district is designed for industry and tourist-oriented commercial activity.

20.182 – Permitted Uses

- (1) Industrial manufacturing operations for the servicing , compounding, assembly or treatment of articles or merchandise which does not produce smoke, odors, dust, noxious gases, which would be a nuisance or annoyance to owners or occupants of surrounding premises.
- (2) Tourist accommodations and related commercial activities.
- (3) Farming and agricultural operations together with the right to sell products, poultry or animals. produced, raised or grown on the premises.

20.183 – Special Exception Uses

- (1) Gasoline and petroleum storage.
- (2) Ready mix concrete and asphalt plants.
- (3) Storage or junk yards, provided that adequate screening is installed.
- (4) Slaughter houses.
- (5) Mining operations and incidental gravel processing.
- (6) A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but still comply with the spirit of this ordinance with approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses
- (7) Large Wind Energy Conversion System”

20.190

FR – Forestry/Recreational District

20.191 – Statement of Purpose

The purpose of this district is to promote the preservation of forest area and outdoor recreational potential in the township.

20.192 – Permitted Uses

- (1) Production of forest products.
- (2) Private cottages, 500 square foot area minimum.
- (3) Hunting cabins, 500 square foot area minimum.
- (4) Hiking, skiing, snowmobile trails, park and other recreation developments.
- (5) Single family dwellings meeting the requirements of Article VII.

20.193 – Special Exception Uses

- (1) Large Wind Energy Conversion System”

20.400

ARTICLE IV

Special Exceptions

20.401 – Special Exception Standards

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly compatible development of property within the township, the Zoning Board, in addition to other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with other uses permitted in such zoning districts and accordingly detrimental thereto.

With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Zoning Board, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said board, would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not in any manner, be detrimental or injurious thereto; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the board for the allowance of such Special Exception Uses can and will, in its judgment, be met at all times by the applicant.

The burden of proof of facts which might establish a right to a Special Exception Use permit under the foregoing standards shall be upon the applicant.

20.402 – Special Exception Procedure

- (1) All applicants for Special Exception Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specification, and other data upon which the applicant intends to rely for a Special Exception Use Permit.
- (2)
 - a. Call Clerk for application form.
 - b. Fill out form and return with
Letter stating why you want the Special Exception
Site map and written plan.
List of Names and address's of all owners of adjoining properties within 300 feet of property boundary for which the Special Exception is being requested.
A check for the amount stipulated by the Clerk made out to Dafter Township to help differ advertising and meeting costs.
- (3) The Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within 300 feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. A notice shall be mailed or personally delivered to each owner and or occupant, plus a notice shall be published in the local newspaper between 5 and 15 days prior to the

hearing. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or special area owned or leased by different individuals, businesses, or organizations, one occupant of each unit or special area shall receive notice. In case of a single structure containing more than four dwelling units or other distinct spatial areas owned or least by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of the special land use request, indicate the property which is subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.

- (4) Following such hearing, said board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said board in its decision and shall be filed with the zoning enforcement officer of the township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (5) The zoning board shall have the right to limit the duration of a Special Exemption Use where the same is of a temporary nature may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said board after a hearing upon application of any aggrieved party.
- (6) The plot plan and specifications and all conditions, limitations and requirements imposed by the board shall be recorded with the township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be lawful use.
- (8) Any property which is the subject of a special exception permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the zoning board) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses thereupon terminate.
- (9) To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the zoning board as necessary to protect natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, the zoning board may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion

of the required improvement. Such security shall be deposited with the township clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the zoning board may authorize a rebate of any cash deposit in reasonable proportion to the ratio of work completed as the work progresses.

20.500

ARTICLE V Non-Conforming Uses

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance.

20-501

Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.

20.502

If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50 percent of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance

20.503

If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.

20.504

If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

20.505

Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt subject to 20-506 (2) (3) and (5).

20.506

Notwithstanding 20.501, the expansion of a non-conforming use or structure to the maximum extent of 30 percent of the original non-conforming use or structure may be permitted as a special exception use under the procedures, standards, limitations and conditions provided in Article IV and under the following additional conditions:

- (1) No expansion will be permitted which will extend the life or durability of the existing structure from a structural standpoint.
- (2) Any permitted expansion shall not be for the accommodation of any type of use or activity which is not currently engaged in within the existing structure.
- (3) No expansion shall reduce or eliminate any ordinance requirements regarding setback, open open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
- (4) Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original non-conforming use or structure and shall not be allowed to continue independently of such original use or structure.
- (5) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations, or conditions pertaining to the existing non-conforming use or structure which shall remain in full force and effect.

20.600

ARTICLE VI Setback and Sideline Spacing

20.601

In A – Agricultural Districts, R1 – Residential Districts, there shall be a setback from all right-of-way lines of not less than 35 feet for all buildings, provided that when 25 percent or more of all the frontage on one side of the street between two intersecting streets has, at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more than 35 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such districts shall be erected closer than five feet to the interior side or rear line of the lot or parcel of property upon which the building is located; provided, however, that private garages, erected not less than 60 feet from the front street line, may be erected not less than two feet from the interior sideline. When computing built up frontage for a permanent residence, there shall be included the dwelling and cartilage thereof.

20.602

In Class C1 – Commercial Districts, and I1 – Industrial Districts, the minimum setback line for commercial and industrial buildings shall be 75 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings or structures of not less than 25 feet; provided, however, that in any such district where there are commercial and industrial buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this amending ordinance, on the side of the street

between two intersecting streets, the minimum setback for buildings on such side of the street between such intersecting streets shall be to the depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be allowed on private premises closer than 25 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond said 25 foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings within such commercial and industrial districts unless otherwise specified in this ordinance. Any residential building, however, constructed within said district shall be setback not less than five feet from such interior, side and rear lot lines.

20.603

It is further provided that notwithstanding anything herein contained to the contrary, the minimum setback line shall be 15 feet for gasoline pumps, display racks, air pumps, and other equipment; 75 feet for cars stored or placed upon property used for storage of, or occupancy by junk cars or used for the purpose of sale of parts or junk there from; and 25 feet for cars and other vehicles on property used for the sale of used cars. The minimum setback line for poultry or animal shelters, coops, barns or sheds shall be 75 feet; provided, however, that in platted property no such structure shall be erected closer than 20 feet to the interior sideline of the lot upon which such structure is located.

20.604

No temporary outside toilets shall be erected closer than 15 feet to the sideline of the premises upon which such structure is to be placed; provided, however, that such structure shall not be erected closer than 25 feet to any building being used as a permanent habitation upon adjoining premises.

20.700

ARTICLE VII Area Requirements

20.701

All private dwelling units hereafter constructed containing not more than two bedrooms shall contain not less than 750 square feet of first floor space as measured around the exterior of said dwelling.

All private dwelling units hereafter constructed containing more than two bedrooms shall contain an additional 150 square feet of habitable floor area for each bedroom in excess of two within said dwelling unit; provided however, that a three-bedroom, single-level private dwelling unit shall contain not less than 900 square feet of first floor space as measured around the exterior of said dwelling.

20.702

No dwelling shall be less than 24 feet in width in R1 and 16 feet in width in all other districts; width means the narrowest horizontal measurement of any front, side or rear of a dwelling.

Any measurements and area requirements set forth shall be completed without any regard to ANY additions.

20.703

In the event of any controversy concerning what constitutes habitable floor area, the board of appeals is hereby given the authority to determine the same upon application thereto by either the building inspector of the township or by the applicant for a building permit.

20.800

ARTICLE VIII Off-Street Parking of Motor Vehicles

20.801

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

20.802

A plan showing the required parking and loading spaces including the means and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

20.803 - Parking space shall be provided in the manner and location herein specified.

- (1) No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
- (2) Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed three-quarter ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.

20.804 – Requirements for All Parking Spaces and Parking Lots

- (1) Each automobile parking space shall be not less than 200 square feet nor less than 10 feet wide exclusive of driveway and aisle space.
- (2) All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion.

- (3) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
 - (4) No parking space shall be closer than five feet from the property line.
 - (5) Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four feet or more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
 - (6) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
 - (7) Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
 - (8) Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc., are complied with.
- 9 The number of parking spaces required for land or building used for two or more purposes shall be the sum of the requirements for various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any use.

20.805 – Minimum Required Parking Spaces

- (1) **Apartment houses:** two parking spaces per family unit.
- (2) **Office buildings:** one parking space for each 200 feet of floor space utilized for work space for employees.
- (3) **Retail stores, supermarkets, department stores, personal service shops, and shopping centers:** one parking space for each 100 square feet area in the basement and on the first floor and used for retail sales; one space for each 150 square feet of floor area on the second floor used for retail sales; one space for each 300 square feet of floor area on the third floor used for retail sales;
- (4) **Manufacturing buildings:** one parking space for each three employees on the maximum shift.
- (5) **Libraries, museums, and post offices:** one parking space for each 100 square feet of floor area.

- (6) **Bowling Alleys:** three parking spaces for each alley.
- (7) **Motels and tourist homes:** one parking space for each separate unit.
- (8) **Theaters, auditoriums, stadiums and churches:** one parking space for each four seats.
- (9) **Dance halls, assembly halls and convention halls without fixed seats:** one parking space for each 100 square feet of floor area if to be used for dancing or assembly.
- (10) **Restaurants and nightclubs:** one parking space for each 100 square feet of floor area.
- (11) **Roadside stand:** two parking spaces.
- (12) **Schools, private or public elementary and junior high schools:** one parking space for each employee normally engaged in or about the building or grounds. **Senior high schools and institutions of higher learning:** one parking space for each employee normally engaged in or about the building or grounds and one additional for each five students enrolled in the institution.
- (13) **Other uses not specifically mentioned:** in the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
- (14) **Mixed uses in the same building:** in the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and private schools permitted herein.

20.806 – The Zoning Board of Appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

20.900

ARTICLE IX Use District Boundaries

20.901

The location and boundaries of the zones established in the township shall be shown on a map entitled Zoning Map of Dafter Township and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

20.902

The official copy of the Zoning Map, properly attested, shall be in the custody of the Township Clerk.

20.903

Such Zoning Map may be amended from time to time to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this Zoning Ordinance. Such changes shall be recorded to scale on duplicate copies of the original official Zoning Map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

21.000

ARTICLE X Tents And Trailers: Mobile Homes

21.001

Tents, travel trailers and/or automobile trailers shall not be used for dwelling purposes within the township limits; provided, however, that travel trailers or automobile trailers may be used for temporary dwellings for a total period of not more than 14 days in any one year when located upon premises having running water and sewage facilities, and provided further that automobile trailers and travel trailers may be occupied for dwelling purposes within duly licensed travel trailer camps and subject to the requirements thereupon imposed.

21.002

Mobile homes which do not conform to the standards of Section **20.029** of this Ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or mobile home plat zoned for such uses, or unless used for temporary residence purposes as herein provided.

21.100

ARTICLE XI Dismantled, Non-Operating or Unlicensed Motor Vehicles

21.101

No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than 10 days in any one year a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as herein provided, or unless a variance therefore is first obtained from the Township Board of Appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

21.102

No person, firm or corporation shall park or store upon premises within the township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless a variance is first obtained therefore from the Township Board of Appeals, to be granted only in special hardship cases

beyond the control of the applicant, where special circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

21.103

The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any land in the Township except within areas where a junk dealer is permitted to operate or the area is zoned for such purposes.

21.104

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances as well as any statutes of the State of Michigan relating thereto.

21.200

ARTICLE XII General Lighting And Screening Requirements

21.201

All lighting upon any premises regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on highways.

21.202

Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes and **located within a Commercial District** having common lot lines with Residential Districts, shall be screened from adjoining residential premises by the following:

- (1) A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat attractive manner commensurate with the adjoining residential district.
- (2) An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of the occupants of the adjoining premises, not less than five feet high in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- (3) No such planting area, wall or Fence shall be closer than ten feet from any adjoining street right-of-way line.

21.204

In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, The Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished by screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.

21.300

**ARTICLE XIII
Miscellaneous Protection Requirements**

21.301

Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities and shall have a minimum at least one (1) smoke alarm per floor of living space

21.302

No outside toilets shall hereafter be erected except such as may be temporarily needed outside during construction on the premises, and in association with a camp in the Forestry Recreation District.

21.303

No structure, the major portion of which consists of basement, shall be occupied for living and/or sleeping purposes by human beings except under variance permit from the Zoning Board of Appeals for a limited period of two years to permit the construction of the above grade dwelling structure as shown on appropriate plans submitted by the applicant and provided said board is satisfied of the applicant's ability and intent to complete such construction within said period.

The foregoing shall not prohibit energy saving earth shelter homes either constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch per foot of run or constructed with a roof which is not completely earth covered having a slope with at least a five-inch rise for each 12 inches of run and in either case containing at least one exposed vertical exterior elevation not less than 7 feet 6 inches in height by 24 feet in width designed and constructed in accordance with standard building code regulations pertinent thereto and without any accommodation for any dwelling units above ground. (The 24-foot dimension should be adjusted to whatever the minimum width is determined to be within the Township.)

21.304

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

21.305

Each individual dwelling shall be located on an area of land equal to the minimum lot size required by this ordinance, (i.e. two dwellings on a lot would require the lot to have two times the minimum square footage for a lot.)

21.306

The keeping of more than three dogs and/or cats, keeping pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited within or upon any platted properties unless later area is located in a C-1 Commercial District classification or lower; provided, however, that any litter of dogs or cats which causes the aforesaid provision shall not exceed four months after birth. All such poultry, pigs, hogs, horses, livestock or more than three dogs and/or cats shall be prohibited in any area of the Township if the same becomes obnoxious by reason of odor or noise. The determination of the Board of Appeals, established under the statute and this ordinance, shall in the absence of fraud, be conclusive on the question of whether such are obnoxious.

21.307

No persons, firm or corporation shall store, place or permit to be placed or stored or allow to remain on any parcel of land for a period of more than ten (10) days in any one calendar year household furniture, appliances, used building material, scrap metal, used tires, damaged dilapidated or uninhabitable recreational vehicles or other forms of refuse unless it is kept in a wholly enclosed structure.

21.308

No persons, firm or corporation shall store, place or permit to be placed or stored or allow to remain on any parcel of land for a period of more than ten (10) days in any one calendar year a mobile home which is not being used for dwelling purposes.

21.309 - Wind Energy Conversion Systems

1. PURPOSE:

The purpose of this ordinance is to regulate the standards and process for consideration, approval, and operation of Wind Energy Conversion Systems, in order to protect the public health, safety, and community welfare and to facilitate the development of wind-generated electrical energy.

2. APPLICABILITY:

This ordinance shall govern the standards, application, and operation of Wind Energy Conversion Systems in Dafter Township. Metrological Towers proposed for installation to study the feasibility of a LWECS project require a Special Exception Permit and are subject to the standards in section 21.310.

3. DEFINITIONS:

Applicant: a person or entity applying for a Special Exception Permit for a LWECS.

dba: Sound pressure level in decibels. Refers to the "A" weighted scale as defined by ANSI which weights the frequency spectrum to mimic the human ear's response to various frequencies.

Decommissioning: the permanent removal of a LWECS or one of its components.

Large Wind Energy Conversion System (LWECS): a Wind Energy System that has a nameplate capacity of more than 100 kilowatts or has Wind Turbine Generator height exceeding 100 feet. This includes but is not limited to, the generators, blades, towers, anchors, base, wires, electronic equipment and roads.

Meteorological (Met) Tower: a tower and all related components that is erected and used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor wind resources.

Non-Participating Property: real property which is not a Participating Property.

Occupied Permanent Residential Dwelling: a permanently affixed structure regularly used for dwelling and sleeping purposes on a year round basis at the time a LWECS Special Exception Permit is applied for by the Applicant. Accessory structures such as garages, outbuildings or barns used for storage or incidental to residential use are not included in this definition.

Operations Date: the date the LWECS commences transmitting electricity, other than test electricity, to a third party power purchaser

Owner and/or Operator: a person or entity with an ownership or equity interest in a LWECS, including their respective successors and assigns. Owner and /or Operator does not include the owner of a Participating Property unless the owner of Participating Property also has an equity interest in the LWECS.

Participating Property: real property which is subject to a contract, waiver or other agreement with the LWECS Applicant or Owner/Operator

Shadow Flicker: the shadow cast by the rotating blades of a wind turbine.

Substation: a structure and related components used for the purpose of collecting, transforming and transferring the electrical energy produced by the wind turbines into the electrical grid.

Turbine Height: the vertical distance from the ground level to the tip of the Wind Turbine Generator blade at its highest point.

Wind Energy System: all of the components of a LWECS, including but not limited to wind turbines and towers, turbine foundations, electrical collection cables (underground or overhead), transmission lines, electrical substations, meteorological towers, fencing, access roads, maintenance and operations center, and all other components that are usual and customary for a wind energy system.

Wind Turbine Generator: the wind turbine structure that includes the tower, nacelle, blades and rotor assembly.

4. DESIGN AND OPERATION STANDARDS:

All LWECS shall satisfy the following standards:

A. Setbacks

- 1) Participating Property: there are no setback requirements applicable to a Participating Property.
- 2) Public Roadway and Above-Ground Public Utility Lines: Wind Turbine Generators shall be setback at least 1.1 times Turbine Height from any public roadway or above-ground public utility lines. Private utility service lines extending onto the Properties to serve one or more private structures are specifically excluded from this utility setback requirement.

- 3) Non-Participating Property: Wind Turbine Generators shall be setback at least 1.1 times Turbine Height from the property line of any Non-Participating Property. The owner of a Non-Participating Property may waive this setback by written agreement with the LWECS Applicant or Owner/Operator.
- 4) Occupied Permanent Residential Dwelling: Wind Turbine Generators shall be setback at least 1,200 feet from any Occupied Permanent Residential Dwelling located on a Non-Participating Property. The owner of a Non-Participating Property may waive this setback by written agreement with the LWECS Applicant or Owner/Operator.
- 5) Meteorological Towers: Meteorological Towers shall be setback at least 1.25 times tower height from any Occupied Permanent Residential Dwelling and from the property line of any Non-Participating Property.
- 6) Setback Waivers: The Applicant does not need to obtain a variance upon the granting of a setback waiver by the owner of a Non-Participating Property. Any setback waiver shall be in writing and submitted to the Township with the LWECS Special Exception Permit application.

B. Structure:

Wind Turbine Generators must of a monopole construction to the extent practical. If monopole construction structure is not practical, a Wind Turbine Generator must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Wind Turbine Generator must be guyed.

C. Maximum Height:

The vertical distance from the ground level to the tip of the wind turbine blade at its highest point shall not exceed 500 feet.

D. Blade Clearance:

The vertical distance from the ground level to the tip of the Wind Turbine Generator blade in its lowest point must be at least 50 feet.

E. Sound Level:

The sound generated by the operation of a LWECS shall not exceed 50 dBA at the exterior of any Occupied Permanent Residential Dwelling located on a Non-Participating Property. The owner of an Occupied Permanent Residential Dwelling located on a Non-Participating Property may waive the enforcement this provision by written agreement with the LWECS Applicant or Owner/Operator.

F. Shadow Flicker:

The LWECS shall not cause shadow flicker to occur upon an Occupied Permanent Residential Dwelling located on a Non-Participating Property for more than 30 hours per year. The owner of an Occupied Permanent Residential Dwelling located on a Non-Participating Property may waive the enforcement this provision by written agreement with the LWECS Applicant or Owner/Operator.

G. Access:

The LWCES, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

H. Electrical Wires and Equipment:

All electrical wires connecting Wind Turbine Generators with each other and with the substation shall be located underground whenever reasonably possible. The transmission line may be placed aboveground. The transmission line is the electrical line connection between the substation and the grid. Collection lines may be co-located overhead with the aboveground transmission line.

I. Lighting:

LWECS may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA) or is necessary for safety or security purposes. If lighting is required the lighting must comply with FAA minimum requirements.

J. Appearance, Color and Finish:

The exterior surface on any visible components of a Wind Turbine Generator must be a non-reflective neutral color or as required by FAA. Wind Turbine Generators in a LWECS must be of uniform color, number of blades and direction of blade rotation.

K. Signs:

Wind Turbine Generators, towers, buildings or other structures associated with a LWECS may not be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs, informational signs, identification of the LWECS Owner or manufacturer, may be placed on a Wind Turbine Generator, tower, building, or other structure associated with a LWECS. Information kiosk, viewing area or other informational feature will be permitted within the LWECS project area.

L. Compliance with Statutes:

LWECS must be designed and operated in accordance with all applicable federal, state, and local statutes.

M. Signal Interference:

LWECS shall be designed and operated in accordance with FCC regulations to avoid interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, radar or television signals. The owner of a LWECS shall perform a communication survey and shall take reasonable steps necessary to prevent, eliminate or mitigate interference with the transmission and reception of electromagnetic communications such as microwave, radio, telephone, radar or television signals.

N. Design Safety Certification:

Wind Turbine Generator and related components shall conform to applicable industry standards, such as GL Garrad Hassan, Underwriters Laboratories, the

International Electrical Commission or the equivalent.

O. Hazardous Materials

All hazardous materials to be used in the installation and operation of the LWECS shall be used in accordance with the manufacturers "Material Data Safety Sheets" and properly disposed of off-site in accordance with applicable State and Federal laws.

P. Field Adjustments:

The installation locations of Wind Turbine Generators and other LWECS components on a Participating Property may be adjusted from locations shown on the application if all setback and other standards set forth in this Section are satisfied.

Q. Wind Turbine Generator models

Owner/Operator may install any Wind Turbine Generator model that satisfies all of the standards of this Section 21.309.

R. Exceptions:

Exceptions to the above standards may be requested by the Applicant during the Special Exception Use Permit application process.

5. APPLICATION AND PROCESS:

The Applicant shall submit an application for a Special Exception Permit for a LWECS in accordance with Article IV (Special Exceptions) of the Dafer Township Zoning Ordinance, as appropriate and applicable.

The Application shall include the following information:

- A. The name of the Applicant and the Applicant's name, address, phone number. If the Applicant is a business entity, the applicant shall provide a certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
- B. Identification of each Participating Property by tax parcel number, address, legal description, acreage and existing use of the property.
- C. An exhibit which clearly delineates the proposed location of the components of the LWECS, including Wind Turbine Generator locations, existing or planned access roads, underground and overhead electrical collection lines, overhead transmission lines, substations, and operations and maintenance facilities; the exhibit shall also delineate the boundaries of the Participating Properties, existing overhead utility lines, schools, churches, hospitals, libraries and Occupied Permanent Residential Dwellings within a distance of one-half mile from a Wind Turbine Generator.
- D. Standard detail indicating Wind Turbine Generator materials and approximate or range of

dimensions of the tower, blade, including foundation type and typical dimensions. Applicant may, but is not required to, identify particular proposed Wind Turbine Generator models at the application stage.

- E. Evidence of third party certifications for Wind Turbine Generators proposed for the LWECS.
- F. Landscaping or screening, if proposed.
- G. A communications study identifying impacts or interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, radar or television signals.
- H. Application fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the Applicant may be required to cover reasonable legal professional or expert assistance costs incurred by the Township in the review, approval or denial of an application for a LWECS.

6. INSURANCE:

Owner or Operator, as applicable, shall, at its expense, prior to any construction or operation of the LWECS, have in place, and shall thereafter maintain, a broad form comprehensive coverage policy of public liability insurance insuring against loss or liability caused by such Owner/Operator's construction, occupation and operation of the LWECS under its Special Exception Permit, in an amount not less than Three Million Dollars (\$3,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. Such amount may be provided as part of a blanket policy covering other properties in addition to the LWECS. Evidence of such insurance shall be provided to Dafter Township upon written request.

7. PERMIT EXPIRATION:

If a Special Exception Use Permit is granted, it will expire if the Applicant or Owner does not commence construction of the LWECS within five (5) years from the date the Permit is issued. Applicant or Owner may apply to the Township for an extension.

8. DECOMMISSIONING:

- A. Upon termination of the use of the LWECS, the Owner/Operator shall decommission and remove all Wind Turbine Generators and other above-ground components of the LWECS. The foundations for Wind Turbine Generators shall be removed to a depth of 42 inches below ground. Access roads, and underground electrical cables and foundations more than 42 inches below ground, may be abandoned in place.
- B. The Owner/Operator shall complete all decommissioning and removal as required within two years after the termination of the use of the LWECS.
- C. Decommissioning Reserve Fund. On or by the fifteenth (15th) anniversary of the Operations Date, LWECS Owner/Operator shall obtain and deliver to Township a bond, letter of

credit, corporate guarantee or other financial assurance in form and substance reasonably satisfactory to Township, securing performance of the LWECS Owner's obligation to decommission the LWECS (the "Removal Security"). The amount of the Removal Security shall equal the estimated amount of the cost of removing and decommissioning the LWECS, pursuant to the requirements of this Section, less the estimated salvage value of LWECS (the "Net Removal Cost"). Every five years thereafter, the amount of the Removal Security shall be reevaluated, and the LWECS Owner shall deliver the new amount of the Removal Security to the Township within sixty (60) days after such re-evaluation.

Dafter Township shall accept as Removal Security a corporate guarantee of an affiliate of LWECS Owner/Operator having a net worth of the greater of (i) three (3) times the Net Removal Cost or (ii) at least \$50,000,000.00. For the purpose of meeting this requirement, such net worth shall be evaluated each year, determined in accordance with international financial reporting standards, and certified to by an officer of LWECS Owner and an officer of the affiliate providing the guarantee.

The Net Removal Cost shall be estimated by a third party engineer retained by the Owner/Operator, and the amount of the Net Removal Cost shall be subject to approval by the Township, which approval shall not be unreasonably withheld.

The LWECS Owner shall keep the Removal Security in force, at the applicable Net Removal Cost amount, throughout the remainder of the life of the LWECS project, and the Removal Security must be renewed as necessary until removal and decommissioning of the LWECS is complete.

9. ADDITIONAL PERMITS AND APPROVALS:

Upon approval and issuance of the Special Exception Permit for the LWECS, Township shall endeavor to timely cooperate and issue associated permits associated with the LWECS project which are in conformance with the Special Exception Use Permit and comply with applicable Federal, State and local codes and regulations.

10. CONFLICTS:

In the case of conflicts between this Section 21.309 and any other provisions of the Dafter Township Zoning Ordinance, this Section 21.309 shall take precedence.

11. INDEMNIFY DAFTER TOWNSHIP:

The Owner/Operator of a LWECS shall defend, indemnify, and hold harmless Dafter Township and Dafter Township Officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs expenses, and liabilities whatsoever including reasonable attorney fees arising out of the negligent acts or omissions of such Owner/Operator concerning the operation of the LWECS without limitation, whether said liability is premised on contract or tort, excepting, however, if caused by the negligent or willful misconduct of Dafter Township and Dafter Township Officials.

12. SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS):

Small WECS of less than 100 feet in height but more than 60 feet in height are subject to the special exception permit standards in Article IV.

Small WECS of less than 60 feet do not require a special exception permit, but do require approval from the zoning administrator.

Small or individual wind energy conversion systems (WECS) conditions for approval:

1. The proposed Small WECS shall be located so as to limit as much as possible any obstruction or interference to the view from the residence of a neighboring property.
2. The primary purpose of a small WECS is to provide power for the principal use of the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from the small WECS designed to meet the energy needs of the principal use.
3. The WECS and its location on said properties shall limit any noise from where said WECS is located. The noise generated by any WECS shall not be greater than (50) fifty decibels at any neighboring dwelling. No WECS shall be erected such that any portion of the tower or generator/turbine or rotors is closer to utility lines, public roadways and/or property lines than the total height off the tower and rotor combined times 1.1
4. The planning commission may add additional reasonable conditions. Signed agreements from all property owners within 500 feet can negate noise limits and property line setbacks.
5. A grant of zoning compliance permit constitutes an agreement between the land owner and Dafter Township that the Zoning Administrator at any reasonable time may enter the property for the purpose of inspection to determine compliance with the above conditions. Such inspections will be prearranged with the land owner.
6. Certification by a registered professional engineer or manufacturer's certification that the towers design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes.

21.310

Towers:

Communication, Commercial Television, Radio, Microwave and Cellular Telephone:

- (1) All towers require a **Special Exception Permit**
- (2) A site plan is required, at a minimum the site plan shall show the location of the tower, all guy wires and support structures and all attendant facilities. The site plan shall also indicate distances from the tower base to the nearest points of all adjacent property lines.
- (3) Towers shall be located a distance of not less than 1.25 times the height of the tower from all neighboring property lines.
- (4) Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with appropriate anti climbing features.
- (5) Guy wires anchors shall be located at least ten (10) feet from adjacent property lines.
- (6) The applicant shall be required to demonstrate that the facility will be appropriately filtered or shielded to prevent interference with radio and television reception in neighboring areas.
- (7) Towers shall not be artificially lighted except as required by FAA or other authority with jurisdiction.
- (8) Appropriate warning signs shall be placed on the security fencing in easily visible locations.

- (9) Towers must be located a distance at least equal to one and one quarter (1.25) times the height of the tower away from electric power lines.
- (10) The applicant shall be responsible for the maintenance and safe operation of any tower. The applicant shall dismantle the tower within nine (9) months after operations cease.
- (11) The multiple use of each tower shall be encouraged to limit the number of towers within the Township. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.

21.311- Recreational Vehicles:

A Recreational Vehicle may not be parked or stored on any parcel of land except under one of the following conditions:

- (1) On the parcel of property that contains the primary and permanent residence of the owner of the recreational vehicle. A maximum of two (2) recreational vehicles are allowed under this condition.
- (2) In a licensed campground.
- (3) Completely enclosed in a building.

21.312 – Recreational Vehicles:

A Recreational Vehicle can not be used as a permanent dwelling/residence. A Recreational Vehicle can only be used as a temporary or seasonal residence/dwelling under one of the following.

- (1) As a temporary residence while the recreational vehicle is located on the same parcel where a new home is being constructed. This use is only allowed while the new home is being constructed. Any period of use beyond twenty-four (24) months must be approved by **Special Exception Procedure**.
- (2) As a temporary seasonal residence for a maximum of eight (8) months. To qualify for this use the recreational vehicle must be removed from the parcel for a minimum of four (4) months in a calendar year, and while removed from the parcel the recreational vehicle must be parked or stored in compliance with **Section 21.311**, and this use is only allowed if the temporary seasonal dwelling is maintained in an attractive condition and is in a state of structural integrity that allows for legal movement on the highway.
- (3) In a licensed Campground.

21.400

**ARTICLE XIV
Board of Appeals**

21.401

A Zoning Board of Appeals shall be appointed by the Township Board as prescribed by state with all the powers and authority prescribed by law or delegated to it under specific provision to the ordinance. The Board of Appeals shall consist of three (3) members; one member shall be a member of the Township Zoning Board or Planning Commission. One shall be an elected Officer from the Township Board who can

not serve as Chairman of the Zoning Board of Appeals. One Township Resident. An employee or contractor of the Township Board may not serve as a member or employee of said Board of Appeals.

The Township Board may also appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same terms as regular members. The alternates may be called by the chairman to sit as regular members when regular members are unable to attend two (2) or more consecutive meetings or for a period of more than thirty (30) consecutive days. They also may be called to sit where a regular member has a conflict of interest or abstains from voting in a particular matter.

21.402

The term of each member shall be three (3) years and until a successor has been appointed and qualified, a successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by the first two (2) appointed members serving for two (2) years and the remaining for three (3) years.

21.403

A member may disqualify him/herself from a vote in which he/she has a conflict of interest.

21.500

**ARTICLE XV
Administration and Enforcement**

21.501

The Township Zoning Administrator, appointed by the Township Board, is hereby authorized to receive all the applications about Zoning Permits and other correspondence including applications for special exception uses and appeals. If the application is for permitted uses, the Administrator shall issue the permit provided it is in conformity with the Zoning Ordinance. In the case of Special Exception uses, The Administrator will forward the application in full to the Zoning Board to take action according to **Section 20.402** rules of this ordinance. If the application is an appeal, it will be forwarded to the Zoning Board of Appeals, which shall follow procedure and criteria prescribed in **Public Act 184 of 1943**, as amended.

21.502

No structure shall be erected, altered, or excavation started until a Zoning Permit for such erection, alteration or excavation shall have been issued.

21.503

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, change, converted, or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within thirty (30) days from the date that a written application is filed with the Township Zoning Administrator.

21.504

Prior to the issuance of such certificate of occupancy, the Township Zoning Administrator shall be satisfied that the building to be erected or that alterations to be done comply in all respects with the building and health laws and ordinances and provisions of these regulations. It shall be the duty of the applicant for such certificate of occupancy or permit to furnish the building inspector such plans or other information as the building inspector may require in order to be reasonably satisfied that the building to be erected or altered

will so comply. Fees shall be charged and paid to the Treasurer of the Township upon the issuance by the building inspector of certificates of occupancy or building permits for all new construction projects, alterations, additions to, or repairs on all existing buildings or structures, to wit: as shall be determined by resolution of the Township Board.

21.505

All permits issued where the cost of remodeling, repairing, or altering is \$10,000.00 or less, or in all cases where new structures are built shall expire eighteen (18) months from the date of issuance. No fee shall be required where the cost of remodeling, repairing or altering is less than \$500.00.

21.506

All expired permits may be renewed for an additional one (1) year term at a fee of fifty percent (50%) of the original fee. All other permits shall expire twenty-four (24) months from the date of issuance.

21.507

Structures to be erected for the sole purpose of Agricultural use shall be required to have a zoning application from the Township; however, a County building permit is not required.

DAFTER LOT DIVISION ORDINANCE

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reason for the proposed division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by the Township Zoning Ordinance and in no case less than one-hundred (100) feet wide at the front line or less than fifteen-thousand (15,000) square feet in area. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County or District Health Department. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form and shall contain a drawing showing the dimensions and description of each part of each part of the lot as proposed for dividing.

Approval of the division for a lot in a recorded plat shall be contingent on an agreement in writing by the applicant that any sales contract, deed or another document presented for recording at the office of the County Register of Deeds shall be accompanied by a copy of the written approval of the Township Board and a copy of the drawing of the lot approved for dividing.

The County Register of Deeds shall not record a document involving the division of a lot in a recorded plat unless approved by the Township Board in compliance with the provisions of this ordinance.

21.600

**ARTICLE XVI
Enforcement**

21.601

The provisions of this Ordinance shall be enforced by such Township Official as may from time to time be designated by Resolution of the Township Board.

21.602

**ARTICLE XVII
Rezoning and Appeals Fees**

21.606

The Township Board is hereby authorized to establish by resolution fees for application for amendments to the Zoning Ordinance and for appeals or applications to the Zoning Board of Appeals, to be paid to the Township with such application or appeals to help defray the cost to the Township of such proceedings. Such fees may be altered by Resolution of the Township Board in the discretion of said Board.

21.700

**ARTICLE XVIII
Penalty**

21.701

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, Board of Appeals, or the Township Board issued in pursuance of this ordinance shall be guilty of a Misdemeanor. Upon conviction thereof, before any Court having jurisdiction, he/she shall be punishable by a fine not to exceed one-hundred (\$100.00) or by imprisonment not to exceed ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offence. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance

21.702

The foregoing penalties shall not prohibit the Township from seeking injunction relief against a violator or such other appropriate relief as may be provided by law.

21.800

**ARTICLE XIX
Validity**

21.801

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance in its entirety or any part thereof, other than the portion so declared to be invalid.

21.900

**ARTICLE XX
Amendments and Supplements**

21.901

Amendments and Supplements to this Ordinance may be adopted as provided by law.

22.000

ARTICLE XXI

Effective Date

22.001

This Ordinance shall take immediate effect. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

23.000

**ARTICLE XXII
Signs and Billboards**

23.010 – Billboards

23.011 – Statement of Purpose

This section is established to regulate all billboards erected over, placed upon, or affixed to any property or structure in Dafter Township.

23.012 - Approval

No billboard shall be authorized for display in Dafter Township, and no permit issued for same without the owner first making proper application to the Dafter Township Zoning Administrator.

23.013 - Definition of “Billboard”

An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

23.014

Billboards may be established in the Rural Residential Commercial, Industrial, Agricultural and Forestry/Recreational Zoning District Classifications provided they meet the following conditions:

- (1) Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the Township of Dafter where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back to back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from a given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard with one face being directly

above the other, shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection two (2) below.

- (2) No billboard shall be located within one-thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- (3) No billboard shall be located within two-hundred (200) feet of an existing residence. If the billboard is illuminated, this requirement shall instead be three-hundred (300) feet.
- (4) No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- (5) The surface display area of any side of a billboard may not exceed three-hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three-hundred (300) square feet.
- (6) The height of a billboard shall not exceed thirty (30) feet above , (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- (7) No billboard shall be on top of, cantilevered or otherwise suspend above the roof of any building.
- (8) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (9) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, and continued readability of message.
- (10) A billboard established within a commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to comply with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.

23.020 – Signs

23.021 – Statement of Purpose

This section is established to regulate all signs erected over, placed upon, or affixed to any property or structure within Dafter Township.

23.022 – Approval

No sign shall be authorized for display in Dafter Township, and no permit issued for same without the owner first making proper application to the Dafter Township Zoning Administrator.

23.023 – Definition of “Sign”

A lettered board or other public display advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.

23.024 – Regulation of Signs

- (1) **Restricted When On or Over Public Property:** No sign shall be erected on or over public property so as to interfere with any fire hydrant, fire alarm box, or streetlight. No privately owned sign shall be placed within the right-of-way of any State, County or Township road. No sign projecting over a sidewalk or path used by the public shall be erected with its lowest part nearer to the sidewalk grade than ten (10) feet.
- (2) **Peril To Public Safety Prohibited:** No sign shall be erected in any location where, by nature of traffic conditions, fire, explosive hazards, it would imperil public safety or interfere with the function of the Fire Department.
- (3) **Swinging Signs Over Public Places Prohibited:** No swinging signs shall be erected over a street, alley or public place.
- (4) **Maintenance; Permit:** Every sign located in the Township which may now be or hereafter become out of order, insecure or unsafe, and every sign which shall hereafter be erected, altered, repaired, reconstructed or moved, shall be removed or otherwise properly secured by the owners thereof or by the owners of the premises upon which such sign shall stand, upon receipt of notice to do so , given by the Zoning Administrator, and no insecure or unsafe sign shall be repaired or rebuilt except in accordance with the provision of this ordinance and upon a permit issued by the Zoning Administrator.
- (5) **Maintenance Enforcement:** In the event the owner or person having control over any sign, or the owner of the premises on which the sign is located in the Township, shall fail or neglect to remove or repair such sign, within the time stated in such notice, the same may be removed by the Township at the expense of the owner or manager of such sign or the owner of the premises upon which such sign stands.
- (6) **Hold Harmless:** The Township shall not be held liable for any injury or damage suffered by the person erecting such signs resulting from the use of the premises herein described or arising out of the performance of any act or thing required by the terms of this ordinance excepting however the sole negligence of the Township, and the erector does hereby release and discharge the Township from any claims or demands he may have of whatsoever kind and nature in any manner arising out of any matter or thing related to this ordinance or the premises described; and the erector covenants and agrees with the Township that he will indemnify and save harmless the said Township from any claims and demands that any person may have or make in any manner arising out of any matter or thing related to this ordinance or the premises described.

