

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I ENACTING CLAUSE, TITLE AND PURPOSE	1
1.1 Enacting Clause	1
1.2 Title	1
1.3 Purpose	1
ARTICLE II GENERAL PROVISIONS	3
2.1 Scope	3
2.2 Definitions	3
2.3 Undefined Terms	13
2.4 Application of Regulations	13
ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS	14
3.1 Establishment of Zoning District	14
3.2 Official Zoning Map	14
3.3 Interpretation of District Boundaries	14
ARTICLE IV ZONING DISTRICT REGULATIONS	15
4.1 Open Districts	15
4.1.1 Agricultural District (AG-1)	15
4.2 Residential Districts	16
4.2.1 Rural Non-Farm Residential District (RNF-1)	16
4.2.2 Suburban Residential District (RS-1)	18
4.3 Commercial Districts	19
4.3.1 General Commercial District C-1)	19
4.3.2 Highway Service Commercial District C-2)	21
4.3.3 Light Industrial District (I-1)	22
4.4 District Area, Yard, Height and Bulk Requirements	24
ARTICLE V SUPPLEMENTAL REGULATIONS	28
5.1 Purpose	28
5.2 Sign Regulations	28
5.3 Off-Street Parking Requirements	31
5.4 Off-Street Loading and Unloading Requirements	36
5.5 Conditional Uses	37

TABLE OF CONTENTS

(Cont'd.)

Page

5.6	Site Plan Review and Approval	56
5.7	Non-conformities	59
5.8	Performance Standards	62
5.9	Storage of Materials	63
5.10	Travel Trailers	63
5.11	Visibility at Intersections	64
5.12	Access to Public Streets	64
5.13	Floodplains	64
5.14	Home Occupation	64
5.15	Temporary Uses	65
5.16	Essential Services	65
5.17	Curb Cuts and Driveways	65

ARTICLE VI ADMINISTRATION OF THE ORDINANCE 66

6.1	Purpose	66
6.2	Administration	66
6.3	Duties of Zoning Inspector	66
6.4	Zoning Compliance Permits	66
6.5	Certificate of Occupancy, Final Inspection	67
6.6	Fees, Charges and Expenses	68
6.7	Violations and Penalties: Nuisance Per Se: Abatement	68

ARTICLE VII BOARD OF APPEALS 69

7.1	Board of Appeals Established	69
7.2	Duties of the Board of Appeals	69
7.3	Variance	69
7.4	Interpretation of Zoning Ordinance	71
7.5	Appeals to the Board of Appeals	71

ARTICLE VIII AMENDMENT PROCEDURES 73

8.1	Initiating Amendments and Fees	73
8.2	Amendment Procedures	73
8.3	Conformance to Court Decree	73

TABLE OF CONTENTS

(Cont'd.)

	<u>Page</u>
ARTICLE IX LEGAL STATUS	74
9.1 Conflict with Other Laws and Ordinances	74
9.2 Validity and Severability Clause	74
9.3 Period of Effectiveness	74
9.4 Repeal of Ordinance	74
9.5 Effective Date	74

ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 - ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act No. 184 of the 1943 Public Acts of Michigan, as amended, to establish comprehensive zoning regulations for Springport Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Springport Township." The Zoning Map referred to herein is entitled "The Official Zoning Map, Springport Township."

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, and commerce in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Springport Township Planning Commission and the Springport Township Board.

- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;
- G. Conserving the value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.1 - SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a building permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 - DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

2.2.1 Accessory Structure, Building, or Use:

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

- 2.2.2 Alley:
A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property
- 2.2.3 Alter:
Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.
- 2.2.4 Apartment:
A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.
- 2.2.5 Automobile Service Station:
Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.
- 2.2.6 Automobile Wrecking:
The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.
- 2.2.7 Basement:
A story of a building having more than one-half (1/2) of its height below grade.
- 2.2.8 Boarding House or Rooming House:
A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.9 Building:

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

2.2.10 Building Height:

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

2.2.11 Building Setback Line:

The minimum horizontal required distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the minimum yard requirement.

2.2.12 Central Sanitary Sewerage System:

A sanitary sewerage system furnished from a central location or plant, but not including septic tanks, by any person, firm, corporation, municipal department, or board duly authorized to furnish such a system, in accordance with federal, state, or local regulations.

2.2.13 Central Water System:

A water supply system furnished from a central location or plant by any person, firm, corporation, municipal department, or board duly authorized to furnish such a system, in accordance with federal, state, or local regulations.

2.2.14 District:

A portion of the Township of Springport within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

2.2.16 Dwelling Unit:

One (1) or more rooms with independent cooking facilities shall contain a flush toilet, tub or shower.

2.2.17 Dwelling - Single-Family:

A detached building other than a mobile home designed for or occupied by one (1) family only with a minimum floor space of nine hundred eighty (980) square feet.

2.2.18 Dwelling - Two-Family:

A detached building with two (2) dwelling units designed for or occupied by two (2) families living independently of each other with separate housekeeping and cooking facilities.

2.2.19 Dwelling - Multiple-Family:

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

2.2.20 Easement:

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property and having a width of not less than twenty (20) feet.

2.2.21 Essential Services:

The erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, or maintenance depots.

2.2.22

Family:

One (1) or more persons living together in a room or rooms comprising a single housekeeping unit. A family is distinguished from a group occupying a rooming-house, boarding-house, lodging-house, club, fraternity-house, hotel, motel, or tourist home.

2.2.23

Home Occupation:

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

2.2.24

Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

2.2.25

Junk Yard:

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

2.2.26

Kenel:

Any lot or premises on which four (4) or more dogs or cats, four (4) months old or more are confined either permanently or temporarily.

2.2.27

Lot:

A parcel of land which consists of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

- 2.2.28 **Lot Area:**
The area within the lot lines, but excluding that portion in a road or street right-of-way.
- 2.2.29 **Lot, Corner:**
A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.
- 2.2.30 **Lot Depth:**
The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.
- 2.2.31 **Lot Coverage:**
The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- 2.2.32 **Lot Line, Front:**
That part of the lot line which coincides with the street right-of-way line.
- 2.2.32.1 **Lot Line, Rear:**
The lot line not intersecting a front lot line that is most distant from and mostly parallel to the front lot line. A lot bounded by only three lot lines shall not have a rear lot line.
- 2.2.32.2 **Lot Line, Side:**
Any boundary of a lot that intersects a front lot line.
- 2.2.33 **Lot of Record:**
A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.34 Lot Through (Double Frontage):

An interior lot having frontage on two (2) parallel or approximately parallel streets.

2.2.35 Reserved For Future Use

2.2.36 Mobile Home:

A detached portable residential dwelling unit with a minimum width of fourteen (14) feet and a minimum length of seventy (70) feet and to be no more than ten (10) years old (by title) prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodation, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flat bed arriving at the site where it is to be occupied as a complete dwelling. Shall be connected to existing utilities. A travel trailer or motor home is not to be considered a mobile home.

2.2.37 Mobile Home Park:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

2.2.38 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.39 Motel:

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

2.2.40 Motor Home:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being operated under its own power.

2.2.41 Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access to entrance and exit for the parking of automobiles.

2.2.42 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.43 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.44 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.45 Roadside Stand:

A structure temporarily operated for the purpose of selling only produce raised or produced primarily on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.2.46 Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

- b. Flags and insignias of any government, except when displayed in connection with commercial promotion;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs not exceeding three (3) square feet in area directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.47 **Sign Area:**

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.48 **Sign, On-Site:**

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.49 **Site Plan Review:**

A review by the Planning Commission of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.50 **Story:**

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

2.2.51 **Street:**

A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

- 2.2.52 **Structure:**
Anything constructed, erected or placed with a fixed location on the surface of the ground.
- 2.2.53 **Transition Strip:**
A screened area which reduces the visual or noise impact of one (1) use upon another.
- 2.2.54 **Travel Trailer:**
A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed.
- 2.2.55 **Yard, Front:**
An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.
- 2.2.56 **Yard, Rear:**
An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.
- 2.2.57 **Yard, Side:**
An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot.
- 2.2.58 **Feedlots:**
A concentrated confined animal or poultry operation designed wherein the animals or poultry are fed at the place of confinement and crop or forage production is not sustained in the area of confinement and may require a permit from the MICHIGAN DEPARTMENT OF NATURAL RESOURCES.

2.2.59 Frontage:

The total length along which a building site of land fronts on a public road measured along the line where the property abuts the street right-of-way line.

2.2.60 Off-Site Sign (billboard):

A sign advertising a product for sale or a service to be rendered off the premises.

2.2.61 Self-Service Storage Facility (SSSF):

A building or a group of buildings used primarily for the temporary dead storage of residential goods and wares as a result of their transfer from one point to another and/or the dead storage of residential goods and wares; commercial goods and wares; and industrial goods, wares and commodities.

2.2.62 Dead Storage:

Goods not in use and not associated with any office, retail, or other business use on the premises.

SECTION 2.3 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.4 - APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

Springport Township is hereby divided into the following zoning districts:

AG-1	Agricultural District
RNF-1	Rural Non-Farm Residential District
RS-1	Suburban Residential District
C-1	General Commercial District
C-2	Highway Service Commercial District
I-1	Light Industrial District

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map, Springport Township, Jackson County, Michigan, dated _____" which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk and be available for examination.

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys protected, center lines of railroad rights-of-way lines, section lines, one-quarter (1/4) section lines, one-eighth (1/8) section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be scaled and dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

ARTICLE IV

ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this section.

SECTION 4.1 - OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses to protect from premature urban development.

a. Permitted Uses:

1. General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Home occupations only in accordance with the regulations specified in Article V, Section 5.14.
5. Kennels.
6. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
7. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.2.
8. Essential services and structures of a non-industrial character, but not

including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section 5.16.

9. Accessory uses or structures.

10. Mobile homes.

b. Conditional Uses:

1. Quarries (see Section 5.5.9).

2. Feedlots (see Section 5.5.9).

3. Telecommunication Facilities and Towers (see Section 5.5.9).

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.4.

SECTION 4.2 - RESIDENTIAL DISTRICTS

The Rural Non-Farm Residential District, and Suburban Residential District, are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF-1):

This district is established to provide suitable areas for single-family dwellings at low densities and to preserve the predominantly rural character of these areas.

a. Permitted Uses:

1. Single-family detached dwellings.

2. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.16.
5. Accessory uses or structures.

b. Conditional Uses:

1. Golf courses, but not including golf driving ranges.
2. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nursery; primary and secondary nonprofit schools.
5. Government or community-owned buildings.
6. Group or organized camps, camping grounds, and general or specialized resorts.
7. Airports.
8. Public and private nurseries, primary or secondary nonprofit schools, and colleges and universities.
9. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
10. Riding academies and stables.
11. Cemeteries.
12. Travel trailer parks.
13. Animal hospitals.

- 14. Sanitary landfills.
- 15. Mobile homes.
- c. Area, Yard, Height, and Bulk Requirements:

See Section 4.4.

4.2.2 Suburban Residential District (RS-1):

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

a. Permitted Uses:

- 1. Single-family detached dwellings.
- 2. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
- 3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
- 4. Essential services, only in accordance with the regulations specified in Article V, Section 5.16.
- 5. Accessory uses or structures.

b. Conditional Uses:

- 1. Planned unit residential developments.
- 2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
- 3. Churches and other buildings for religious worship.
- 4. Public and private nurseries, primary and secondary nonprofit schools.
- 5. Government- or community-owned buildings.

6. Golf courses, but not including golf driving ranges.
 7. Multiple-family dwelling and two family dwelling.
- c. Area, Yard, Height, and Bulk Requirements:

See Section 4.4.

SECTION 4.3 - COMMERCIAL DISTRICTS

The General Commercial District and Highway Service Commercial District are designed to limit compatible commercial enterprises to appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential streets and highways. The purpose of the commercial district is further stated below.

4.3.1 General Commercial District C-1):

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area.

a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shop for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices,
3. Offices of an executive, administrative, or professional nature.
4. Business schools; including dance schools, music schools, and art schools.
5. Indoor retail sales establishments.

6. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
 7. Eating and drinking establishments, but not including drive-in types.
 8. Clubs and lodges.
 9. Funeral homes.
 10. Printing establishments.
 11. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.5.
 12. Accessory uses or structures.
 13. Essential services and structures of a non-industrial character.
 14. Automobile service stations.
- b. Conditional Uses:
1. Automobile repair garages.
 2. Hotels or motels.
 3. Small animal clinics.
 4. Drive-in business services.
 5. Churches and other buildings for religious worship.
 6. Government- or community owned buildings, but not including schools.
 7. Group or organized camps. Camping grounds: General or specialized resorts.
 8. Self-Service storage facilities as defined in Article II.
- c. Area, Yard, Height, and Bulk Requirements:
- See Section 4.4.

4.3.2 Highway Service Commercial District C-2):

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

a. Permitted Uses:

1. Automobile service stations.
2. Sales, rental, and service of motor vehicles, trailers, and boats.
3. Drive-in retail and service establishments, except drive-in theaters.
4. On-site and off-site signs, only in accordance with the regulations as specified in Article V, Sections 5.2.5 and 5.2.6.
5. Motels and hotels.
6. Eating and drinking establishments.
7. Essential services and structures of a non-industrial character.
8. Accessory uses or structures.
9. Indoor and outdoor commercial amusements.

b. Conditional Uses:

1. Automobile repair garages.
2. Drive-in theaters.
3. Self-service storage facilities as defined in Article II.

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.4.

4.3.3 Light Industrial District (I-1):

This district is designed to provide suitable space for industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

a. Permitted Uses:

1. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
2. Contractor's yard.
3. Essential services and structures.
4. Farm machinery and equipment sales and repair.
5. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
6. Industrial office buildings.
7. Lumber yards.
8. Research and testing laboratories.
9. Signs in accordance with the regulations as specified in Article 5.
10. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
11. Trucking terminals.
12. Vehicle repair garages, but not including auto junk yards.
13. Wholesale merchandising or storage warehouses.

14. Self-service storage facilities as defined in Article II.

b. Conditional Uses:

1. Industrial planned-unit developments.

2. Junk yards.

c. Area, Yard, Height and Bulk Requirements:

See Section 4.4.

SECTION 4.4 - DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements			Minimum Transition Strip Requirements	Remarks
		Minimum Lot Area	Minimum Lot Frontage	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory			
Agricultural	AG-1	1 acre	200'	10%	60'	30'	50'	2 1/2 story or 35'	100'	--	Single-family detached dwelling units and mobile homes	
		5 acres				60'					All other uses	
Rural Non-Farm-Residential	RNF-1	1 acre	200'	5%	35'	20'	35'	2 1/2 story or 35'	25'	--	All other uses	
Suburban Residential	RS-1	10,000 sq. ft.	100'	30%	35'	10'	25' (total)	2 1/2 story or 35'	25'	--	Single family detached dwellings with central sewer and water systems	
		1 acre	120'			25'	35'				All other uses	
General Commercial	C-1	15,000 sq. ft.	100'	25%	35'	20'	20'	35'	--	15' wide and fence, wall, or hedge 4'-8" high if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	With or without central sewerage and water systems.	
Highway Service Commercial	C-2	15,000 sq. ft.	100'	25%	35'	20'	20'	35'	--	15' wide and fence, wall, or hedge 4'-8" high if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	--	
Light Industrial	I-1	1 acre	150'	35%	35'	20'	35'	35'	35'	25' wide and fence, wall, or hedge 4'-8" high if abutting a residential district. 20' wide, landscaped strip if fronting on a public street.	--	

* Applies to side yard abutting street from a corner lot

4.4.1 Compliance with Regulations:

- a. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, or other open spaces than prescribed for the district in which the building or structure is located.
- b. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- c. No part of a yard or open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.4.2 Yard Measurements:

- a. Lots which abut on more than one (1) street shall provide the required front yards along every street.
- b. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.4.3 Lot Width:

The width of a lot shall be considered to be the horizontal distance between the side lot line measured at the two (2) points where the building setback line intersects the side lot lines; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirements shall not apply.

4.4.4 Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

	10'	12'	15'	18'	20'	25'	30'
Office Professional							
Community Office Professional							
Community Office Professional			25				
Community Office Professional							
Community Office Professional							
Community Office Professional							
Community Office Professional							

a. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances. Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and watertanks.

b. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated.

4.4.5 Accessory Structures:

- a. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may be placed not less than three (3) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed twelve (12) feet in height.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.

4.4.6 Distance Between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- a. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- b. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.

c. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.4.7 Lot Building Relationship:

Hereafter every building erected, altered, or moved shall be located on a lot of record as defined in this Ordinance, and except in the case of approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structure located on each lot in a Residential District. In Agricultural District, only one (1) residential structure and its permitted accessory structures shall be permitted on a lot of record.

ARTICLE V

SUPPLEMENTAL REGULATIONS

SECTION 5.1 - PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS

5.2.1 General Sign Regulations:

- a. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, it may interfere with or obstruct the view of traffic, nor shall any sign be displayed which may be confused with any authorized traffic sign, signal, or device.
- b. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- c. In the Agricultural District and all residential districts, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half (½) the minimum authorized front yard depth.
- d. In the General Commercial, Highway Service Commercial, and Light Industrial all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- e. Unless otherwise specifically stated, all signs shall conform to the yard and height requirements of the district in which said sign is located.
- f. Signs in the Highway Service District may be placed up to ten (10) feet from the front property line and shall conform to all other provisions of the District.

5.2.2 Permitted On-Site Signs in Agricultural Districts:

The following on-site signs are permitted on any lot in the Agricultural District:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation not to exceed three (3) square feet in area.
- c. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

5.2.3 Permitted On-Site Signs in Residential Districts:

The following on-site signs are permitted on any lot in residential districts:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- c. One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- d. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

5.2.4 Permitted On-Site Signs in General Commercial, Highway Service Commercial and Light Industrial Districts:

The following on-site signs are permitted on any lot in the General Commercial, Highway Service Commercial and Light Industrial Districts:

- a. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign

area shall not exceed one-half ($\frac{1}{2}$) square foot for each foot in length or height of the wall, whichever is greater.

- b. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building setback.

5.2.5 Off-Site Signs:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Highway Service Commercial District under the following conditions:

- a. Off-site signs are required to conform to yard and height requirements for other principal structures or buildings in the zone which they are situated.
- b. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or V-type structure shall be considered a single sign.
- c. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- d. No off-site sign shall be erected on the roof of any building, nor shall one (1) sign be located above another sign.
- e. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

5.2.6 Signs for Automobile Service Stations:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

5.2.7 Elimination of Non-Conforming Signs:

Non-conforming signs shall be subject to the provisions of Section 5.7.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

5.3.1 Plans:

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a Zoning Compliance Permit for the erection or enlargement of a building.

5.3.2 Location of Off-Street Parking Areas:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Parking in Suburban Districts:

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential district.

5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than two-hundred (200) square feet in area, and not less than ten (10) feet in width, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 1. For ninety (90°) degree or perpendicular parking, the aisle shall be less than twenty-two (22) feet in width.
 2. For sixty (60°) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 3. For forty-five (45°) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- f. 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 lot or institutional premises.
- g. Any off-street parking providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

- h. 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.

5.3.5 Collective Parking:

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the required number of spaces designated is not less than the sum of individual requirements,

5.3.6 Determining Requirements:

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

a. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

b. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

c. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces:

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops & Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) seats.
Drive-in Restaurant	Ten (10) spaces plus one (1) space for every twenty (20) square feet of gross floor area.
Drive-in Theaters	One (1) space per each outdoor speaker facility plus one (1) space per each two (2) employees.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Golf Courses	Six (6) spaces for each one (1) golf hole and one (1) space for each employee.

<u>Use</u>	<u>Parking Space Requirements</u>
Hospitals, Convalescent Homes & Orphanages	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Mobile Home Sales	Four (4) spaces per each mobile home on display for sale purposes.
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Supermarket, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.8 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

5.4.1 Plans:

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

5.4.2 Off-Street Loading Area Design:

- a. Each off-street loading and unloading space shall be not less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) feet in height clearance.
- b. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- c. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.3 Off-Street Loading Area Space Requirements:

- a. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

- b. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- c. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of Springport Township into districts in each of which are permitted specified uses of a similar nature which are mutually compatible. In addition to such permitted compatible uses however, there are certain other similar uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Springport Township. Such uses because of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

5.5.1 Authority to Grant Permits:

The Planning Commission shall have the authority to recommend to the Springport Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as it may determine for all conditional uses specified in the various district provisions of this Ordinance.

5.5.2 Application and Fee:

Application for any Conditional Use Permit permissible under the provisions of this Ordinance shall be made to the Township Planning Commission through the Springport Township Clerk by filing an official Conditional Use Permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Springport Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

5.5.3 Data, Exhibits, and Information Required in Application:

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of

said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

5.5.4 Public Hearings:

The Planning Commission shall hold a public hearing upon any application for a Conditional Use Permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in Springport Township, within fifteen (15) days but not less than five (5) days prior to the date of said hearing.

5.5.5 Required Standards and Findings for Making Determinations:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- a. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- b. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- c. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public costs for public facilities and services.

5.5.6 Determination and Imposition of Conditions:

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Springport Township Board that a conditional use permit be granted. In recommending that a conditional use permit should be granted by the Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best

interest of Springport Township and the surrounding property, and to achieve the objectives of this Ordinance.

5.5.7 Approval, Grant or Permit:

Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall, within thirty (30) days, recommend approval or disapproval to the Township Board. When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the applicant, Clerk, Zoning Inspector, and Planning Commission. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

5.5.8 Voiding of Conditional Use Permit:

Any Conditional Use Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such Conditional Use Permit.

5.5.9 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary.

a. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.

3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit potential nuisances caused by wind blowing dust on adjoining lots and public roads.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal processing or storage shall be conducted so as not to cause the pollution by any material of any surface or subsurface, water-course, or body, outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall be conducted so as not to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.

10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonable natural.
11. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of an interval not greater than five (5) feet, steps which shall be taken to conserve topsoil; Proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator shall file with Springport Township a performance bond, payable to Springport Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by Springport Township. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

b. Drive-In Theaters:

In addition to and as an integral part of this development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

2. All fenced, in areas shall be set back at least one hundred (100) feet from any front street or property line.
3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

c. **Planned-Unit Development:**

The purpose of this section is to permit flexibility for residential, commercial, where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units demonstrates a more effective use of land and structures strict regulations of this Ordinance can be modified by the Planning Commission. Any planned-unit development to be eligible under this provision must comply with the following requirements:

1. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
2. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use regulations would require requirements differing from those ordinarily applicable under this Ordinance. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of Springport Township.
3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

2. All fenced, in areas shall be set back at least one hundred (100) feet from any front street or property line.
3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

c. **Planned-Unit Development:**

The purpose of this section is to permit flexibility for residential, commercial, where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units demonstrates a more effective use of land and structures strict regulations of this Ordinance can be modified by the Planning Commission. Any planned-unit development to be eligible under this provision must comply with the following requirements:

1. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
2. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use regulations would require requirements differing from those ordinarily applicable under this Ordinance. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of Springport Township.
3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

5. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

d. Feedlots:

Feedlots shall be subject to the following standards:

1. Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers:

<u>Kinds of Livestock</u>	<u>Animal Unit Factor</u>
A. Beef cattle - per 1000 pounds of body weight	1.0
B. Dairy cattle - per 1000 pounds of body weight	1.4
C. Swine - weighing over 55 pounds	4.0
D. Horses - per 1000 pounds of body weight	2.0
E. Sheep, lambs, and goats	0.1
F. Laying hens or broilers (continue overflow watering)	0.01
G. Laying hens or broilers (liquid manure handling system)	0.03
H. Turkeys	0.02

2. Concentrated animal feeding operation means an animal feeding operation where the following conditions are met:

- a. Animal (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and;
 - b. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility and;
 - c. Animals in confinement to the extent of 1000 or more animal units;
3. A site plan must be presented to the Township Planning Commission for their review, and contain all information required in Section 5.6.4 (REQUIRED DATA FOR DETAIL SITE PLAN).
4. The applicant shall prepare an Environmental Impact Statement conforming to the Michigan Executive Order 1974-4 and guidelines issued thereunder, which Impact Statement shall be filed with the Conditional Use Application.
5. Any violation issued by any federal, state, county, or local government or litigation concerning other concentrated animal feeding operations must be submitted to the Planning Commission by the applicant with their Site Plan for the determination on any future construction.
6. The minimum lot area for each unit is twenty (20) acres.
7. All structures and confined lots designed to house or contain livestock must be set back seven hundred fifty (750) feet from any existing family residence except that of the confined feeding operator. All structures and confined lots must be fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or any public building and two thousand (2,000) feet from any area zoned residential or any area that has a recorded residential plat.
8. There shall be provided at least two hundred eighty-five (285) feet set back from the property line that abuts the class A, B, C, D, County Road, State, or Federal Highway of any structures or lagoon.
9. The Township Board shall provide a qualified inspector to approve all phases of the project, construction and periodic site and soil management inspection. All cost to be the responsibility of the owner.

10. An emergency capture and containment facility must be in place before lagoon loading.
11. Animal waste lagoons shall be constructed to at least the specification of the Jackson County Soil Conservation Service. If a poly liner is recommended by the Jackson County Soil Conservation Service, then such a liner shall be made of a PVC material, in a thickness of no less than 20 mil. All seams of such liner shall be sealed according to manufacturer's specifications, with manufacturer's recommended adhesive. All seams will be inspected and certified by a registered professional engineer and his seal be affixed to the certificate.
12. No animal waste collection unit (such as a lagoon) shall be located closer than 1/4 mile (1,320 ft.) from any lake, stream, river, pond, open ditch or wetland.
13. No such lagoon may be located closer than three thousand (3,000) feet from any other lagoon.
14. No lagoon or combination of lagoons shall exceed five (5) million gallons in capacity.
15. Lagoons shall be fences, properly perennial seeded or sodded.
16. Four (4) test wells must be installed near the lagoon in locations recommended by the Jackson County Health Department. Split water samples are to be randomly selected with an appointed Township representative present and tested monthly by the Jackson County Health Department. All cost for the wells and testing will be the responsibility of the owner.
17. Lagoon waste shall be deposited into the soil utilizing injection method or other acceptable method which provides adequate soil cover over the waste to eliminate runoff and odor. Exception shall be in the case of waste filtration and solids separation. Such deposition shall not cause pollution of any surface, sub-surface, water course, or water body. Soil testing shall be performed by a qualified testing laboratory selected by the Township Board to define levels of nitrogen, phosphorus, and potash; maximum acceptable levels to be determined by soil types or classification. All cost shall be the responsibility of the lessee or owner of the land to which the waste is applied.
18. Any odor generated on said site and borne or able to be borne by the wind shall be confined within the lines of said site, as much as possible, so as not to cause a nuisance or hazard on any property or

public road, so as to maintain air quality standards of no more than one half (½) part per million of hydrogen sulfide or ten (10) parts per million air borne ammonia average per hour at the site perimeter.

19. Any smoke, fumes, dust, insects, or rodents generated on said site shall be confined within the lines of said site so as not to cause a nuisance, hardship, or hazard on any properties or public road.

20. Such operation shall be conducted so as not to cause the pollution by any material of any surface, sub-surface, water course, or water body.

21. Such operation shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said site, or of any land on said site so that earth materials are carried outside of the lines of said site that such operation shall be conducted so as not to alter the drainage pattern of surface or sub-surface water on adjacent property.

22. Limitations on aerial application of effluent from feedlot operations.

a. To assure that application practices do not adversely effect groundwater of the state or otherwise threaten public health, the following conditional uses are imposed:

1. Effluent application rates on agricultural land are limited to quantities of effluent which provide a part of the nitrogen needs of the crop, but do not exceed 2.89 acre-inches per acre per year and 2 acre inches per acre maximum per application.

2. Effluent shall not be applied within five hundred (500) feet of drinking water wells, five hundred (500) feet of surface waters (including drainways), one hundred fifty (150) feet from roads, five hundred (500) feet from property lines and five hundred (500) feet from homes or commercial buildings.

3. In no case shall effluent be applied in a manner which results in significant ponding, or runoff to adjacent property drainage ditches or surface waters.

4. Effluent application is not permitted when soils are water-saturated, frozen or snow-covered.

5. Application of effluent is not permitted to soils in which the groundwater table is less than thirty (30) inches from the soil surface at time of application.
6. Effluent shall be applied in accordance with the Soil Conservation Service recommended procedures.
23. The operator shall file with the Planning Commission and Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping, and/or other improvements contemplated.
24. The operator shall file with the Township Board a surety bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond shall be fixed by the Township Board at one (1%) percent of the total construction cost multiplied by the number of site acres. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
25. The bond or renewal thereof shall be for a period of not more than three (3) years and shall be renewable only upon reassessment of the cost estimate required to restore the site to its previous undeveloped condition as detailed in Article V, Section 5.5.9, #22.

e. Telecommunication Facilities and Towers:

This Ordinance is an amendment to the Springport Township Zoning Ordinance and is enacted pursuant to the enabling clause set forth herein. The purpose of such amendment is to add procedures and requirements for the construction and location of telecommunication facilities and towers within the Township and to make the required changes in the existing Zoning Ordinance to be compatible with this Amendment.

1. Definitions: As used in this amendment, the following definitions shall apply:

a. Telecommunication(s) Facility:

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving.

ing radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Communications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority and that do not exceed the height limitations for the appropriate zoning district. Also not included are those described facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only and for which charges are not being made for viewing the signals being received.

b. Applicant:

The applicant for a permit to erect a telecommunication facility as defined above.

c. Application:

The application is a written request by the applicant for the permits and approvals necessary for the construction of a telecommunication facility.

2. Application Process:

Before any telecommunications facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such permit shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the telecommunication facility is 60 feet or more in height.

- b. A site survey to scale, showing all structures within 1000 feet, and including a legal description of the real estate.
- c. A detailed statement as to the intended buffering of the property to minimize its visibility to surround uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- d. The proposed height of the telecommunication facility.
- e. The location and size of all accessory buildings.
- f. The type of construction of the telecommunication facility.
- g. The proposed color of the telecommunication facility, which shall be gray unless otherwise decided upon by the Planning Commission.
- h. Each application shall be accompanied by a report prepared by a licensed Michigan professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The report shall demonstrate the telecommunication facility's compliance with applicable sub-structural standards and describe the telecommunication facility's road design. Such report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 5.5.9e hereinafter set forth.
- i. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing at least two other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
 - i. Unwillingness of the owner to allow a telecommunication facility on his/her property.
 - ii. Topographical limitations of the site.
 - iii. Adjacent impediments that would obstruct adequate telecommunication transmissions.

- iv. Physical site constraints that would preclude the construction of a telecommunication facility.
- v. Technical limitations of the telecommunication system.
- vi. Lack of a legal description of the property.
- j. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the telecommunication facility is in compliance with all applicable federal, state, and local laws, codes, regulations and ordinances.
- k. The base of the telecommunication facility shall be determined by the setback requirements of the Zoning Ordinance. In no case shall the base of the telecommunication facility intrude into the minimum setback requirements.
- l. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be two miles in order to prevent a concentration of telecommunication facilities in one area.
- m. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Section 5.5.9e of the Springport Township Zoning Ordinance.
- n. All applications must include a copy of the FCC license.
- o. The application shall contain information which will demonstrate that there is an existing need for the structure in question.

3. Minimum Standards:

All commercial wireless telecommunication facilities and towers erected, constructed, or located within the Charter Township of Springport shall comply with the following minimum standards:

- a. Commercial telecommunication antennas, satellite dishes, cellular towers microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the telecommunication facility plus 10%, whichever is greater, except structures used for the operation of the telecommunication facility. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- b. All communication facilities shall be inspected annually by a competent or licensed inspector to ensure the structural integrity of the telecommunication facility, appurtenances added to the telecommunication facility, equipment added to the telecommunication facility, and fixtures added to the telecommunication facility. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such reports shall be at the expense of the structure owner. If the owner fails to provide such a report, the township may obtain such from a qualified individual of its' choice and recover its' cost from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method, including but not limited to adding such to the next tax statement and collected as if such was, in fact, a tax.
- c. All telecommunication facilities shall be harmonious with an in accordance with the general objectives, intent and purposes of the Township of Springport Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.
- d. Such telecommunication facilities or towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- e. There shall be vegetative screening though the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- f. Minimum property line setbacks shall be thirty (30) feet plus the height of the self-supporting telecommunication facility, plus ten (10%) percent of the height of the tower, or one hundred (100) feet, whichever is greater, in Agricultural, Commercial and Industrial Districts. Notwithstanding the foregoing language, no telecommunication facility shall be located closer than 200 feet from the property

line when the adjacent property within 500 feet is being used for residential purposes. The setback distance shall be measured from the base of the telecommunication facility to the lot line.

- g. The telecommunication facility shall conform to the ANSI standards for radio frequency exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standard at its' cost.
- h. The total square footage of accessory buildings shall not exceed four hundred (400) square feet per user of the telecommunication facility. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
- i. Fuel tanks shall be buried in accordance with state regulations, or screened with landscaping, fencing or berms. Any trash area must be screened. Alternative fuel supplies shall meet applicable state law.
- j. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state noise standards, and shall conform to recommended decibels standards adopted by the appropriate local, state or federal agency.
- k. Metal telecommunication facilities shall be constructed of or treated with corrosive resistant material.
- l. Antenna and metal telecommunication facilities shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- m. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
- n. All parking and drive areas must be paved. However, the Planning Commission, in its' sole discretion, may allow an alternate type of finished surface for the parking and drive areas.
- o. All telecommunication facilities and towers shall be equipped with an anti-climbing device to prevent unauthorized access.

p. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance.

4. Abandonment:

In the event the use of any telecommunication facility has been discontinued for a period of 90 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 90 days within which to reactivate the telecommunication facility, or dismantle and remove the telecommunication facility, restoring the premises to their original condition to the extent possible. All support structures, equipment, and related components, further, shall be removed to a depth of two feet below ground level.

5. Federal, State and Local Rules:

The owner or applicant of the telecommunication facility shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

6. Tower Space and Tower Girths:

The applicant shall provide to the Township of Springport tower space and use rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

7. Conditional or Permitted Use:

Telecommunication facilities shall be subject to the provisions of Section 5.5.9e of this Ordinance regardless of whether such facilities are designated as a conditional or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.

8. Bonds:

The owner of the telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 90 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to

time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility or tower.

9. Transfer of Ownership:

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.

10. False Statement on Application:

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site for a period of 365 consecutive days from the date of forfeiture. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 90 days.

11. Names of References on Application:

This application shall state the name, address and phone number(s) of the person(s) to contact for engineering, maintenance, and other notice purposes. The application shall also include the name of the back haul provider, if applicable.

12. Stealth Design Requirements:

The Planning Commission may require camouflage or innovative design for a telecommunication facility. Such design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility to be so designated as to blend into the existing environs and background of the facility.

13. Co-Location Requirements:

All commercial wireless telecommunication facilities erected, constructed, or located within the Township shall comply with the following requirements:

- a. The proposal for a new commercial wireless telecommunication facility shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed telecommunication facility cannot be accommodated on an existing or approved telecommunication facility or building within a one mile

search radius of the proposed telecommunication facility due to one or more of the following reasons:

- i. The planned equipment would exceed the structural capacity of the existing or approved telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved telecommunication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the interference cannot be prevented at a reasonable cost.
- iii. Existing or approved telecommunication facilities or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed Michigan professional engineer.
- iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved telecommunication facility, tower or building. Any proposed commercial wireless telecommunication service tower shall be designed – structurally, electrically, and in all respects – to accommodate both the applicant’s antennas and comparable antennas for a minimum of two users if the telecommunication facility is over 100 feet in height, or for at least one additional user if the telecommunication facility is over 60 feet in height. Telecommunication facilities must be designated to allow future rearrangement of antennas upon the telecommunication facility to accept antennas mounted at varying heights.

b. No telecommunication facility shall be constructed unless there is proof that co-location on an existing telecommunication facility cannot meet the needs of the applicant.

c. All operators of telecommunication facilities constructed under this Ordinance section may not prohibit another operator or user from co-location of its equipment at the then going rate for co-location on similar telecommunication facilities without a compelling reason

approved by the Township Board. All operators must have Board approval before denying a co-location request.

14. Cases Not Covered by Amendments:

In all cases involving the construction of a telecommunication facility not covered by the amendments in Section 5.5.9e, such must follow and be granted a conditional use permit prior to the issuance of a building permit.

15. Repeal of Existing Ordinance Provisions:

These amendments to the Township of Springport Zoning Ordinance are incorporated into such Ordinance as if such had originally been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these amendments to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

16. Penalty for Violation of Telecommunication Ordinance:

Any person, group, association, or any other type or organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth herein, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

17. Adoption and Effective Date:

This Ordinance was adopted by the Township of Springport Board at their meeting which was held on January 13, 2003 in compliance with the provisions of state law, including what is commonly referred to as The Open Meetings Act. Such shall be effective 10 days after publication in a newspaper having general circulation in the Township of Springport, Jackson County, Michigan, area.

SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, the Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

5.6.1 Buildings, Structures, and Uses Requiring Site Plan:

The Zoning Inspector shall not issue a Zoning Compliance Permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- a. A multiple-family building containing six (6) or more dwelling units.
- b. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
- c. Any gasoline service station abutting a residential district.
- d. Any conditional use.
- e. Any commercial, industrial or office use.

5.6.2 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Springport Township Board. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Planning Commission Review of Site Plan:

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of its findings, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

5.6.4 Required Data for Detailed Site Plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- a. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.
- b. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said

property. Such plan shall further include the name and address of the property owner, developer, and designer.

- c. The site plan shall show the scale; north point; boundary dimensions; topography (at least two (2) foot contour intervals); and natural features, such as wood, lots, streams, rivers, lakes, drains, and similar features.
- d. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- e. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings; their relation one (1) to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- f. The site plan shall show the proposed streets, drive-ways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- g. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- h. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

5.6.5 Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Subsections 5.6.3 and 5.6.4 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

5.6.6 Planning Commission Approval of Site Plan:

Upon the Planning Commission approval of a site plan, the applicant shall file with the Planning Commission one (1) copy thereof. The Clerk shall, within ten (10) days, transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after Planning Commission action. The Zoning Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

5.6.7 Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a Zoning Compliance Permit for any proposed work authorized under a said site plan certificate.

5.6.8 Amendment, Revision of Site Plan:

A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

SECTION 5.7 - NON-CONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these non-conformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein.

5.7.1 Non-conforming Uses of Land:

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

- a. No such non-conforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- b. No such non-conforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
- c. If such non-conforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Non-conforming Structures:

Where, on the date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure remain so long as it remains otherwise lawful subject to the following provisions:

- a. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformity.
- b. Should any such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.7.3 Non-conforming Uses of Structures:

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. No non-conforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.

- b. When a non-conforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- c. For any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10%) percent of the then current replacement value of the structure, provided that the volume of such structure or, in the case of non-conforming uses of a residential nature, the number of families houses therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a non-conforming use be moved, for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any non-conforming use be destroyed by any means to an extent of more than fifty (50%) of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

5.7.4 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building, or structure; provided there is no change in the nature or character of such non-conforming use, building, or structure.

5.7.5 Non-Conforming Lots:

Any lot which was lawful at the time of the date of adoption or amendment of this Ordinance, but does not comply with all the provisions of this Ordinance may be utilized; provided however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted; except upon a variance approved by the Board of Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Board of Appeals may find necessary to provide for the public health, safety, and general welfare.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used in any manner which creates any dangerous, injurious, noxious, or otherwise objectionable element or condition that so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

a. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

b. Vibration:

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

c. Smoke:

Smoke shall not be emitted with a density greater than No. 1 of the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

d. Odor:

No malodorous gas or matter shall be permitted which is offensive or produce a public nuisance or hazard on any adjoining lot or property.

e. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

f. Glare:

No direct or reflected glare shall be permitted which is visible from any other property or from any public street, road, or highway.

g. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Provisions of the Soil Erosion and Sedimentation Control Act will apply where required.

5.8.2 Plans:

The application for a Zoning Compliance Permit for a use subject to the performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement:

The Zoning Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards.

The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Springport Township Board.

SECTION 5.9 - STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, shall locate and store such materials within a completely enclosed building.
- B. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 5.10 - TRAVEL TRAILERS

- A. No travel trailer or motor home shall be used as a permanent dwelling. A travel trailer or motor home may be used as a temporary dwelling for a period not to exceed two (2) weeks and in a duly licensed travel trailer park, or as a temporary dwelling provided such travel trailer or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer or motor home occupants and certified by the Zoning Inspector for a period not to exceed one (1) week.

SECTION 5.11 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 - ACCESS TO PUBLIC STREETS

- A. In any residential district, commercial district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- B. In any agricultural district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.

SECTION 5.13 - FLOODPLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authorities.

SECTION 5.14 - HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
- B. No article shall be sold or offered for sale on the premises except as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.

SECTION 5.15 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, and the general welfare.

SECTION 5.16 - ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 5.17 - CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 - ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Inspector or by such deputies of his department as the Springport Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Inspector vary or change any terms of this Ordinance.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Inspector shall maintain records fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses; buildings, and structures. The Zoning Inspector shall maintain a record of all Zoning Compliance Permits and Certificates of Occupancy.

SECTION 6.4 - ZONING COMPLIANCE PERMITS

6.4.1 Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any

change be made in the use of any building, structures, or land without a Zoning Compliance Permit having been obtained from the Zoning Inspector for such building, structure, or land. A Zoning Compliance Application shall be filled out and submitted to the Zoning Inspector.

The Zoning Inspector shall require that all applications for Zoning Compliance Permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

- a. The actual dimensions and shape of the lot to be built upon; and,
- b. The exact size and location of existing structures on lot, if any; and,
- c. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit:

Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

6.5.1 Issuance of Certificate of Occupancy:

No building or structure, or part thereof, shall be occupied by or for any use for which a Zoning Compliance Permit is required by this Ordinance unless and until a Certificate of Occupancy shall have been issued for such use. The holder of a Zoning Compliance Permit for the construction, erection, or moving of any building, structure, or part thereof, for the establishment of a use, shall make application to the Zoning Inspector immediately upon the completion of the work authorized by the Zoning Compliance Permit for a final inspection.

A Certificate of Occupancy shall be issued by the Zoning Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.5.2 Voiding of Certificate of Occupancy:

Any Certificate of Occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued is found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector, upon finding such violation, shall immediately notify the Springport Township Board of said violation and void the Certificate of Occupancy.

SECTION 6.6 - FEES, CHARGES, AND EXPENSES

The Springport Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for Zoning Compliance Permits, Certificates of Occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Springport Township Board.

No permit, certificate, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 - VIOLATIONS AND PENALTIES: NUISANCES PER SE: ABATEMENT

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land may be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

1. This appeal will be heard by the Board of Appeals on the following date: _____
2. This appeal will be heard by the Board of Appeals on the following date: _____

ARTICLE VII

BOARD OF APPEALS

SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; not to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 - VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

7.5.1 Appeals, Procedure:

Appeal from the ruling of the Zoning Inspector or administrative ruling by the Springport Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the Springport Township Clerk. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

7.5.2 Who May Appeal:

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

7.5.3 Fee for Appeal:

A fee prescribed by the Springport Township Board shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Clerk shall pay over, within thirty (30) days after decision to the General Fund of Springport Township.

7.5.4 Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

7.5.5 Notice of Hearing:

When a request for an appeal has been filed in proper form with the Springport Township Clerk, the Clerk shall immediately place the said request to appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10)

days prior to the date of such hearing, upon the party or parties making the request for appeal.

7.5.6 Representation of Hearing:

Upon the hearing, any party or parties may appear in person or by agency or by attorney.

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township Board from whom the appeal is taken. The Board of Appeal's decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court or question of law and fact.

ARTICLE VIII

AMENDMENT PROCEDURES

SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Springport Township Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Springport Township Board, the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Except for the Springport Township Board or the Planning Commission, the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the Springport Township Board, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended for townships.

SECTION 8.3 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Springport Township Board and the amendments published without referring the same to any other board or agency.

ARTICLE IX

LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS AND ORDINANCES

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 9.3 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 9.4 - REPEAL OF ORDINANCE

The "Zoning Ordinance of Springport Township, Michigan" adopted on February 14, 1977, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 9.5 - EFFECTIVE DATE

This Ordinance was adopted by the Board of Springport Township, Jackson County, Michigan, at a meeting held on February 14, 1977, and notice ordered published on February 23, 1977 in the Springport Signal, a newspaper having general in circulation in said Springport Township.

Springport Township
Ordinance # 43
Solar Energy Systems, General Regulations:

Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.

- A. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties or rights-of-way.
- C. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- D. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- E. No Solar Energy System shall be installed in such a way as to pose a hazard.
- F. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- G. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.

- H. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
- I. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Planning Commission may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- J. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- K. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

Solar Energy, Large Systems:

The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a conditional use.

- A. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required by other Sections in this Ordinance:
 - I. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - II. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 - III. Vicinity map showing the location of all surrounding land uses.
 - IV. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above- ground structures and utilities associated with the Large Solar Energy System.
 - V. Geotechnical report, prepared by a Professional Engineer licensed in the State of Michigan, demonstrating appropriate foundation designs and pavement designs based on findings of the geotechnical soil report. These geotechnical soil borings will also need to demonstrate the in-situ soil conditions prior to the proposed development.
 - VI. Ground cover must meet one or more of the four types of Dual Use defined in this ordinance
 - VII. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

- VIII. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one thousand (1,000) feet of the outside perimeter of the Large Solar Energy System.
- IX. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- X. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
- XI. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation or Michigan Department of Transportation approval as appropriate and shall be planned so as to minimize the use of lands for that purpose.
- XII. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- XIII. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.
- XIV. A copy of the manufacturer's safety measures.
- XV. Planned lighting protection measures.

B. Environmental Impact: The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:

1. Impact on area water resources;
2. Impact on air quality;
3. Noise impacts caused by the Solar Energy System;
4. Impact on utilities and infrastructure;
5. Protection of neighboring property owners and children;
6. Impact on wildlife;
7. Effects on floodplains and wetlands;
8. Unique farmlands or soils;
9. Areas of aesthetic or historical importance;
10. Archeological or cultural concerns; and
11. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power- generating facility.

C. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays or otherwise limit the impacts of stormwater runoff. The measures shall be subject to the approval of the Jackson County Drain Commission.

D. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such

information confidential to the extent and through the means authorized by Public Act 442 of 1976.

- E. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as required by the Township.
- F. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as a condition of any conditional use permit under this section.
- G. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.
- H. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- I. Lot Size: A Large Solar Energy System shall be located on one (1) or more parcels with an aggregate area of Eighty (80) contiguous acres or smaller.
- J. The maximum amount of Township land developed as Large-Scale Solar Energy System Facilities shall not exceed fifty percent (50%) of the combined acreage of the Commercial and Industrial Districts within the Township.
- K. Setbacks: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable

form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

- L. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

- M. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least seven (7) feet and no more than eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The fencing system shall have openings that allow wildlife to traverse over or through the fenced area. The perimeter of Large Solar Energy Systems shall also be screened and buffered by buffer areas whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the conditional use permit.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at the time of planting shall be a minimum of four (4) feet in height, with shrubs being at least two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty percent (60%) dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to

maintain the required evergreen vegetative buffer required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.

3. All plant materials shall be installed between March 15 and October 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit or cash escrow for an amount equal to one and one half (1.5) times the cost of any planting deficiencies, and the Township shall hold that security. After all plantings have occurred, the Township shall return the financial guarantee.

- N. Signage: No lettering, company insignia, advertising, graphics or other commercially- oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the conditional use permit or other applicable law.
- O. Noise: No component of any Large Solar Energy System shall emit noise exceeding fifty (45) dBA averaged over a one (1) hour period as measured at the outside perimeter of the project.
- P. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be arranged so as to not adversely affect driver visibility on adjacent public roads.
- Q. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways (public or private) at any time of the day.
- R. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive

to install, place or maintain such collection lines and interconnections underground.

- S. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Zoning Administrator or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components.
- T. The applicant shall prepare a decommissioning plan prepared by a Professional Engineer licensed in the State of Michigan, and submit it to the Planning Commission for review as a part of the Conditional Use Permit.
- U. Under this plan, the Owner/Operator is required to remove all structures, equipment, conduit, fencing, roads and structure foundations, including any equipment, structures or materials below-grade, and removed off site for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan.
- V. The ground must be restored to its original condition and the site shall be revegetated to blend with the existing surrounding vegetation within one hundred eighty (180) days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- W. As part of the decommissioning plan, geotechnical soil analysis shall be performed and a geotechnical soil report submitted demonstrating that the post-decommissioning soil conditions are reasonable to in-situ soil conditions prior to project development. The report shall be prepared by a Professional Engineer licensed in the State of Michigan. The Township may require that the Michigan Department of Environment, Great Lakes and Energy (EGLE) verify the decommissioning soil analysis.
- X. The Planning Commission may not approve any Large Solar Energy System conditional use permit unless it finds that all of the applicable standards for conditional use permit contained in this Ordinance are met.
- Y. Safety: The Planning Commission shall not approve any Large Solar Energy System conditional use permit if it finds the Large Solar Energy System will pose

an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.

- Z. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- I. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
 - II. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times by the owner/applicant. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance or the conditional use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant, its successors or assigns; the current owner; or current operator shall shut down the Large Solar Energy System within forty-eight (48) hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant, its successors or assigns; the current owner; or current operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant, its successors or assigns; the current owner; or current operator shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
 - III. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Jackson County

Department of Transportation or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- IV. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
1. Continuing Restoration Security: If a conditional use permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a conditional use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit or letter of credit by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the conditional use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the conditional use permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the conditional use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- V. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a conditional use.
- VI. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a conditional use permit is granted, and must be completed within a period of three (3) consecutive years from the date a conditional use permit is

granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved conditional use permit being rendered null and void.

- VII. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Planning Commission. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

- VIII. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.