

**MT. HALEY TOWNSHIP ZONING ORDINANCE 01-11**  
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Zoning Maps and Miscellaneous

# CHAPTER 1

## Mt. Haley Township Zoning Ordinance 01-11

### General Provisions

The Mt. Haley Township hereby ordains these regulations for the use of land and structures within the Township of Mt Haley, Midland County, Michigan, ordains pursuant to the authority vested in it by the, Michigan Zoning Enabling Act , Act 110, of the Public Acts of the State of Michigan, as amended, (MCL 125.3101 et esq.):

#### **SECTION 101. SHORT TITLE.**

This Ordinance shall be known as the **Mt. Haley Township Zoning Ordinance.**

#### **SECTION 102. PURPOSE AND OBJECTIVES.**

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- (1) Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- (2) Protect the community's quality of life and enhance the social and economic stability of the Township.
- (3) Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- (4) Guide efforts to provide public services, such as, waste disposal, transportation, education, recreation and public safety.
- (5) Establish standards to guide physical development of each Zoning District and of the Township as a whole, and provide for enforcement of these standards.
- (6) Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- (7) Strive to balance one-property owners' right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.
- (8) No business may operate in this Township that is in "Conflict with Federal Law."

**SECTION 103. INTERPRETATION.**

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings. Nor is this Ordinance intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this Ordinance shall control. Where provisions of any other Ordinance or regulation of Mt. Haley Township imposes stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

**SECTION 104. SEVERABILITY.**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

**SECTION 105. REPEAL.**

The existing zoning regulations of the Mt. Haley Township, as amended, are hereby repealed. However, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall repeal waive any right of the Township under any section or provision of the Ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

**SECTION 106. EFFECTIVE DATE.**

The Ordinance shall take effect eight (8) days following its publication in accordance with the Michigan Zoning Enabling Act, PA110 June 2006.

**SECTION 107. LIABILITY.**

The Mt. Haley Township Zoning Administrator or any person charged with the interpretation and enforcement of this ordinance, acting in good faith and without malice for the Township in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

## CHAPTER 2

### Definitions

#### SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- (1) Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "structure" includes the word "building."
- (4) The word "lot" includes the words "plot," "tract," or "parcel."
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (6) The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (7) Any word or term not herein defined shall be used with a meaning of common standard use.
- (8) The term "he" shall be read as he, or she.

#### SECTION 202. DEFINITIONS.

**ABOVE GROUND LEVEL (AGL).** A measurement of height from grade of a site to the highest point of a structure.

**ABUT.** To physically touch or border upon; to share a common property line.

**ACCESSORY STRUCTURE.** A structure detached from a principal building on the same lot and customarily incidental to and subordinate to the principal building or use.

**ACCESSORY USE.** An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

**ADJACENT.** A lot or parcel of land, which shares all or part of a common lot line with another parcel of land.

**ADULT BOOKSTORE.** An establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT BUSINESS. Or ADULT RELATED BUSINESS.** Any activity or business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any "specified anatomical area" or engaging in any "specified sexual activity". Including Adult Bookstore, Adult Mini Motion Picture Theater and, Adult Motion Picture Theater.

**ADULT MINI MOTION PICTURE THEATER.** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual "activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE THEATER.** An establishment, whether in a completely enclosed building or not, with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**AGRICULTURAL RETAIL FACILITY.** A booth or stall located on a farm from which produce and farm products are sold to the general public.

**ALTERATIONS.** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

**ANTENNA.** The surface from which wireless radio signals are sent and received by a personal wireless service facility.

**APARTMENT.** (See MULTIPLE FAMILY.)

**ASSEMBLY BUILDING.** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**AUTOMOBILE CAR WASH.** An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

**AUTOMOBILE/VEHICLE GAS/FUEL SALES.** An establishment primarily engaged in the sale of gas or other fuels for use in vehicles. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE/VEHICLE MAJOR REPAIR.** An establishment primarily engaged in engine and transmission repair that may require removal of the engine. All repair work on the body of

cars constitutes major repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE/VEHICLE MINOR REPAIR.** An establishment primarily engaged in all vehicle repairs other than those defined as major engine repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE SALES.** An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

**BANK** (See FINANCIAL BUSINESS)

**BAR.** A structure or part of a structure, used primarily for the sale or dispensing of alcoholic beverages by the drink.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

**BASEMENT.** A story having part but not more than one half of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

**BEAUTY SALON.** (See PERSONAL SERVICE BUSINESS.)

**BERM.** A buffer that obscures sight, traffic and sound.

**BILLBOARD** (See SIGNS- OFF PREMISE ADVERTISING SIGN)

**BODY SHOP.** (See AUTOMOBILE/VEHICLE MAJOR REPAIR.)

**BUILDING.** Any structure having a roof erected onsite, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING, FRONT LINE OF.** The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground at the front of the building to the highest point of the roofs.

**BUILDING INSPECTOR.** Issues permits, collects fees, inspects sites, and issues enforcement actions.



**BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage.

**CAMOUFLAGED.** A facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

**CELL TOWER.** A tower providing a space for Cellular Communication antennas and equipment.

**CEMETERY.** Property used for interring of the dead.

**CIVIL INFRACTION.** Description of any violation of this Ordinance, and penalties incurred.

**CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

**COLLOCATION.** The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

**COMMERCIAL RECREATIONAL USE.** (See RECREATIONAL USE, COMMERCIAL.)

**COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

**CONDOMINIUM ACT.** Act 59 of The Public Acts of the State of Michigan of 1978, as amended (MCL 559.101 et seq.).

**CONDOMINIUM, EXPANDABLE.** A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONDOMINIUM SUBDIVISION.** (See SUBDIVISION, as defined in this chapter.)

**CONDOMINIUM SUBDIVISION PLAN.** The site, survey, and utility plans, floor plans and sections, showing the existing and proposed structures and improvements.

**CONDOMINIUM UNIT.** A portion of a building, or group of buildings, designed for separate ownership. Common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium is differentiated from other types based on ownership and as such is not regulated as a dwelling unit type.

**CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

**CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONTRACTOR (INTENSIVE USE).** A business establishment that provides construction services and involves outdoor site use, such as storage of materials and/or equipment, other than licensed motor vehicles, fabrication or other activities that may cause noise or vibrations at levels that extend beyond the boundaries of the parcel upon which the business is located.

**CONTRACTOR (NON INTENSIVE USES).** A business establishment that provides construction services where all activities, other than parking of licensed motor vehicles, are confined within a building.

**CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**CONVERTIBLE AREA.** A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for compensation.

**CONVENIENCE STORE.** A retail operation selling a variety of items, which are primarily grocery products. They include items that may be required by neighborhood residents on a day-to-day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

**COURT YARD.** An open space to the sky enclosed by walls.

**COVERAGE, LOT.** That percent of the plot or lot covered by the building area.

**CREMATORIUM.** A building with a furnace, used for burning human or animal remains .

**CROPS.** A harvestable product, planted, grown and normally cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

**CROSS-POLARIZED (OR DUAL POLARIZED ANTENNA)** A low mount that has three panels flush mounted or attached very close to the shaft.

**CUL-DE-SAC.** A Street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

**DAY CARE/DAY NURSERY.** A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

**DEPTH.** For the purposes of interpreting the Dimensions Table (Chapter 3), depth is the distance from a property line to a structure.

**DEVELOPMENT.** The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

**DEVELOPMENT PLAN.** A comprehensive long range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**DISTRICT REGULATIONS.** Regulations for properties within each Zoning District, found in Chapter 3 **DISTRICT REGULATIONS.**

**DRIVEIN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drivein service. DriveIn is also interpreted to include "fast food" operations, which serve food in disposable containers.

**DRIVEWAY.** The route providing a means of ingress and/or egress from a road to a single lot, structure, dwelling, use, or unit.

**DUMPSTER.** A container used to hold trash, garbage, refuse, or rubbish which is designed to be emptied into a garbage collection truck by mechanical means.

DUPLEX (See DWELLING TYPES (b.) TWO FAMILY)

DWELLING. A building, or portion thereof, containing one or more dwelling units, designed or used for residential occupancy.

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:

- (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit only and complying with the regulations of Chapters 3 and 4.
- (b) TWO FAMILY is a building containing two (2) dwelling units and complying with the regulations of Chapters 3 and 4.
- (c) MULTIPLE FAMILY DWELLING is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of Chapters 3 and 4.

DWELLING UNIT. A structure or space containing one or more rooms which includes cooking area, toilet and sanitation facilities and sleeping quarters designed for occupancy by one family for living and sleeping purposes.

ELEVATION. The measurement of height, above sea level.

ENTERTAINMENT. For the purposes of this ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

ENVIRONMENTAL ASSESSMENT (EA). An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

EQUIPMENT SHELTER. An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground surface or overhead electrical, gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

EXCAVATION. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

FALL ZONE. The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is potential hazard from falling debris (such as ice) or collapsing material.

**FAMILY.** An individual or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single unit.

**FARM.** A tract of land, which follows State Mandated guidelines of “Right to Farm Act”, which is directly devoted to agricultural purposes, used for the raising of commercial agricultural products, trees, livestock, poultry, or dairy products. A farm may include a dwelling and accessory structures or buildings located within property boundaries, necessary for the storage or housing of farm implements, farm products, or farm animals used in farming operations. A farm does not include establishments operated as roadside stands, greenhouses, nurseries, orchards, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables or kennels.

**FARMING, GENERAL.** The practice of agriculture on a farm as defined above.

**FARM ANIMAL, LARGE.** Livestock which, at maturity, exceeds one hundred (100) pounds. This includes, but is not limited to, the following: cattle, horses, sheep, hogs, emus, llama’s ostriches and goats.

**FARM ANIMAL, RECREATION.** Horses. (See KENNEL for dog and cat keeping.)

**FARM ANIMAL, SMALL.** All Farm Animals not included in the FARM ANIMAL, LARGE.

**FAST FOOD RESTAURANT.** (See Restaurant.)

**FIELD CROPS.** A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.

**FILLING.** Depositing or dumping of any matter onto, or into the ground except common household gardening and ground care.

**FINANCIAL BUSINESS.** A business dealing in financial affairs.

**FLAG LOT.** A lot not fronting entirely on or abutting a road and where access to the road is by a narrow private right-of-way.

**FUNCTIONALLY EQUIVALENT SERVICE.** Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE.** A structure or building normally used for the storage of Automobiles and/or vehicles. If attached to the primary residence, is not considered an accessory structure.

**GARAGE DETACHED.** (See ACCESSORY STRUCTURE.)

GOLF COURSE, MINIATURE. (See RECREATIONAL USE, COMMERCIAL.)

GRANDFATHERING. Any structure or property use that was lawful when a Zoning Ordinance, amendment, or restriction was enacted, may continue at its same size or scope. Grandfathering goes with the land and not the people. If there is a change or modified use, the grandfathering expires.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for subsequent sale or personal use.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor to ceiling height is less than six feet. For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

GUYED TOWER. A Monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

HARD SURFACE. At least five (5") inches of reinforced concrete or two and one half (2-1/2") inches of bituminous surface laid over six (6") inches of compacted crushed stone. Paved and hard surface shall have the same meaning for purposes of this Ordinance.

HEIGHT, MEASUREMENT OF. The height of a building at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HOME OCCUPATION Any business carried on by one or more members of a family residing on the premises, providing it:

- (a) Is operated in its entirety within the principal dwelling or accessory structure;
- (b) Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or must be housed completely inside an accessory structure.
- (c) Only displays a representative sample of the home occupation
- (d) Does not employ any persons other than family members residing on the premises.
- (e) Is a home occupation business that is registered with the Township Clerk.

HORTICULTURE. The cultivation of a garden or orchard.

HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

HOTEL. (See MOTEL.)

HUD. Dept of HOUSING and URBAN DEVELOPMENT

INDIVIDUAL STORAGE FACILITY. A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

INDOOR USE. A use, of which the majority is contained within a structure.

INSTITUTION, EDUCATIONAL. A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

INSTITUTION, HUMAN CARE. A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, mental, physical or substance abuse rehabilitation facilities, and the like.

INSTITUTION, RELIGIOUS. A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL. Any profit or nonprofit use or facility in which activities for pleasure or philanthropy is carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations.

JUNK/SALVAGE YARD. A licensed open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards, which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

KENNEL. Any facility, on a single parcel, where more than three (3) dogs or three (3) cats or other household pets, over four (4) months old are boarded for a fee, or where such animals are kept for breeding purposes.

LAKE. A body of water greater than 5 acres surface area.

LATTICE TOWER. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

LICENSED CARRIER. A company authorized by the FCC to construct and operate a commercial mobile radio services system.

LICENSED RECREATIONAL VEHICLE/EQUIPMENT. A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by the State of Michigan in prominent display to be considered licensed.

LIVESTOCK. (See FARM ANIMAL, LARGE.)

LOADING BERTH/SPACE. An off street space at least ten (10') feet wide, fifty (50') feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public or approved private road.

LOT AREA. The total horizontal land area within the lot lines of the lot.

LOT: CORNER, INTERIOR AND THROUGH.

CORNER LOT. A lot, which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

INTERIOR LOT. A lot other than a corner lot.

THROUGH LOT. An Interior Lot having frontage on two streets, which do not intersect at a point contiguous to such a lot.

LOT LINES.

LOT LINE, FRONT. The lines abutting a lot as defined herein: That line separating the lot from a street right of way. In the case of a corner lot or through lot the lines separating the lot from each street.

LOT LINE, REAR. Lot line, which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be



an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE. Any lot line that is not a front or rear lot line.

LOT, WIDTH OF. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

LUMBER YARD. A lumber yard is a business, which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed type structures.

MANUFACTURING. Operations in which raw materials, or partially finished materials, are processed into goods for sale. This processing can include stamping, rolling, forging, plating, heat-treating, forming, molding and assembly.

MASSAGE PARLORS. An establishment wherein a substantial or significant portion of its business involves the administration of non-therapeutic massage, erotic touching or fondling, including but not limited to fondling of or erotic touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage businesses such as state licensed chiropractors and physical therapists or other state licensed, medically related practitioners. All practitioners employed by such businesses must be licensed.

MASTER DEED. The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

MASTER PLAN. (See DEVELOPMENT PLAN.)

MINING. The excavation, removal, stripping or processing of soil or the storage or transporting of soil on any site, or the reclamation of the site after removal or excavation of the same. For the purposes of this Ordinance, the following excavation activities are not included within the definition of mineral mining or mining and are exempt from the requirements of this ordinance.

- (a) Excavation approved by a governmental body or competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operate improvements, where the excavation is limited to the site of the public utility or improvement.
- (b) Excavation of limited scope and duration and which is undertaken for the immediate use and development of the land excavated, pursuant to a valid building permit issued from the Township, such as for purposes of building

construction, septic tanks or swimming pools. However, the removal from the site of soils in excess of one thousand (1000) cubic yards shall not be undertaken unless and until a mineral mining license shall first have been obtained from the Township Board. Soil removal in connection with an excavation for immediate use and development of land shall be completed within ninety (90) days of issuance of the building permit.

- (c) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds. However, the removal from the site of soils in excess of one thousand (1000) cubic yards shall not be undertaken unless and until a mineral mining license shall first have been obtained from the Township Board.
- (d) Graves

MINISTORAGE. (See INDIVIDUAL STORAGE FACILITY.)

MOBILE HOME. A detached single family dwelling unit with all of the following characteristics:

- (a) Designed for long term occupancy.
- (b) Contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels, flatbed, trailer, or detachable wheels.
- (d) Arriving at a site to be occupied as a dwelling unit complete, including appliances and ready for occupancy except for minor incidental location operations.

MOBILE HOME CONDOMINIUM PROJECT. A condominium project in which mobile homes are intended to be located upon separate sites, which constitute individual condominium units.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which 2 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

MOBILE HOME SPACE. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

**MOBILE HOME STAND.** That part of a Mobile Home Space which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

**MODULAR HOME.** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

**MONOPOLE.** The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top or supporting electric generating wind turbines.

**MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as "auto courts," "tourist courts", "travelodge", "motor courts", "motor hotels", and similar names, which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

**MOUNT.** The structure or surface upon which antennas are mounted, including the following four types of mounts:

- 1) Roof-mounted: Mounted on the roof of a building.
- 2) Side-mounted: Mounted on the side of a building.
- 3) Ground-mounted: Mounted on the ground.
- 4) Structure-mounted: Mounted on a structure other than a building.

**MULTIPLE FAMILY.** A complex or building, containing 2 or more dwelling units.

**NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization that owns or leases property in Mt. Haley Township.

**NONCONFORMITY.** Any use of land or building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located. Private roads existing at the time of adoption of this Ordinance are legal nonconforming uses of land.

**NONCONFORMING USE.** Any use of a building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs and plants for sale.

**OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or computer consulting, bookkeeping, tax preparation, insurance, securities brokerage, executive or

managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

OFF PREMISE ADVERTISING SIGN. Sign or billboard not located on the site it is advertising.

OMNIDIRECTIONAL (WHIP) ANTENNA. A thin rod that beams and receives a signal in all directions.

OPAQUE. Not previous to light.

OPEN SPACE. Any unoccupied space, open to the sky on the same lot with a building.

OPEN SPACE PRESERVATION DEVELOPMENT. The development of residential property with the same number of dwellings units on a portion of the land that could otherwise be developed under this Ordinance on the entire land, accompanied with the perpetual dedication of the remaining open space to an undeveloped state.

OUTDOOR USE. A use, of which the majority is carried out outside of a structure of any kind.

PANEL ANTENNA. A flat surface antenna is usually developed in multiples.

PARCEL. A parcel is a continuous piece of land under uniform ownership, which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every parcel shall have permanent access to a public street/road. (Also see "LOT.")

PERSONAL SERVICE BUSINESS. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

PERSONAL WIRELESS FACILITY. Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

PERSONAL WIRELESS SERVICES. The three types of services regulated by this Model Bylaw. (See WIRELESS COMMUNICATION FACILITY.)

PLANNED UNIT DEVELOPMENT. (PUD) An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

PONDS. A man made or natural body of water, containing water all year round, (exclusive of swimming pools), having less than 5 acres surface area.

**PORTABLE BUILDING.** An accessory building having less than 121 sq. ft., which is easily and readily movable.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PUBLIC STREET** A public thoroughfare, which affords the principal means of access. Any vehicular way which: (1) is an existing state, county or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the right-of-way lines, whether improved or unimproved.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public: electricity, gas, steam, telephone, telegraph, cable TV, transportation, water, or like service.

**RADIOFREQUENCY ENGINEER (RF).** An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**RADIOFREQUENCY RADIATION (RFR).** The emissions from personal wireless service facilities.

**RECREATIONAL USE, COMMERCIAL.** Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, racetracks, arcades, indoor driving ranges, etc.

**RECREATIONAL USE, PRIVATE.** A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.

**RESTAURANT.** An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.

**RESTAURANT WITH ENTERTAINMENT.** Any restaurant, as defined above, with live presentations of any kind.

**RETAIL.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RETAIL, FOOD.** Any fixed or mobile place or facility at or in which food or drink is offered or prepared for retail sale or for service with or without charge on or at the premises or elsewhere.

**RIGHT OF WAY.** A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

**ROAD PRIVATE.** A thoroughfare, or an extension thereof, which is not a Public Road, affording the principal means of access to abutting property that serves 2 or more lots, structures, dwellings, uses or units and which complies with the Mt. Haley Township Private Road Ordinance, No. 01-06. Private Road shall include those rights of way, easements or routes for vehicular traffic designed as common elements in a Condominium project or Condominium sub division under Condominium Act, Act No. 59 of the Public Acts of 1978, as amended, and MCL 559.101. et seq.

**ROAD PUBLIC.** A thoroughfare affording the principal means of access to abutting property constructed to Midland County Road Commission standards, maintained and accepted by the Midland County Road Commission.

**RUBBISH.** A general term for solid waste, excluding ashes taken from residences, commercial establishments and institutions.

**SALES AREA.** The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

**SEASONAL USE.** (See TEMPORARY BUILDING USE or TEMPORARY OUTDOOR USE.)

**SECURITY BARRIER.** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**SEPARATION.** The distance between one carrier's array of antennas and another carrier's array.

**SERVICE AREA.** Anywhere fuel is dispensed or any service of a business is performed.

**S.E.V. (STATE EQUALIZED VALUATION)** The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.

**SERVICE BUSINESS.** A service business is an enterprise, which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business, including but not limited to "Office Business," "Personal Service Business," banking and professional services.

**SETBACK.** The distance between the street right of way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

**SHED.** A structure 120 sq. ft. or less in area, that is anchored to the ground as a permanent structure.

SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign related terms are defined:

- (a) AGRICULTURAL PRODUCT SIGN. Signs identifying the premises where agricultural test plots or products for sale are located.
- (b) AREA, OR SURFACE AREA OF SIGN. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- (c) BILLBOARD SIGN. See Off-Premises Advertising Sign.
- (d) CONSTRUCTION SIGNS. Signs, which identify architects, engineers, contractors and other individuals or firms, involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.
- (e) ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (f) ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message or picture change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- (g) ENTRANCE/EXIT. Signs directing traffic movement to or from a parcel.
- (h) FREESTANDING SIGN. A sign, which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)
- (i) GROUND LEVEL. The elevation to be used for computing the height of signs. Measured from the lowest point of the area where the sign is located.
- (j) HIGH PROFILE SIGN. A freestanding identity sign intended to announce the existence of a business located near an expressway interchange to travelers on the expressway so they may react in time to exit safely.

- (k) IDENTITY SIGN. A sign that identifies the business, owner, or resident and/or the street address and which sets forth no other advertisement.
- (l) ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.
- (m) INSTITUTIONAL BULLETIN BOARD. A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its services or activities.
- (n) INTEGRAL SIGN. Names of buildings or farms, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- (o) JOINT SIGN. A sign, which gives direction and identification to a group of adjacent businesses whether or not under single management.
- (p) LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.
- (q) LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- (r) MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (s) OFF-PREMISES ADVERTISING SIGN. A sign, which advertises an activity, business, product or service, not sold or conducted on the parcel on which the sign is located.
- (t) POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data pertinent to an upcoming election.
- (u) PRIVATE TRAFFIC DIRECTION. Signs directing traffic movement or giving instructions, located within a parcel.
- (v) PROJECTION. The distance by which a sign extends over public property or beyond the building line.
- (w) PROJECTING SIGN. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.
- (x) PROPERTY RENTAL SIGNS. Signs on the premises announcing rooms, apartment or house for rent.



- (y) PUBLIC SIGNS. Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.
- (z) REAL ESTATE SIGNS. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.
- (aa) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (ab) ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- (ac) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- (ad) SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3 sided sign equals two (2) signs.
- (ae) TEMPORARY SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (af) WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

SITE, AREA. The total area within the property lines excluding right of way, easements, etc.

SITE CONDOMINIUM. See CONDOMINIUM SUBDIVISION PLAN.

SOIL or SOILS. Peat, gravel, sand, clay, subsoil, topsoil, earth or other soils, including overburden.


SPECIAL USE. The term applies to a use, which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

**SPECIFIED ANATOMICAL AREAS.** (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. (2) Human genitals in a discernible swollen state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory function.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, pay, or sale, and further that no more than three (3) horses are boarded.

**STATE LICENSED RESIDENTIAL FACILITY.** A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3') feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use. A half story (  ) containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET.** See Road Private and Road Public.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

**STREET LINE.** The legal line of demarcation between a street right of way line and land for service, benefit or enjoyment.

**SUBDIVISION.** A large tract or piece of land, divided into small parcels or lots for sale.

**SUBSTANTIAL PROPERTY RIGHT.** A veritable right to specific material property.

**SWIMMING POOL.** An artificially contained body of water for the purpose of swimming excluding hot tubs. A swimming pool is greater than 2 ft deep at any point.

**TAVERN.** An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

**TAXI DANCE HALL.** An establishment, which provides dance partners for one or more dances as the result (directly or indirectly) of payment of a fee.

**TEMPORARY BUILDING USE.** A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

**TEMPORARY OUTDOOR USE.** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

**TOWERS.** See **MONOPOLE.**

**TRAILER.** A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

**TRUCK TERMINAL.** An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis.

**USE.** The employment or occupation of a building structure or land for service, benefit or enjoyment.

1. **BY RIGHT.** A use conforming to all requirements of this Ordinance, for which a zoning or building permit may be issued without further delay or processing.
2. **BY SPECIAL PERMIT.** A use that may be permitted subject to the application for and issuance of a special Use Permit by the Mt Haley Township Planning Commission in addition to regularly issued zoning or building permits. Specified procedures for the processing and granting of Special Use Permits are described in Chapter 6 of this Ordinance.

**VARIANCE.** A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the Zoning Board of Appeals on Zoning grants the modification.

**WAREHOUSE.** A building used primarily for the storage of goods and/or materials.

**WHOLESALE BUSINESS.** A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

**WIND TURBINE.** Wind turbine is a rotating machine which converts the kinetic energy of wind into mechanical energy.

**WIRELESS COMMUNICATION FACILITY.** Wireless communication shall mean any personal wireless services as defined in the Telecommunications Act of 1966. Which includes FCC licensed commercial wireless telecommunication service including cellular, personal communication services (PCS) specialized mobile radio (SMR) and Enhanced Specialized Mobile radio (ENSM) paging, and similar service that currently exist; or that may in the future be developed.

**YARD.** An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line (property line) and the building line.

- (a) **YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.
- (b) **YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.
- (c) **YARD, SIDE.** A yard between the nearest point of the main building and any side line.

**YARD-GARAGE-MOVING SALES.** Home sale of domestic goods not exceeding ten (10) days in any one-month period.

**ZONING ADMINISTRATOR/ENFORCEMENT OFFICER.** Administers and enforces the zoning ordinance.

**ZONING DISTRICT.** Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same. Section 301 identifies Zoning Districts. Their purposes are outlined in the Purposes Table, and the USES Table identifies permitted activities in each Zoning District. These Tables are found in Chapter 3.

**ZONING MAP.** Official Zoning Map of Mt Haley Township. ( See Chapter 3)  
(Is kept in the office of the Township Clerk.)

**ZONING PERMIT.** A document obtained from the Building Inspector to authorize the

erection of farm accessory buildings designated for Agricultural use. Also, other accessory buildings not requiring a building permit, in all other zones. To ensure compliance with the requirements of the Zoning Ordinance.

## **CHAPTER 3**

### **District Regulations**

#### **SECTION 301. DIVISION OF THE TOWNSHIP.**

For the purposes of this Ordinance, all land within Mt. Haley Township accepting streets, roads and alleys, is divided into the following Zoning Districts:

- A     Agricultural
- R-A    Residential: Single Family
- R-B    Residential: Multiple Families
- C     Commercial
- I     Industrial

#### **SECTION 302. OFFICIAL ZONING MAP.**

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Mt. Haley Township Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Mt. Haley Township Clerk or his/her designee.

#### **SECTION 303. INTERPRETATION OF BOUNDARIES.**

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

- 1) Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of said roadways.
- 2) Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- 3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

#### **SECTION 304. SCOPE OF REGULATIONS.**

No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any zoning district.

**SECTION 305. DISTRICT REGULATIONS TABLES.**

Regulations for all Zoning Districts are contained together in the following four tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. Thus, the reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in the Mt. Haley Township.

- (1) **PURPOSES TABLE.** This table states the intent and purpose of each of the Zoning Districts. These brief statements form the objectives to be accomplished by regulations for each of the Zoning Districts.
- (2) **USES TABLE.** This table describes permitted uses by Zoning District.
- (3) **DIMENSIONS TABLE.** This table specifies dimensions and setback requirements for parcels in each Zoning District.
- (4) **TABLE OF OFF-STREET PARKING REQUIREMENTS.** This table identifies the number of parking spaces required for specific uses based upon measures of activity intensity.

**MT. HALEY TOWNSHIP ZONING DISTRICTS  
TABLE I**

<b>ZONING DISTRICT</b>		<b>STATED INTENT AND PURPOSE</b>
<b>A</b>	AGRICULTURAL	This district is intended for agricultural and single family residential uses together with compatible uses. The purpose of this zone is to encourage the preservation of agricultural land and farming practices.
<b>R-A</b>	RESIDENTIAL: SINGLE FAMILY	This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings.
<b>R-B</b>	RESIDENTIAL: MULTIPLE FAMILY	The intent and purpose of this district is to provide a variety of housing styles, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of higher density than in the R-A district, but with equivalent quality.
<b>C</b>	COMMERCIAL	It is the intent and purpose of this district to provide essential service needs to meet the day-to-day convenience shopping, service and professional needs of area residents as well as serve a regional market.
<b>I</b>	INDUSTRIAL	This district is intended for light industrial uses and also permits non-retail commercial and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging, and treatment of products from previously prepared or finished products. The purpose of this district is to promote industrial areas that are protected from incompatible uses.



**MT. HALEY TOWNSHIP  
TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS TABLE II**

ZONING DISTRICT	RESIDENCE		BUSINESS		INDUSTRY		OTHER USES	
	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt.	Uses By Right	By Spec. Prmt. (Category)
A AGRICULTURAL	Forestry, Farming, Field crops, Fruit Orchards and farming, Truck farming, Horticulture, Nurseries and Greenhouses , Raising and keeping of small animals and livestock, Farm Recreation animals, Agricultural Retail Facilities, Single Family Dwelling, Accessory Structures, Home Occupation	Kennels  Production of fur bearing animals  Grain and Seed elevators  Wholesale agricultural product storage  Livestock Auction Yards Accessory Uses	Single Family Homes  Accessory uses  Home Occupations  State Licensed Residential Facilities.	Bed and Breakfast  Agricultural Retail Facilities  Veterinary Hospitals  Recreational Vehicle Campground  Ponds  Day Nurseries	None	Soil Extraction Mineral Mining, Ponds	Cemeteries, public buildings, Public Service Installations , Temporary Outdoor Uses	Religious, social, educational and human care institutions Golf courses, public parks, public and private airports, Wireless Communication Facilities, Wind Turbine generators.
R-A RESIDENTIAL: SINGLE FAMILY	Single family dwelling, State Licenses Residential Facility, Accessory Structures, Home Occupation,	Planned Unit Development Site Condominium Open Space Preservation Two family dwellings, Agricultural retail facilities, Ponds	None.	Day nurseries  Bed and Breakfast	None	Soil Extraction Mineral Mining Ponds	Cemeteries Public building, Ponds, Public Service Installations	Religious, social, educational and human care institutions, Golf courses, Public Parks, Private recreational use, Wireless Communication Facilities. Wind Turbine generators
R-B MULTIPLE FAMILY RESIDENTIAL	Uses permitted in R A Two-family dwellings, Multiple Family Dwellings, Accessory Structures, Home occupation.	Uses Permitted in R-A, Mobile Home Park, <i>Ponds</i>	None.	Day nurseries  Funeral homes	None	Soil Extraction Mineral Mining Ponds	Uses permitted in R-A.	Uses permitted in R-A.

**MT HALEY TOWNSHIP  
TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS TABLE II (cont.)**

ZONING DISTRICT	RESIDENCE		BUSINESS		INDUSTRY		OTHER USES	
	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)
C COMMERCIAL	None	None.	Prof. & Admin. Offices and services, banks, Personal services, Retail food, Other retail goods: Drugs, Hardware, Clothing, etc., Retail service/repair, Convenience stores, Restaurants Taverns, Bars, Wholesale establishments, Building supply, and equipment showrooms, Veterinary Hospitals Auto service and repair, new/used auto sales, Outdoor sales, Contractors Commercial Recreation, Drive-in establishments.	Planned Unit Development Mini-storage Funeral homes Day Nurseries RV parks Outdoor assembly Adult business Hotel/Motel Temporary Outdoor Uses Ponds	None	Commercial recreational facilities  Mineral Mining Ponds	Commercial schools  Utility service installations  Public Buildings.  Miniature golf  Agriculture.	Religious, social, educational and human care institutions  Race Track  Golf/driving range  Wireless Communication Facilities  Wind Turbine generators

**MT. HALEY TOWNSHIP  
TABLE OF PERMITTED ACTIVITIES (USES) FOR ZONING DISTRICTS TABLE II(cont.)**

ZONING DISTRICT	RESIDENCE		BUSINESS		INDUSTRY		OTHER USES	
	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)	Uses By Right	By Spec. Prmt. (Category)
I INDUSTRIAL	None	None.	Truck terminals,  Fuel Sales  Minor and major vehicle repair  Contractors  Greenhouses.	Restaurants including drive-ins	Production, processing, assembling, treatment, or packaging of goods, mfg. of molded products electronic/electrical devices  Warehouse and storage.  Storage and distribution  Bulk storage.	Industrial Park  Mineral Mining  Petroleum or inflammable liquids production, refining, storage  Ponds	Commercial schools,  Laboratories  Public utility installations.	Sewage treatment and disposal  Incinerators/ Crematorium  Sanitary landfills  Wireless Comm. Facilities  Wind Turbine generators

**DIMENSIONS TABLE  
MT. HALEY TOWNSHIP ZONING ORDINANCE TABLE III**

ZONING DISTRICT	A AGRICULTURAL	R-A SINGLE FAMILY	R-B MULTI- FAMILY	COMMER-CIA L	INDUSTRIAL
Lot Area, Min. Sq. Ft.	43,560	15,000	50,000	--	--
Lot Width, Min. (a)	132'	100'	200'	300'	500'
Front Yard, Min. (b) (l)	50'	35' (c)	35' (c)	50'	50'
Back Yard, Min. (l)	25' (d)	25' (d)	35' (d)	25' (d)	60' (d)
Animal Housing	100' (k)				
Side Yard, Min. One Side (l)	15'	15'	15'	20' (e, f)	30' (f)
Corner Lot, Street, Min.	50'	25'	25'	25'	25'
Housing Unit, Min. Sq. Ft.	840' (g)	840' (g)	840' (g)	(g)	(g)
	35'				
Height, Max. Feet	85' (h)	35' (22')	35' (22')	40' (i)	60' (j)
Height, (Stories)	2.5 (1)	2.5 (1)	2.5 (1)	3.0	--

**Footnotes to the Dimensions Table**

(Regulations for Accessory Structure Setbacks Footage and Number of Stories are shown in Parenthesis)

- a. All minimum lot widths are measured along lot lines abutting Public Roads.
- b. All front yard setbacks are measured from the edge of the road Right-of-Way.
- c. Accessory building front yard minimum setback is (35') from the Right-of-Way in the R zones. All minimum lot widths are measured along lot lines abutting Public Roads, per Section 404. All front yard setbacks are measured from the edge of the road Right-of-Way. Accessory Building front yard minimum setback is 75' from the road Right-of-Way in the R zones.
- d. No detached accessory building or structure shall be located closer than (10') ten feet to any main building.
- e. In the C district, side yards setbacks are only required on sides abutting residential districts.
- f. Off-street parking shall be permitted in a side yard setback.
- g. Apartments must meet requirements of "Housing Codes for Mt Haley Township Ordinance #128. must meet requirements of: "Housing Code for Mt Haley Township Ordinance #128"
- h. All accessory buildings in the A district used for agricultural purposes may not exceed 85' in height, in RA&RB, 22' in height..
- i. For uses permitted, structures may be built over forty (40') feet in height provided the front, side and rear yard setbacks are increased by one (1') foot for each foot of height above forty (40') feet.
- j. In the Industrial District, height restrictions apply only when the parcel abuts a residential district.
- k. Animals housed from Property line Setback 100' feet ( See section 402-15 )
- l. Portable buildings are exempt.

**TABLE OF OFF-STREET PARKING REQUIREMENTS  
WHERE HARD SURFACED PARKING IS REQUIRED  
TABLE IV**

Note: Every land use that has employees working on the site, must have one parking space for each employee in addition to the parking required for a use of its type.

LAND USE	SPACES PER ACTIVITY COMPUTE SUM OF ALL THAT APPLY
-Employment Site	1 per Employee on peak shift

**THE FOLLOWING REQUIREMENTS ARE IN ADDITION TO EMPLOYEE PARKING**

-Animal Boarding	1 per 5 Animals Boarded
-Barber/Beauty	3 per Chair
-Church, Theater, Stadium	1 per 3 Seats or 6 ft. of Auditorium bench/pew length
-Day Nurseries	1 per 4 Children, per license
-Doctor/Dentist/Veterinarian	2 per Exam or Treatment Room
-Drive-In Restaurant	1 per 20 sq. ft. of Public Area
-Gas Station, Truck Stop	3 per Gas Pump (12' x 700'/Trk.)
-Hospital, Doctors	1 per Staff Member
-Hotel/Motel	1 per Guest Room
-Industry/Wholesale	1 per 900 sq. ft. Gross Fl. Area
-Mobile Home Park, Multifamily	2 per dwelling unit
-Private Club	1 per 2 Member Families
-Restaurant/Bar	1 per 2 Seats
-Retail/Office/Bank	1 per 150 sq. ft. of Public Area
-Service Bus. not listed	1 per 50 sq. ft. of Public Area
-Vehicle Sales	1 per 500 sq. ft. of Sales Area

**WHERE GRAVEL SURFACED PARKING IS ALLOWED**

Every land use that has employees working on the site, must have one parking space for each employee in addition to the parking required for a use of its type.

LAND USE	SPACES PER ACTIVITY COMPUTE ALL THAT APPLY
-Campground/RV Park	1 per Campsite
-Cemetery	2 per Acre
-Driving Range	1 per Tee
-Park, Golf Course, Other Outdoor Uses	1 per 2 Acres
-Picnic Area	1 per Picnic Table

## CHAPTER 4

### General Requirements

#### SECTION 401. NONCONFORMITIES.

- (1) **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded in any way that increases the nonconformity and may be changed, repaired, or reconstructed only as prescribed by this Section.
- (2) **HISTORIC PROPERTIES.** Any nonconforming property in Mt. Haley Township, which is listed in the State of Michigan or National Register of Historic Places, is specifically excluded from any requirement of this Section, which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- (3) **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below.

- (a) The nonconformity existed legally before the effective date of this Ordinance.
  - (b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
  - (c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
  - (d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.
- (4) **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance. The Right to Farm Act will supersede this paragraph for Farming operations.

- (5) **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another.
- (6) **REPAIRS.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- (7) **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- (8) **NONCONFORMING LOTS.** In any district in which single-family dwellings are permitted, a single-family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- (9) **INVENTORY OF NONCONFORMITIES.** The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Mt. Haley Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Code Enforcement Officer.
- (10) **INVENTORY MAP.** All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Date each parcel listed on inventory.
- (b) Parcel identification number.
- (c) Property address.
- (d) Current owner(s).
- (e) Property description.
- (f) Parcel dimensions.
- (g) Sketch showing dimensions and setbacks of any buildings, structures, and parking areas on the parcel.
- (h) Current zoning district.

- (i) Current use of property.
- (j) Number of off street parking spaces provided.
- (k) Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.
- (l) Criteria met by the property allowing its listing as a legal nonconformity.
- (m) Any expansion of the base area of use made since the effective date of this Ordinance and the date this occurred.

**SECTION 402. SUPPLEMENTARY USE REGULATIONS.**

- (1) **BUILDING PERMITS REQUIRED.** Any construction not covered by a Zoning Permit, shall be commenced only after a building permit has been obtained, and must commence within ninety (90) days after the permit is issued. The building must be completed according to the plans filed with the permit application within two (2) years of the date or an application for an extension is required.
- (2) **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
  - (a) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - (b) Buildings or structures necessary for provision of essential services.
  - (c) Gardens, garden ornaments and usual landscape features within required yard space.
  - (d) Fences, walls, and screens within required yard space.
  - (e) Retaining walls.
  - (f) Public playgrounds.
  - (g) Off street parking for licensed automobiles, recreational vehicles and other motor vehicles including trucks over one (1) ton rated capacity.
  - (h) Home Occupation.
  - (i) Use of premises as a voting place.
  - (j) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit, which is otherwise occupied in a manner, permitted in the district in which it is located.
  - (k) Storage sheds, playhouses, and shelters for transit or school bus passengers.
  - (l) Radio or TV antennas
  - (m) Swimming Pools
  - (n) Front yard handicap access facilities in residential districts, when proof of need is shown
- (3) **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Midland County Health Department and applicable State agencies.



- (4) **INOPERATIVE OR DISMANTLED VEHICLES AND VEHICLE PARTS.** The storage for more than one (1) week of any dismantled, wrecked, unlicensed vehicles, vehicle component parts or vehicles which are not regularly operated on the public highways is prohibited in all districts unless contained within a licensed junk yard or fully enclosed building. As used in this subsection vehicle includes a passenger motor vehicle, automobile, or pickup truck, and shall not include a boat, snowmobile, trailer or any kind of other conveyance.
- (5) **EXTERIOR LIGHTING.** All lighting for parking areas or for the external illumination of buildings or for the illumination of signs shall be directed away from and shall be shielded from adjacent properties, and shall also be arranged so as to not adversely affect driver visibility on adjacent thoroughfares.
- (6) **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- (7) **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- (8) **FENCES, WALLS AND NON BOTANICAL SCREENS.** In all agricultural, residential and commercial districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within twenty (20') feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or eight (8') feet in any side or rear yard. Fences, which enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed ten (10') feet in height and shall not obstruct vision.
- (9) **STORAGE OF EQUIPMENT AND MATERIALS IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS:** The open storage of any equipment, vehicles and all materials, shall be screened from public view from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles, and all materials to be stored. In no instance shall said wall be less in height than four feet, six inches (4'6") measured from the surface of the adjacent building flooring.
- (10) **SALVAGE YARDS, DISCARD, and BUILDING MATERIALS.** Salvage Yards are permitted only as High Density and Waste Treatment or Disposal Uses within an Industrial Zoning District requiring a Special Use Permit.

(a) No parts of machinery or equipment, broken or unusable furniture, stoves, materials, including without limitation, lumber, brick, concrete or cinder

blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure shall be maintained nor stored outside of a fully enclosed building except where such building materials are part of the stock in trade or business lawfully on said property, or except where such property in accordance with a valid building permit issued by the Township.

- (11) **HEAVY EQUIPMENT STORAGE.** Overnight parking of commercial vehicles in excess of one and one half (1.5) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. This regulation does not apply to emergency vehicles or equipment. On a parcel in the Agricultural Zoning District, which is principally used for residential dwelling purposes, one piece of heavy equipment and/or truck is allowed. Parcels in the Agricultural District which are principally used for agricultural purposes are excluded from these restrictions.
- (12) **SMOKE.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions are permitted; smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any thirty (30) minutes.
- (13) **DUST, DIRT AND FLY ASH.** No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These regulations shall not be construed to preclude standard accepted farm practices.
- (14) **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard and other requirements of this Ordinance, and providing that the following conditions are met:
  - (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the applicable Construction.
  - (b) All such buildings or structures shall be set back at least forty (40') feet from lot lines and

all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association. The storage and handling of flammable liquids, liquefied petroleum, gasses and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.

- (15) PONDS. All ponds shall be constructed, excavated and maintained in accordance with Mt. Haley Township Mineral Mining and Pond Ordinance, 01-08, as may be amended.
- (16) SETBACKS FOR ANIMAL AND PERMANENT POULTRY HOUSING. Must be setback at least (100') one hundred feet from all property lines, small animals (less than 20 lbs) and poultry (15') fifteen feet from property lines.

(17) KEEPING OF Livestock.

- a) Purpose Mt Haley Township recognizes the value of livestock to the operations of the agriculture community and the desire of some non-farming residents to keep livestock. The regulations in this section are established to permit the keeping of farm animals on 10.1 acres or less in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
- b) Livestock can be kept only in the Agricultural/Wooded District.
- c) Large livestock operations shall be reviewed and approved by the Michigan Department of Agriculture according to the Generally Accepted Agricultural and Management Practices (GAAMPs) for site selection and odor control for New and Expanding Livestock Production Facilities, as per PA93 of 1981. A large livestock operation is defined as one that has the following minimum number of animals.

- Slaughter and feeder cattle..... 50
- Mature dairy cattle..... 35
- Swine weighing more than 55 pounds..... 125
- Horses..... 25
- Sheep and Lambs..... 500
- Turkeys..... 2750
- Laying hens and broilers..... 5000

- d) For lots with less than the number of animals above, the following standards shall apply.
  - 1) Large animals shall be provided suitable shelter (defined as having at least 3 sides and a roof) with shelters meeting the (100') one-hundred-foot setback requirements for animal housing. Shelters for large animals must have at least (50') fifty square feet per animal.
  - 2) Permanent shelters for fowl and small animals (those weighing less than twenty pounds.) only need to meet the (15') fifteen-foot side yard setback requirement.
  - 3) The landowner shall demonstrate a suitable method for removing and disposing of animal wastes.

- 4) Large animals must have a fenced exercise area of at least one-half acre for up to 6 animals and one acre for 7-12 animals plus an additional one-half acre for every increase of 1-6 animals.
- 5) Fenced pastures may run to the property lines
- 6) Leased or rented land that is contiguous to the owner's land, and is utilized as part of **Section 402**, will be considered as the owner's land as long as all conditions are continued the same as when the lease began. All setbacks must be observed when building animal shelters.
- 7) Dogs and cats are not considered livestock. (See KENNELS for dogs.)
- 8) Manure Management and feeder areas must stay (100') one hundred feet or more from all property lines.
- 9) Grandfathered: Any structure or property use that was lawful when a Zoning Ordinance, amendment or restriction was enacted may continue at its same size or scope. Grandfathering goes with the property, not the owners. If a non-conforming use of land or structure ceases for any reason for a period of one year or more, the grandfathering expires.
- 10) Animals are not allowed to "free range" outside of the boundaries of the property on which they are housed. Free Range is when animals are not confined to a certain area.

#### **SECTION 403. SUPPLEMENTARY DWELLING REGULATIONS.**

- (1) **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Mobile Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
- (2) **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) dwelling is permitted.
- (3) **MUST COMPLY WITH FOLLOWING.** Every dwelling shall be constructed to include and shall comply with the following:
  - (a) If a single family dwelling, the dwelling must have a minimum width across any front, side and rear elevation of fourteen (14') feet, a minimum of eight hundred and forty (840) square feet, and comply in all respects with the Township Building Code, including minimum heights for habitable rooms.
  - (b) If a two-family or multiple family dwelling, it must have a minimum width across any front, side and rear elevation of twenty-eight (28') feet and each dwelling unit therein shall have a minimum of eight hundred and forty (840) square feet and comply in all respects with the Township Building Code and Township Housing Code.
  - (c) Every dwelling unit must contain a storage area equal to ten (10%) percent of the

square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas, or a separate structure which meets all requirements of the Township Building Code.

- (d) Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
  - (e) Every dwelling must contain steps connected to said exterior door areas where a difference of elevation requires.
  - (f) All single family dwellings, except mobile homes, must be firmly attached to a permanent foundation meeting the Township Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
  - (g) Dwellings which are mobile homes must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each Mobile Home must have a perimeter wall or skirting which has the same dimensions as the Dwelling. No Mobile Home shall have any towing mechanism, undercarriage or chassis exposed. All mobile homes installed on or after the effective date of this Ordinance shall have a full four (4') inch concrete slab under the mobile home or concrete piers measuring twelve (12") inches square by forty-two (42") inches deep and no more than ten (10') feet apart or concrete footings being sixteen (16') inches wide and eight (8') inches deep for the full length of the mobile home.
  - (h) All one or two family dwellings, other than mobile homes, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
  - (i) Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
  - (j) All dwellings must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (4) TEMPORARY DWELLINGS. Dwellings not meeting the criteria set forth in (3) above of this section may be placed on the premises and occupied on a temporary basis subject to the following:

- (a) Temporary dwellings may be located and occupied only during the construction of a single-family dwelling upon the parcel on which the temporary dwelling is placed or during the repair of a single-family dwelling which had been occupied up to the date it was damaged, by casualty or otherwise, to the degree that it cannot be occupied.
  - (b) The Building Inspector, upon application of the parcel owner, may issue a permit for such temporary occupancy upon finding that these provisions are satisfied. A permit for temporary occupancy during construction of a single-family dwelling shall not exceed six (6) months duration. A permit for temporary occupancy during repairs of a single family dwelling damaged by casualty shall not exceed six (6) months duration. Such permits may be renewed by the Building Inspector one time only for a period not to exceed the applicable six-month period of the initial permit.
  - (c) The temporary dwelling shall be a mobile home meeting all construction, insulation, plumbing, and electrical apparatus standards of the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
  - (d) The temporary dwelling shall be located only on the same parcel as the dwelling under construction or repair.
  - (e) The proposed water supply and sanitary facilities must be inspected and approved by the Midland County Health Department.
  - (f) A building permit must have been issued to the Parcel owner(s) for construction or repair of a single family dwelling on the parcel.
  - (g) The temporary dwelling must comply with all setback and lot coverage requirements for the applicable zoning district.
- (5) ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in any Zoning District is to be used as a dwelling.
  - (6) ACCESSORY BUILDING. Accessory buildings in an Agricultural zone do not have an area size requirement. All buildings require a Zoning Permit, obtained from the Building Inspector. In the R-A and R-B zone, the total square footage of all accessory buildings may not exceed five percent (5%) of the total lot size.
  - (7) ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards.
  - (8) STATE LICENSED RESIDENTIAL FACILITY. No State licensed residential facility for six people or less shall be located within (1000') one thousand feet of another state licensed residential facility.

#### **SECTION 404. SUPPLEMENTARY PARCEL REGULATIONS.**

- (1) **LOT FRONTAGE ON PUBLIC/PRIVATE ROAD.** All parcels and lots shall abut the right of way of a public road or of a private road. The minimum lot width specified by this Ordinance shall abut the right of way of a public road or of a private road. Where the road is a cul-de-sac, the minimum lot width shall be measured at the front yard setback line.
- (2) **ACCESS TO A ROAD.** All parcels created after the effective date of this Ordinance shall have direct access to the public road and or a private road to which it abuts. Any parcel created after the effective date of this Ordinance, in a commercial or industrial zoning district, shall abut and obtain its access from a hard-surfaced public road.

#### **SECTION 405. SUPPLEMENTARY STRUCTURE REGULATIONS.**

- (1) **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.
  - (a) Open porches, paved terraces and patios, provided the following restrictions apply.  
NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard setback and area requirements.
  - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.
  - (c) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
  - (d) Signs subject to provisions of Chapter 5.
- (2) **PERMITTED HEIGHT EXCEPTIONS.** The following exceptions shall be permitted to height limitations in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
  - (a) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in any Industrial Zoning District.
  - (b) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy-five (175') feet in the Commercial Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses cited in Chapter 6.

- (c) Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.
- (3) TRAILERS OR OTHER TEMPORARY STRUCTURES. Trailers or other temporary structures may not be used for commercial uses, except as allowed by special use permit in conjunction with Temporary Outdoor Uses.
- (4) PERMITTED ACCESSORY STRUCTURES. Within all zoning districts, storage buildings not exceeding the accessory building size and height limitations of the applicable zoning district of this Ordinance may be constructed and maintained on a lot or parcel of land which lacks other principal building or principal use on the parcel. Such storage buildings shall be set back the applicable accessory building minimum distance from the front, rear, and side lot lines, as set forth in this Ordinance. Use of the storage buildings shall be limited to only such use as would otherwise be accessory to a permitted principal building or use on the parcel, e.g. storage of seasonal lawn equipment, sporting goods, personal boats or vehicles or equipment and materials used in construction of the principal building on the parcel. No such storage building may be used for dwelling, residential, or lodging purposes.

**SECTION 406. SUPPLEMENTARY OFF-STREET PARKING REGULATIONS.**

- (1) INTENT. This Section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
- (2) TABLE OF OFF-STREET PARKING REQUIREMENTS. This Table is used to determine the number of parking spaces required for fixed levels of various Activities.

The Table is contained in Chapter 3.

- (3) CALCULATIONS. To calculate the total number of spaces required for any Parcel, add the requirements for each existing or proposed Activity. Read down the "Land Use" column, identifying all Uses which apply to the Parcel. For each Use identified, determine the number of activity units involved and calculate the required number of parking spaces to serve that many units. Finally, add the requirements for all Uses to find the total number of spaces.

*Requirements for any use not listed shall be the same as for the most similar use, which is listed. The Zoning Administrator determines this, with any disagreements submitted to the Zoning Board of Appeals.*

- (4) REDUCTIONS IN PARKING REQUIREMENTS. Parking requirements may be reduced in the following situations.
  - (a) MIXED USES. In the case of mixed Uses, where each occupies at least twenty (20%) percent of the floor area of a Building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the Building, as determined using the Table, may be reduced by ten (10%) percent.



(b) **REDUCTIONS FOR FURTHER PUBLIC BENEFITS.** In any C or I Zoning District, the parking requirement for a Parcel which fronts on a County Primary or State Highway, other than an expressway, may be reduced by ten (10%) percent if any three (3) of the following conditions are met. This is in addition to other reductions allowed by this Section.

1. No driveways open onto the major road.
2. There are no Free standing Signs in the Front Yard Setback area.
3. The Principal Building is set back at least one hundred (100') feet from the major road Right-of-Way.
4. At least twenty-five (25%) percent of the parcel is devoted to natural woodlands, wetlands or landscape plantings.

(5) **PARKING DEVELOPMENT AND CONSTRUCTION REQUIREMENTS**

(a) **SIZE OF SPACES.**

1. **STANDARD.** Parking spaces must be nine (9') feet wide by eighteen (18') feet long.
2. **HANDICAPPED.** Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
3. **OTHER.** Spaces for special vehicles, such as cars with boat trailers, must conform to dimensions as noted in the TABLE OF OFF-STREET PARKING REQUIREMENTS.

(b) **HANDICAPPED SPACES.** Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

(c) SURFACE.

1. GRAVEL. Where the TABLE OF OFF-STREET PARKING REQUIREMENTS allows parking areas to be gravel surfaced, this surface must be of a material that provides a durable, smooth and dustless parking lot, which is graded to properly drain and dispose of storm water.
2. HARD SURFACED. Where the TABLE OF OFF-STREET PARKING REQUIREMENTS requires parking areas to be hard surfaced , the hard surface must consist of at least five (5") inches or reinforced concrete or two and one half (2 1/2") inches of bituminous surface laid over six (6") inches of compacted crushed stone. Hard surface must be in place within one year of occupancy.

(d) LAYOUT

1. DRIVEWAY. Each driveway opening to a Public or Private Road must be approved by the agency having jurisdiction over the road. If the road is paved, the driveway must be paved between the road surface and the parking area. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect the road at a ninety (90) degree angle.
2. AISLES. Parking lot aisles shall be at least twenty (20') feet wide.
3. CLEAR VISION AREA. All driveways shall have a clear vision area, unobstructed by Accessory Structures or plantings, within thirty (30') feet of any Public Street Right-Of-Way, for a sight distance of one hundred

(100') feet along the near edge of the pavement in either direction.

4. STRIPING. Except for parallel parking, all parking spaces shall be clearly striped and maintained.
  5. LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- (e) LIGHTING. Off-street parking areas provided for any multiple family housing, businesses, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for Accessory Structures for the applicable Zoning District. No direct rays from said fixtures shall be directed at adjacent properties or Public Streets.
  - (f) SETBACKS. Parking areas must be set back at least twenty (20') feet from any Public Street and conform to Side or Rear Yard Setbacks for Accessory Structures. Parking spaces shall be no closer than five (5') feet to any Principal Building. Bumper guards or curbs shall be installed to prevent yard encroachment.
  - (g) SCREENING FOR RESIDENTIAL. Any parking area larger than ten (10) spaces must have a Visual Screen not less than five (5') feet high running the full length of any side which adjoins a Parcel in the R-A, or R-B Zoning Districts.

#### **SECTION 407. SUPPLEMENTARY OFF-STREET LOADING REGULATIONS.**

- (1) INTENT. This Section is intended to provide adequate access for commercial vehicles to minimize traffic interference caused by trucks parked for loading or unloading.
- (2) DIMENSIONS OF LOADING SPACE. Each loading space must be at least ten (10') feet wide and thirty (30') feet long. If roofed, it must have at least fifteen (15') feet of vertical clearance. Where it is expected that semi-trucks will make daily deliveries, the loading space must be at least sixty (60') feet long.
- (3) HARD SURFACE. Loading spaces must be paved with a surface providing the equivalent load strength of five (5") inches of concrete. Hard surface must be in place prior to occupancy.
- (4) LOCATION AND SETBACKS. A loading space must be located within a side or rear yard, or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley. Loading spaces must conform to Setbacks for Accessory Structures for the applicable Zoning District.

- (5) **NUMBER REQUIRED.** These requirements are intended to insure long range usefulness of structures.
- (a) **MULTIFAMILY RESIDENTIAL.** In any building where Units are not entered directly from the outside, one (1) loading space must be supplied, providing barrier free access to a common hallway or elevator.
  - (b) **RETAIL.** Buildings used for retail sales or eating and drinking establishments shall include one (1) loading space, plus one (1) for each thirty thousand (30,000) square feet Public Area, or major fraction thereof.
  - (c) **OFFICE.** Any office building taller than one (1) story shall include one (1) loading space.
  - (d) **WHOLESALE, WAREHOUSE OR INDUSTRIAL.** Each such building shall have at least one (1) loading space for each twenty five thousand (25,000) square feet.
- (6) **SOLID WASTE COLLECTION FACILITIES.** Loading areas for "dumpsters" present a different set of conditions than standard off street loading spaces. These rules are intended to prevent unhealthy or unsightly solid waste handling facilities. They apply to any solid waste container so large that a mechanical device is required to empty it.
- (a) **CONTAINER LOCATION** Containers shall be located so that Trucks collecting waste shall not conflict with the orderly flow of traffic onto or through the Parcel, nor block any portion of a Public Street or alley.

#### **SECTION 408. BUFFERING REGULATIONS.**

- (1) **INTENT AND PURPOSE.** The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use.
- (a) The objectives of this approach are, to give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means, according to a specific list of options noted in item (c), and to encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.
  - (b) Buffers are required on commercial or industrial property on the side, which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.

- (c) **Location of Buffer yard:** Buffer yards shall be located on any parcel of land where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the buffer yard will be 100% within the boundaries of the proposed new land use. These buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way or yard.
- (d) **Buffer yard Requirements:** The type of buffer yard required shall be determined based on the proposed new land use and existing land use by using the following "Buffer yards Requirement Chart" at the end of this chapter. Should a developed use increase in intensity, the Planning Commission shall, during the site plan review process, determine if additional buffer yard is needed and if so to what extent and type.

				<b>Adjacent District</b>
<b>District in which buffer is required</b>	<b>R-A</b>	<b>R-B</b>	<b>C</b>	<b>I</b>
<b>R-A</b>	<b>None</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>R-B</b>	<b>A</b>	<b>None</b>	<b>B</b>	<b>C</b>
<b>C</b>	<b>B</b>	<b>A</b>	<b>None</b>	<b>A</b>
<b>I</b>	<b>C</b>	<b>B</b>	<b>A</b>	<b>None</b>

- (e) The Planning Commission shall determine the character of the buffer based on the following criteria:
1. Traffic impact
  2. Increased building and parking lot coverage.
  3. Increased outdoor sales, display and manufacturing area.
  4. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
  5. Visual, noise and air pollution levels
  6. Health, safety and welfare of the Township.

1. Where required, berms shall be a minimum of three (3) feet in height measured from the average grade at the base to the top of the berm with a slope not greater than three (3) feet of run for each one (1) foot of rise. Fences, where required, shall be six feet in height and of the opaque variety. Additional plant materials, sufficient to provide a virtually opaque barrier may be substituted for a fence, where an opaque fence is required, upon approval of the Planning Commission after consultation with adjacent property owners, lease holders or occupants.
2. Where required by this ordinance, plant material shall be as follows:
  - a. Deciduous trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet on centers.
  - b. Evergreen trees shall be planted not more than thirty (30') feet nor less than ten (10') feet on centers.
  - c. Multi stem deciduous trees shall be planted not more than ten (10') feet on centers.
  - d. Deciduous shrubs and spreading evergreens shall be planted not more than five (5') feet nor less than four (4') feet on centers.
  - e. Where plant materials are planted in two (2) or more rows, planting shall be in staggered rows.
- (g) Where fencing is required in a buffer yard it may be eliminated on approval of the Planning Commission when such fencing is considered by the Planning Commission to be incompatible with the character of the adjacent residential use. The fencing will be replaced with an evergreen hedge, minimum six (6') feet in height, with plant materials dense enough to provide opacity.
- (h) Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
- (i) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- (j) Buffers are required to extend into the front yard area but shall not be closer to a road right-of-way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right-of-way if it deems it necessary to accomplish the intent of this ordinance.
- (k) All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
- (l) All buffer areas must be designed by a person who is a licensed landscaper,

certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile must be submitted to the Planning Commission for review prior to site plan approval.

- (m) The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Township. All financial deposits must be deposited with the Township prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Township, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.

<b>PLANTING CHART</b>	
<b>Buffer Yard Requirements Chart.</b>	
<b>A.</b>	<b>Single Row of trees or shrubs</b>
<b>B.</b>	<b>Double Row of trees or shrubs.</b>
<b>C.</b>	<b>Triple Row of trees or shrubs.</b>

## CHAPTER 5

### Sign, Outdoor Merchandise and Exempt Wireless Communication Facility Regulations

#### SECTION 501. SIGN REGULATIONS BY ZONING DISTRICT.

- (1) GENERAL. The following table presents regulations for permanent signs in each Zoning District identified by this Ordinance. Signs, which conform to these regulations are a use by right, but each such sign also requires a building permit. Only signs as described herein and as may be described under the Temporary Signs and Exemptions will be permitted in each Zoning District.
- (2) OMISSIONS. If a new Zoning District is created after the enactment of this Ordinance, no signs shall be permitted therein until this ordinance shall be amended to include said district.
- (3) USE BY RIGHT. A use conforming to all requirements of this Ordinance, for which a zoning or building permit may be issued without further delay or processing.
- (4) USE BY SPECIAL PERMIT. A use that may be permitted subject to the application for and issuance of a Special Use Permit by the Mt. Haley Township Planning Commission in addition to regularly issued zoning or building permits. This use must comply with the applicable limits for sign size, height and setbacks. Specified procedures for the processing and granting of Special Use Permits are described in Chapter 6 of this Ordinance.
- (5) TABLE OF REGULATIONS. Please see the page at the end of this chapter.

#### SECTION 502. TEMPORARY SIGNS.

The following Temporary Signs are allowed anywhere within the Township. No permit is required for the display of those temporary signs described in Subsections 1 through 4 under the conditions described below. However, signs shall be confined within private property and shall comply with setback provisions for the Zoning District in which they are located.

- (1) CONSTRUCTION SIGNS. Signs that identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of 20 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed no more than 4 days after the beginning of the intended use of the project.



- (2) REAL ESTATE SIGNS. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed no more than 4 days after the sale, rental or lease.
- (3) POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data, pertinent to an upcoming election, may be erected no more than 30 days before, and must be removed no more than 4 days after the election for which they were made.
- (4) SPECIAL PURPOSE SIGNS. Any other temporary signs, subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit, if it is to be posted more than thirty (30) days.

(a) TABLE OF SPECIAL PURPOSE REGULATIONS FOR TEMPORARY SIGNS

Zoning District	Maximum Size	Duration	Signs per Parcel
AGRICULTURAL AND RESIDENTIAL (Non-Profit)	8 square feet	14 days	2 per year
AGRICULTURAL AND RESIDENTIAL (All Other)	8 square feet*	2 days	2 per year
COMMERCIAL	32 square feet*	30 days	2 per year
INDUSTRIAL	32 square feet*	30 days	1 per year

\* Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as defined by the Table of Permanent Sign Regulations.

**SECTION 503. OFF-PREMISE COMMERCIAL SIGNS.**

No more than two (2) off-premises advertising signs are allowed per business.

**SECTION 504. EXEMPTIONS.**

The following types of signs, as defined in Chapter 2 of this Ordinance are exempt from other provisions of this ordinance:

- (1) INSTITUTIONAL BULLETIN BOARDS. Signs located on parcels occupied by nonprofit organizations may be up to thirty two (32) square feet, total area, each surface.
- (2) ENTRANCE/EXIT. Signs directing traffic movement to or from a parcel, may not exceed two (2) square feet in size or two (2') feet in height.
- (3) TEMPORARY LAND DEVELOPMENT PROJECT SIGNS. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office

building, industrial park or similar land parcels. Such signs are allowed for a period of one (1) year upon issuance of a permit. Said permit may be extended for one additional year. Total number and size of signs allowed shall be controlled according to the following schedule.

LAND SIZE	TOTAL NO. OF SIGNS	TOTAL AREA ALL SIGNS
Up to 4 acres	1	50 sq. ft.
Over 4 acres	2	100 sq. ft.

Such project signs shall comply with height and placement regulations for the Zoning District in which they are located, except that in Residential Districts the maximum height of such signs is six (6') feet.

- (4) **IDENTITY SIGNS.** Signs with your name, Estate Name, address, Historical marker, Centennial farm etc.
- (5) **AGRICULTURAL PRODUCE SIGNS.** Signs displaying test plots, produce for sale, etc. may be up to thirty two (32) sq. ft. total area each surface.

**SECTION 505. NONCONFORMING SIGNS.**

Signs not conforming to the provisions of this Ordinance shall be considered to be nonconforming structures and regulated as described in Section 401. Note that temporary signs are not considered to be acceptable nonconforming structures.

**SECTION 506. PROHIBITED SIGNS.**

Signs that violate any of the standards listed below are prohibited in Mt. Haley Township. Sign permits may not be issued for such signs, and the Zoning Enforcement Officer shall have authority to order removal of such signs. Determination of a sign's compliance with these standards shall be made by the Zoning Enforcement Officer. Any party feeling aggrieved by the Enforcement Officer's decision may appeal to the Zoning Board of Appeals.

- (1) Signs may not contain statements, words, or pictures of an obscene, indecent or immoral character, such as would offend public morals or decency.
- (2) Signs may not contain, or be an imitation of, an official traffic sign or signal, nor shall they contain the words: "stop," "go slowly," "caution," "danger," "warning," or similar terms.
- (3) Signs may not be of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device, nor may signs hide from view any traffic or street sign or signal.

- (4) Except for property located and permitted, off-premise advertising signs may not advertise an activity, business, product or service no longer available on the premise upon which the sign is located.
- (5) Signs may not move in any manner.
- (6) String lights used in connection with any use, other than those associated with holiday decorations.

#### **SECTION 507. ILLUMINATION.**

- (1) Any electrical illumination of a sign shall be done in full compliance with the applicable Electrical Codes.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.
- (3) No sign greater than four (4) sq. ft. in size shall have blinking, flashing or flickering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards.
- (4) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

#### **SECTION 508. STRUCTURAL REQUIREMENTS.**

All signs and sign structures shall be designed and constructed to meet the requirements of all applicable construction codes, and shall be constructed to withstand 30 pounds per square foot wind-stress factor.

Signs that are one hundred (100) square feet or larger must be erected on structural or tubular steel supports. Where the back of a sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

Any temporary sign must be so constructed that it is not dangerous to the public.

#### **SECTION 509. OUTDOOR DISPLAY OF MERCHANDISE.**

Outdoor display of items of merchandise in any Zoning District is subject to the following limitations:

- (1) Display items must be examples only of merchandise available within the business. The

full inventory of the business is not to be displayed outdoors.

- (2) Items not normally sold outdoors may be displayed outdoors, and within the required yard, only during the hours when the store is open for business.
- (3) Point of sale for such merchandise must remain within the store building. However, reasonable exceptions are allowed for special sales events, such as tent sales or sidewalk sales.
- (4) Merchandise normally sold outdoors may be displayed outdoors, but not in the Front yard setback area of the parcel.

#### **SECTION 510. INSPECTION, REMOVAL, SAFETY.**

- (1) **INSPECTION.** Signs may be inspected periodically by the Zoning Administrator and/or building official to assure compliance with this and other codes of Mt. Haley Township.
- (2) **TAGGING.** All signs requiring permits shall display, in a place conspicuous to inspectors, the name of the permit holder and the permit number.
- (3) **MAINTENANCE.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) **REMOVAL OF SIGN.** The Zoning Enforcement Officer may order the removal of any sign erected or maintained in violation of this code. The Zoning Enforcement Officer may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the Enforcement Officer's opinion that the condition of the sign presents an immediate threat to the safety of the public.
- (5) **ABANDONED SIGNS.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within 90 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner.
- (6) **TRAFFIC SAFETY.** No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the Police or the Zoning Enforcement Officer may remove such sign to protect traffic. The property owner or business operator shall be given the opportunity to alter or replace such a sign within 24 hours to make it comply with this Section.

#### **SECTION 511. EXEMPT WIRELESS COMMUNICATION FACILITIES.**

- (1) **WIRELESS COMMUNICATION FACILITIES EXEMPT FROM SPECIAL USE PERMIT REQUIREMENTS.** The following wireless communication facilities or

components thereof are not required to obtain a Special Use Permit under Section 6 (six) of this Ordinance provided that same comply with the requirements of this section.

- (A) Wireless communication facility, antennas, arrays, cables and related equipment exclusive of towers or elevating structures may be located in all zoning districts by right when placed on an existing building, guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure. Provided further that with the application for zoning and building permits the applicant submits a sealed certification by a licensed professional engineer that the existing structure or tower is structurally suitable to accept the equipment and that the methods for affixing the equipment to the structure is structurally sound. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- (B) Towers supporting noncommercial amateur radio antennas which are accessory to a residence on the parcel in the rear yard of the parcel.
- (C) Towers supporting commercial wireless communication facility equipment which are:
  - 1) Located on church sites and camouflaged as steeples or bell towers;
  - 2) When not exceeding 60 feet in height and camouflaged as flagpoles, trees or other natural objects.
  - 3) All other wireless communication facilities require a Special Use Permit, issued pursuant to Chapter 6 (six).

## ZONING ORDINANCE SIGN REGULATIONS

ZONING DISTRICTS		SIGN TYPE	MAXIMUM SURFACE SIZE PER PARCEL	HEIGHT	SETBACKS	NUMBER OF SIGNS PER PARCEL	TOTAL SIGN AREA ALLOWED PER PARCEL
AGRICULTURE		Ground: # Wall: Integral: Off premise:	25 sq. ft. 25 sq. ft. 100sq. ft. 25 sq. ft.	12 ft. # Top of wall Top of Bldg. 8 ft.	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per parcel up to 4 acres. 2 per parcel over 4 acres.	100 sq. ft.
RESIDENTIAL SINGLE, MULTI FAMILY R-A, R-B		Ground: Wall: Integral:	4 sq. ft. 4 sq. ft. 10 sq. ft.	4 ft. Top of wall Top of wall	Front: 10 feet Side: 10 feet Rear: 10 feet	1 per parcel	4 square feet per dwelling, except for integral signs.
		Permanent Development Sign	50 sq. ft.	6 ft. #		1 per dev.	50 sq. ft.
COMMERCIAL		Ground: Wall: Marquee:# Projecting:# Off premise:	32 sq. ft. 50 sq. ft. 32 sq. ft. NA 25sq. ft.	12 ft. Top of wall Top of wall NA 8 ft.	Front: 3 feet Side: 10 feet Rear: 10 feet	1 per parcel	The greater of 0.75 square feet per front foot of building, or 50 square feet.
INDUSTRIAL		Ground : Wall: Marquee:# Projecting:# Roof: Integral: Off premise:	100 sq. ft. 100 sq. ft. 100 sq. ft. 50 sq. ft. 100 sq. ft. 25 sq. ft. 25 sq. ft.	24 ft. Top of wall Top of wall 24 ft. # 24 ft. Top of wall 8 ft.	Front: 10 feet Side: 10 feet Rear: 10 feet	1 only, of any type, per each street front.	No greater than 1 square foot per front foot of building, or 0.5 square foot per front foot of parcel, or 100 square feet.

# Must be 15 feet above a driveway.  
 Note: Signs may be printed on both sides

## **CHAPTER 6**

### **Special Use Permit Requirements**

#### **SECTION 601. INTENT, PURPOSE AND PROCESS.**

- (1) **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site or property of a proposed Special Use. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
  
- (2) **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses "By Special Permit." for each Zoning District in the Uses Table found in Chapter 3 of this Ordinance. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
  
- (3) **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan or property for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
  - (a) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
  
  - (b) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  
  - (c) **GRANTING BODY.** The authority to review, grant or deny applications for Special Use Permits lies with the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.

- (d) PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

## **SECTION 602. PERMIT PROCEDURES.**

- (1) SUBMISSION OF APPLICATION. The application package is to be submitted to the Mt. Haley Building Inspector.
  - (a) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Board and a site plan.
  - (b) PROFESSIONAL FEES INCURRED BY THE TOWNSHIP. Applicants for Special Use Permits shall, in addition to the application fees submitted with the application, pay to and reimburse the Township its costs incurred in the acquisition of professional, engineering or other technical advice or review of applications for the Special Use Permit. These fees shall be paid in full to the Township before final issuance of the special use permit. No Special Use Permit may be issued until all such fees have been paid. Should the Zoning Administrator, upon submittal of the Special Use Permit Application determine in good faith the application presents details, data, engineering or issues which require examination, review or reporting from professional engineers, planners, legal counsel or other consultants to assist the Zoning Administrator or Planning Commission in review and act upon the application the Zoning Administrator may conditionally accept the application upon deposit with the Township through the Zoning Administrator, a sum of money reasonably calculated to make payment for his advice. This deposit shall be made at the time of submitting the application and the application may not be accepted without such deposit. The Zoning Administrator or the Planning Commission may request subsequent deposits be made by the applicant for such processes. Upon completion of the Special Use Permit application, review and Planning Commission action, any unused balance of the deposit shall be returned, without interest, to the applicant.
  - (c) APPLICATION DEADLINE. The complete application package must be Submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.
- (2) SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be



submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.

- (a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
  - (b) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
  - (c) STANDARDS. All standards required by this Ordinance shall be observed for each action.
  - (d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings may be held at the same meeting.
- (3) PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
- (a) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
    - 1. NOTICE. A notice of public hearing shall be mailed to all parties specified by Section 708 and published in a newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing.
    - 2. DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask for consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
  - (b) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
    - 1. PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public

hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.

(c) **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Section 707 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.

1. **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.

2. **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.

3. **REAPPLICATION.** An application for a Special Use Permit that has been denied may not be resubmitted until one (1) year after the denial date has passed.

4. **TERMS OF PERMIT.** A Special Use Permit consists of a Permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Permit and consequences of any voiding of said permit are described by Section 702. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.

(4) **REVOCAION.** A Special Use Permit is subject to all the conditions that have been attached to it during the process described above. The permit remains valid as long as all of those conditions are met. However, the Township, via the Planning Commission, may revoke any Special Use Permit after it has been proven that the permit conditions have been violated

(a) **FIRST NOTICE.** The Zoning Administrator/Enforcement Officer shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall include the date, time and location of the violation. The Zoning Administrator will report the violation and the recommendation to the Planning Commission.

- (b) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an illegal Nonconforming use.
- (c) **PLANNING COMMISSION ACTION.** At the meeting at which it receive the report and recommendation of the Zoning Administrator with regard to the violation, the Planning Commission shall afford the Special Use Permit holder the opportunity to address the Planning Commission. In the event the Planning Commission finds the Special Use Permit has been violated or uses conducted which are not permitted, the Planning Commission may direct curative actions, place time limitations in doing so and take such other action as it deems appropriate and consistent with the permit and standards herein, including revocation of the Special Use Permit.

### **SECTION 603. PERMIT STANDARDS.**

- (1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations from Chapter 3, the Site Plan Review Standards from Chapter 7 and any applicable standards from this Chapter.
- (2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself and communicated to the applicant in writing. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
- (3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

### **SECTION 604. ADULTS-ONLY BUSINESS.**

- (1) **INTENT.** There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary

control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

(2) DISTANCE RESTRICTIONS.

(a) The following listed uses shall not be permitted to be established within one thousand five hundred (1,500') feet of each other:

1. Adult Related Businesses
2. Adult Book Stores
3. Adult Motion Picture Theaters
4. Adult Mini Motion Picture Theaters
5. Exotic Cabarets
6. Massage Parlors
7. Public Baths
8. Taxi Dance Halls

(b) It shall be unlawful to hereafter establish an adult related business within two thousand (2,000') feet of any residentially zoned property or within two thousand (2,000') feet of any religious or educational institution, public park or recreational land use.

(3) SIGNS AND EXTERIOR DISPLAY. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions stated in Chapter 5 of this Ordinance. No Adult Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this Ordinance) from any public way or from any property not registered as an Adult Use. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

(4) PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS. When considering any appeal from an Adults-Only Business for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

(a) ORDINANCE INTENT. The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.

(b) BLIGHTING INFLUENCE. The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.

(c) NEIGHBORHOOD CONSERVATION. The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.

- (d) OTHER STANDARDS. The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

**SECTION 605. BED AND BREAKFASTS.**

- (1) AUTHORIZATION. Due to the growing popularity of bed and breakfast establishments in single family dwellings, it is becoming more important that any potentially adverse impacts resulting from such developments be properly addressed. It is the intent of the Township to permit the development of such operations when developed in a way which emphasizes the protection of detrimental change in the single family character of any site proposed for a bed and breakfast operation.
- (2) USES THAT MAY BE PERMITTED. Bed and breakfast establishments where provided and as permitted under the appropriate zoning district.
- (3) DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
  - (a) The residence is the principal single family detached dwelling unit on the property and is owner-occupied at all times.
  - (b) The rooms utilized for the sleeping area are part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
  - (c) The maximum stay for any occupants of bed and breakfast operations shall be fourteen (14) days.

**SECTION 606. HIGH INTENSITY, JUNK YARD/SALVAGE YARD AND WASTE TREATMENT OR DISPOSAL USES.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: Petroleum or inflammable liquids production, refining, storage, Junk Yard, Type II or Type III Landfill, Incinerator, and Sewage Treatment and Disposal Facility.

- (1) GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- (2) TREE BUFFERS FOR LANDFILLS AND JUNKYARDS. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet

in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.

- (3) **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited or stored by any use in this group.
- (4) **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Midland County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- (5) **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- (6) **FENCE REQUIREMENTS.**
  - (a) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
  - (b) **AROUND JUNK YARD OR RESOURCE RECOVERY.** A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
  - (c) **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
- (7) **RESTORATION OF LANDFILL SITES.** Grading or reseeded upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards, and be blended to the general surrounding ground form.

## SECTION 607. INDUSTRIAL PARK.

- (1) PERMITTED USES IN INDUSTRIAL PARK. Uses primarily engaged in research and light manufacturing activities.
  - (a) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
  - (b) Distribution and Warehousing Plants
  - (c) Administrative professional and business offices associated with an accessory to a permitted use.
  - (d) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
  - (e) Agricultural uses, pending development.
- (2) DEVELOPMENT STANDARDS.
  - (a) SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:
    1. **Front yard:** Twenty (20) feet, except that unsupported roofs or sun screens may project six (6) feet into the set back area.
    2. **Side yard:** Ten (10) feet provided that if a single building is constructed on two or more lots, no fences shall be constructed within the side yard.
    3. **Rear yard:** Thirty (30) feet.
- (3) SITE COVERAGE. Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- (4) BUILDING HEIGHT. The maximum building height shall be thirty-five (35) feet.
- (5) BUILDINGS PER LOT. One building, other than a parking structure, shall be erected on any one lot, unless the erection and use of more than one building on any one lot is specifically approved and consented to by the Mt. Haley Township Zoning Board of Appeals.
- (6) BUILDING CONSTRUCTION AND MATERIALS. All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings

associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street or road. At least thirty-five (35%) percent of the wall area on the front of the building shall be of facing brick, stone, exposed aggregate or of other architectural masonry of equal standard.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

- (7) SIGNS. No sign shall be erected or maintained on the Park except in conformity with the following:
- (a) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - (b) Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
  - (c) All signs attached to the building shall be flush mounted.
  - (d) Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
  - (e) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.
  - (f) No ground signs shall exceed twenty-four (24') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, and Construction Sign.
  - (g) Wall Signs shall be fixture signs; Signs painted directly on the surface of the wall shall not be permitted.
- (8) PARKING. Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be



provided on the parcel of the use served, or on a contiguous parcel or within eight hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Township and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

Exceptions to these guidelines shall be made where an approved Ridesharing program to service the Industrial Park is implemented.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking space for each full time employee (per shift).

- (9) LANDSCAPING. The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
  - (a) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
  - (b) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- (10) LOADING AREAS. No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of ninety (90') feet from the street right-of-way line, or one hundred thirty (130') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- (11) STORAGE AREAS. No outdoor storage shall be allowed.
- (12) REFUSE COLLECTION AREAS. All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (13) LIGHTING. All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.

- (14) TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view, from streets and adjacent properties.
- (15) NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

## **SECTION 608. INSTITUTIONS AND KENNELS.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3. These uses are: Religious, Social, Educational, Incarceration Institutions, Kennels and Veterinary Hospitals. If a Veterinary Hospital has outdoor boarding or exercise facilities it must meet the regulations of a kennel.

- (1) SITE LOCATION PRINCIPLES.
  - (a) It is desirable that any institutional structure or use to be located within a residential district should be located at the edge of a residential district, abutting either a business or industrial district or adjacent to public open space.
  - (b) Motor vehicle entrances should be made on a major thoroughfare, or as immediately accessible from a major thoroughfare. This is to avoid the impact of traffic generated by the institutional use upon the residential area.
  - (c) Site locations that offer a natural or man made barrier that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.
- (2) DEVELOPMENT REQUIREMENTS. Ambulance and delivery areas shall be obscured from all residential views by a solid masonry wall six (6') feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principal collector thoroughfare.
- (3) KENNELS IN AGRICULTURAL ZONE
  - (a) A minimum of five (5) acres is required.
  - (b) No buildings or animal runs shall be less than seventy five (75) feet from a lot line abutting a residential district.
- (4) CREMATORIIUMS. Minimum site size, five (5) acres. All structures shall be screened from view of the road. All delivery vehicles shall be obscured from residential view by a solid masonry wall six (6') feet in height.



## **SECTION 609. MINI-STORAGE/INDIVIDUAL STORAGE FACILITIES.**

- (1) **DISTRICT REGULATIONS.** All district regulations of the Commercial district shall apply to Individual Storage Facilities/Mini Storage except as otherwise provided in this Section.
- (2) **LOCATION.** Individual Storage Facilities/Mini Storage in the Commercial district shall be located on public roads.
- (3) **DIMENSIONAL REQUIREMENTS.** Storage spaces may vary between thirty (30) and four hundred (400) square feet in size. The maximum height of the building may not exceed one story or fifteen (15') feet in wall height. Multiple buildings on one site must be at least fifteen (15') feet apart. All internal circulation must be on road surfaces, at least fifteen (15') feet in width.
- (4) **SETBACKS.** The minimum front, side and rear yards shall conform to all district regulations. All sites abutting residential uses shall be developed so that access to storage facilities on the sides abutting residential uses face the interior of the site. No access to the rear of the building, by vehicle, shall be allowed on sides abutting residential uses. Where lights from vehicles can shine on residential uses from anywhere on the site, the residential use shall be screened by a completely obscuring fence, berm or landscaping, at least four (4') feet in height.
- (5) **USE OF BUILDING.** All Individual Storage/Mini Storage must be entirely contained within the building and in no way visible or otherwise apparent from outside the building. No retail commercial, manufacturing or rehearsing operations of any kind may be carried out inside or outside of the building.
- (6) **MATERIALS ALLOWED TO BE STORED.** No hazardous, toxic, flammable or refrigerated products may be stored inside or outside the building, excluding gas tanks attached to and intended to fuel vehicles and tanks of propane or kerosene, intended as fuel for appliances attached to the vehicle.
- (7) **LIGHTING.** All access points to each storage space and driveway must be lighted.

## **SECTION 610. MOBILE HOME PARK.**

In addition to standards noted in Chapter 3, District Regulations. Mobile Home Park must comply with the following standards. These shall be specified, by reference, as conditions for approval of a Special Use Permit for a Mobile Home Park. Note that the Dimensions Table in Chapter 3 establishes standards for mobile home lots in the park and for the minimum floor area of each mobile home unit.

- (1) **STATE PERMIT COORDINATION.** The Michigan Mobile Home Commission has

issued comprehensive rules regulating safety, licensing, construction, business practices and other aspects of Mobile Home Parks under the authority of Section 11(2) of the Mobile Home Commission Act (Public Act 96 of 1987). Special Use Permit approval for a Mobile Home Park constitutes "preliminary local zoning approval" as provided by said Act. A construction permit and license for operation of the Mobile Home Park must be obtained from the Michigan Mobile Home commission after Special Use Permit approval.

- (2) **EXCEPTIONS TO STATE STANDARDS.** The Michigan Mobile Home Commission's Rules establish basic standards to be met in any Michigan community when constructing a Mobile Home Park. Overall, these standards are hereby adopted, by this reference, as the standards for local zoning approval, with the exceptions noted below.
- (3) **BUFFERS AND GREENBELTS.** Where a Mobile Home Park abuts an R-A or R-B district, the entire perimeter of the park shall be enclosed by a fence at least six (6') feet high and there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. The greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart or at least two rows of deciduous or evergreen shrubs which will grow to a mature height of at least six (6') feet, planted not more than six (6') feet apart.
- (4) **DIMENSIONAL REQUIREMENTS.** Mobile Home Space dimensions and the minimum Dwelling Unit floor area for Mobile Homes, listed in the DIMENSIONS Table in Chapter 3, must be met before Special Use Permit approval can be granted.
- (5) **ROADS.** Roadways within a mobile home park shall be designed, constructed and maintained to the standards set by the Mobile Home Commission Rules. Roads where no parking is allowed must be posted with "No Parking" signs.
- (6) **PEDESTRIAN CIRCULATION.** A pedestrian circulation system, separate from vehicular roadways and meeting the Mobile Home Commission Rules' construction requirements for same, must be provided. That is, such a system is not optional for Mobile Home Parks in the Township. A pedestrian circulation system must be paved, connect all dwelling units and any community building and be a minimum of a four (4') foot wide hard surface.
- (7) **RECREATIONAL LAND.** At least five (5%) percent of the gross site area must be devoted and landscaped for recreational uses. Uses may include playgrounds, open space for sports or picnic areas, as examples.
- (8) **SALE OF MOBILE HOMES PROHIBITED.** The sale, display or storage of Mobile Homes in any portion of the Mobile Home Park is expressly prohibited. However, a vacant Mobile Home located on a Mobile Home Space and owned by its former resident, connected to utilities, and offered for sale or rent is not in violation of this provision.

- (9) SEWAGE COLLECTION. Sewage collection and disposal or treatment facilities must be approved by the Midland County Department of Public Health and other appropriate State agencies. Note that sewage retention or treatment facilities are Accessory Uses for Mobile Home Parks, and must be placed inside the required greenbelt.
- (10) CONSTRUCTION WITHIN THE MOBILE HOME PARK. Where the park is developed in phases, future construction access must be routed to minimize the amount of traffic through the completed phases of the park.

#### **SECTION 611. OPEN SPACE PRESERVATION DEVELOPMENT.**

- (1) INTENT. This Section is intended to comply with the Open Space Preservation provisions of the Township Zoning Act and to further encourage the preservation of open space within the Township, while offering an optional method for residential development.
- (2) INITIAL INFORMATION. Applications for special use permit for open space preservation development shall include the following information with respect to the development:
  - (a) The name, address and telephone number of: All persons, firms, or corporations with an ownership interest in the land on which the development will be located together with a description of the nature of each entity's interest (for example, fee owner, option, or land contract vendee). All engineers, attorneys, architects, or registered land surveyors associated with the development. The developer or proprietor of the development.
  - (b) The legal description of the land on which the development will be made together with appropriate tax identification numbers.
  - (c) The acreage content of the land on which the development will be made.
  - (d) The number of dwelling units to be included in the development and description, together with size, of the open space to be preserved.
- (3) DEVELOPMENT DENSITY AND OPEN SPACE DEDICATION. In open space preservation developments there may be developed on specified portions of the parcel(s) included within the development, not to exceed 50% of the total area of the development parcel(s), the same number of dwelling units available under this Ordinance to the entire parcel(s) area in the residential zoning district wherein the development is located. Provided, however, that not less than 50% of the area of the entire open space preservation development parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement as defined in section 2140 of the Natural Resources and Environmental Protection Act 1994 PA 451 as amended, plat dedication, restrictive covenant, or other legal means that run with the land. No condominium unit, lot or parcel

of land included within an open space preservation development shall be utilized, included or its area calculated within any other such development.

- (4) **ROADS AND ACCESS.** All parcels, other than the dedicated open space, in the development as well as all parcels therein intended or occupied as dwellings shall abut a public road and have the access required by Sections 404 and 405 of this Ordinance. Open space preservation developments undertaken as a site condominium shall provide for road and access as required by this Ordinance for Site Condominiums.
- (5) **STATE AND COUNTY SANITATION AND WATER APPROVAL.** The developer or proprietor of the development shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project. In no event shall any parcel, lot, or building site size in the development be less than necessary for proper and sanitary water quality and sanitary or waste discharge.
- (6) **EROSION AND STORMWATER CONTROL.** All open space preservation developments shall provide for necessary and proper erosion, stormwater and run off management, including easements among the development parcels or to drainage districts, as necessary to comply with applicable governmental regulations and to prevent run off or impact upon other properties.
- (7) **COMPLIANCE WITH THIS ORDINANCE, FEDERAL, STATE AND OTHER LOCAL LAW.** Except as authorized in this section to enable open space preservation development to occur on parcels not otherwise meeting the minimum lot area mandated by this Ordinance, all condominium units, lots, dwelling units, buildings and structures within an open space preservation development shall meet the minimum building floor area, yard and setback requirements, height limitations, other building and structure requirements and use regulations of this Ordinance. All open space preservation developments shall comply with all provision of Public Act 288 of 1967, the Land Division Act, or Public Act 59 of 1978, the Condominium Act. All condominium projects shall further comply with all applicable Federal and State Statutes and other local ordinances.
- (8) **APPROVAL PRIOR TO FURTHER DEVELOPMENT.** Application, action thereon and grant of a special use permit in accordance with this Ordinance shall be obtained prior to application for Land Divisions or recording of a condominium master deed in furtherance of an open space preservation development.
- (9) **TEMPORARY OCCUPANCY.** The Zoning Administrator may allow occupancy of the open space preservation development before all improvements required by this Ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

## **SECTION 612. OUTDOOR ASSEMBLY.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: Outdoor Amphitheater, Drive-In Theater and Race Track.

- (1) **ALL ACCESS FROM COUNTY PRIMARY ROAD.** All traffic ingress and egress shall be from a County Primary road or a State highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- (2) **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- (3) **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street or road within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.
- (4) **SOLID WALL OR FENCE.** The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen facade at least eight (8') feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
- (5) **ENTRANCE GATES.** One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
- (6) **SCREENS.** Picture screens shall not be permitted to face any public street or road and shall be so located as to be out of view from any major thoroughfare.

## **SECTION 613. PLANNED UNIT DEVELOPMENT.**

- (1) **INTENT.** This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- (2) **PERMITTED USES AND STANDARDS.** A Planned Unit Development (PUD) may include all Uses by Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning Districts which immediately precede and follow it in the



Uses Table in Chapter 3. For example, a PUD proposed for a Parcel zoned R-B could include all Uses identified for the R-A, R-B and C Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use by Right in another, it may be treated as a Use by Right for the PUD.

- (3) **USE DENSITY AND PARCEL COVERAGE.** Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
  - (a) **RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS.** For a PUD located in the C Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.
  - (b) **NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS.** For a PUD located in the R-A or R-B Zoning Districts, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
  - (c) **RESIDENTIAL DENSITY.** The maximum residential density shall be one (1) dwelling unit for every four thousand (4,000) square feet of Parcel area. Single Family or Two Family Dwellings shall meet the Dwelling Unit Area requirements specified for the R-B Zoning District by the DIMENSIONS Table in Chapter 3. Multiple Dwellings shall conform to the R-B requirements.
- (4) **DIMENSIONAL REQUIREMENTS.** Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height limitations and minimum Yards between dwelling structures shall be as specified for the C Zoning District by the DIMENSIONS Table in Chapter 3. However, if plots of land in a PUD are proposed for resale as either fee simple Parcels or Site Condominiums, said Parcels or condominium units, and any buildings thereon, must meet the Parcel Dimension and Yard requirements for the R-B Zoning District.
- (5) **BUFFERING FOR RESIDENTIAL USES.** When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.
  - (a) **SEPARATE BUILDINGS.** In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
  - (b) **WITHIN SAME BUILDING.** When residential and non-residential Uses occupy space in a single Building in a PUD, a continuous physical separation must be provided between spaces devoted to said Uses. Access doorways are allowed, but

the separation must provide at least a one (1) hour fire rating between residential and nonresidential space.

- (6) **OPEN SPACE.** At least ten (10%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.
- (7) **PARKING.** Parking for uses in a PUD shall conform to the requirements of individual uses as required in Chapter 4.
- (8) **ROADS AND ACCESS.** All parcels within the PUD shall abut a public road and have the access required by Sections 404 and 405 of this Ordinance. PUD developments undertaken through the Condominium Act, Public Act 59 of 1978, as amended, shall provide for road and access as required by this Ordinance for site condominiums.

#### **SECTION 614. OUTDOOR RECREATIONAL FACILITIES.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: Public or private Golf Courses, Country Clubs, Driving Range, Racket Sport and Swimming Facilities. This section does not include uses that are accessory uses to a residential use.

- (1) **SITE LOCATION.** Site location should be allowed which enhances the natural environment and amenities of urban life.
- (2) **DEVELOPMENT REQUIREMENTS.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
  - (a) Minimum site size shall be sufficient for structures and parking.
  - (b) Access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.
  - (c) Minimum site for tennis, racket sport and swimming facilities may occupy no less than four (4) acres.
  - (d) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

**SECTION 615. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.**

- (1) REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Mt Haley Township Zoning Ordinance, Michigan State Health Department, and the Michigan Department of Environmental Quality (DEQ) which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
- (2) TEMPORARY OCCUPANCY ONLY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements. No occupant of such spaces shall remain in the same park or campground more than six (6) months.
- (3) GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy-five (75') feet from any street right of way or neighboring property line.
- (4) ACCESS AND CIRCULATION. Section deleted refers to DEQ requirements.
- (5) PERSONAL CARE FACILITIES. Each RV Park or campground shall include men's and women's restrooms in all-weather heated structures. These structures shall include adequate water outlets, wash basins, toilets, and waste containers.
- (6) OTHER PUBLIC FACILITIES. Section deleted, refer to DEQ requirements.
- (7) INDIVIDUAL CAMPSITE REQUIREMENTS. Each RV parking site or campsite shall include the following amenities: fixed facilities for cooking using charcoal or wood as fuel with fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location.

**SECTION 616. SITE CONDOMINIUM.**

All condominium projects shall be subject to any pertinent regulations of the Township Zoning Ordinance and any other applicable local Ordinances.

- (1) INITIAL INFORMATION. Concurrently, with notice required to be given Mt. Haley Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- (a) The name, address and telephone number of: All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, option, or land contract vendee). All engineers, attorneys, architects, or registered land surveyors associated with the project. The developer or proprietor of the condominium project.
  - (b) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
  - (c) The acreage content of the land on which the condominium project will be developed.
  - (d) The purpose of the project (for example, residential, commercial, industrial, etc.)
  - (e) Approximate number of condominium units to be developed on the subject parcel.
- (2) INFORMATION TO BE KEPT CURRENT. The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.
- (3) SITE PLANS, NEW PROJECTS MASTER DEED, ENGINEERING AND INSPECTIONS. Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Section 707 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificates of Occupancy.
- (4) SITE PLANS, EXPANDABLE OR CONVERTIBLE PROJECTS. Prior to expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 707 of this Ordinance. Minor changes to the project within the buildable area of an approved site plan do not require a new Site Plan Review, but must be approved by the Zoning Administrator.
- (5) MASTER DEED, RESTRICTIVE COVENANTS, AND "AS BUILT" SURVEY TO BE FURNISHED. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed; One (1) copy of all restrictive covenants; and two (2) copies of an "As Built" survey. The "As Built" survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board. A utilities plan, flood plain plan and approved site plan must be furnished as an exhibit to the Master Deed, or as part of the "As Built" Survey.

- (6) **MONUMENTS REQUIRED, SITE CONDOMINIUM PROJECTS.** All condominium projects shall be surveyed by a registered land surveyor with property lines physically delineated by survey monuments on the site per engineering standards.
- (7) **COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW.** All condominium projects shall comply with Federal and State Statutes and local ordinances.
- (8) **STATE AND COUNTY APPROVAL.** The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.
- (9) **TEMPORARY OCCUPANCY.** The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.
- (10) **SINGLE FAMILY DETACHED CONDOMINIUMS.** Single family detached condominiums shall be subject to all requirements and standards of the applicable R-A and R-B Districts including minimum floor area. The permitted density shall be computed in accordance with this section.  
There shall be maintained a minimum spacing distance of eighty (80') feet with sanitary sewer or eighty-five (85') feet without sanitary sewer from the center of one (1) residential dwelling unit to the center of any adjacent residential dwelling unit. This spacing requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum yard requirements are in accordance with the Dimension Table in Chapter 3. Rear lot drainage shall be shown on the site plan and installed per Township standards.
- (11) **ROADS.** All roads within a site condominium shall be designated as common elements in the master deed, be engineered and constructed to the then current subdivision standards for acceptance by the Midland County Road Commission, whether or not publicly dedicated or accepted and thereafter improved and maintained to those standards by the owners of properties within the development. Costs associated with this construction, improvement and maintenance shall be made a lien and assessment against the properties within the development. There shall be submitted with the application for special use permit the condominium master deed, by-laws or other contractual agreement, satisfactory to the Township, evidencing the lien, assessment and collection obligations among the properties. Roads within a site condominium shall be laid out to provide each unit, building envelope and use within the site condominium unobstructed and free ingress and egress to a public road.
- (12) **ROAD FRONTAGE.** All units, building envelopes and uses located within a site condominium shall meet the minimum lot width for the applicable zoning district and use. Such lot width shall be measured along a site condominium road abutting the unit,

building envelope or use.

#### **SECTION 617. SOIL RESOURCE EXTRACTION.**

Regulations for this activity are contained in the Mt. Haley Township Mineral Mining/Pond Ordinance, #01-08.

#### **SECTION 618. TEMPORARY INDOOR AND TEMPORARY OUTDOOR USES.**

- (1) **EXEMPT ACTIVITIES.** School fundraising activities are exempt from the Special Use permit requirements of this section. Private garage and yard sales in any A and R district are exempt from the special use permits requirements of this section.
- (2) **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- (3) **LENGTH OF PERMIT.** The total time period for all temporary use permits granted shall not exceed six (6) months in one calendar year.
- (4) **STRUCTURES-INDOOR and OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
  - (a) It is no larger than one hundred and fifty (150) square feet,
  - (b) There is no foundation,
  - (c) No portion of the structure may become unattached or move as a result of wind,
  - (d) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.
  - (e) Structures of any kind must be removed **PRIOR** to expiration of the permit.
- (5) **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in Chapter 7, must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.
  - (a) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.

- (b) TEMPORARY SIGNS. Temporary signs shall be allowed, for the duration of the temporary use permit a total of two temporary signs may be granted for one parcel in a year.
  - (c) SANITARY FACILITIES. Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
  - (d) DISPLAY OF GOODS. Display and sale of goods may not be located closer than thirty (30) feet from the edge of the road, or ten (10) feet from the side or rear property lines.
- (6) USES NOT REQUIRING AN OFFICIAL SITE PLAN IN ACCORDANCE WITH CHAPTER 7, OR PLANNING COMMISSION APPROVAL. Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of NONPROFIT ORGANIZATIONS, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,
- (a) The use is for seven (7) days or less within a thirty (30) day period,
  - (b) A drawing of the site and description of activity is provided and,
  - (c) Structures for display, sale or storage may remain on the site only during the hours of operation,
  - (d) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
  - (e) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
  - (f) The temporary use location must meet all setback requirements of the zone in which it is located.

**SECTION 619. WIRELESS COMMUNICATION FACILITIES.**

- (1) INTENT. The provisions in this section apply to those wireless communication facilities which are not exempted from Special Use Permit requirements by Section 511 of this Ordinance. The provisions herein are intended to accommodate the communication needs of people while protecting the public health, safety and general welfare of the community. These regulations will:
  - a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township.
  - b) Minimize adverse visual effects of towers through design and setting standards.

- c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements.
  - d) Maximize the use of existing approved towers and buildings to accommodate new wireless communication facilities in order to reduce the number of towers necessary to serve the community.
- (2) APPLICATION INFORMATION. Applications for special use permit for wireless communication facilities shall include the following:
- a) General Filing Requirements
    - 1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
    - 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
    - 3) Original signatures for the applicant and all co-applicants applying for the Special Permit are required. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo reproductions of signatures will not be accepted.
  - b) Location Filing Requirements
    - 1) Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
    - 2) Tax map and parcel number of subject property.
    - 3) Zoning district designation for the subject parcel.
    - 4) A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
  - C) Site Filing Requirements
    - 1) A one-inch-equals-40 feet vicinity plan showing the following:
      - a) Property lines for the subject property.
      - b) Property lines of all properties adjacent to the subject property within 300 feet.



- c) Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
  - d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
  - e) Proposed location of antenna, mount and equipment shelter(s).
  - f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - g) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the personal wireless service facility.
  - h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
  - i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- 2) Site elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
- a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
  - b) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
  - c) Any and all structures on the subject property.
  - d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

D) Design Filing Requirements

- 1) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- 2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- 3) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- 4) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- 5) If lighting of the site is proposed, the applicant shall submit manufacturer's computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

E) Radiofrequency Radiation (RFR) Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

- 1) Existing, or ambient: the measurements of existing RFR.
- 2) Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.
- 3) Certification signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards subsection.

(3) No wireless communication facility shall be located within a one half (1/2) mile radius of another such facility unless the Planning Commission finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on the existing tower or building due to one or more of the following reasons:

- A) The planned equipment would exceed the structural capacity of the existing or

approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- B) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - C) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
  - D) Other unforeseen reasons make it infeasible to locate the planned Telecommunications equipment upon an existing or approved tower or building.
- (4) Regardless of the presence of a wireless communication facility within one half (1/2) mile of the proposed facility, applicants for a Special Use Permit for a wireless communication facility shall demonstrate a good faith effort to collocate with other providers. Such good faith effort includes:
- A) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
  - B) Contact with all the other licensed carriers for mobile radio services operating in the County and,
  - C) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be unfeasible, a written statement of the reasons for the lack of feasibility shall be submitted with the application. Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

- (5) **TOWER CONSTRUCTION.** The tower proposed for any wireless communication facility requiring special use permit shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

SECTION 620. Tower Construction.

- (1). All Towers supporting Wireless Communication facilities shall be constructed to ANSI EIA TIA-222-F “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures,” and National Building Code construction standards for steel structures.
- (2). Towers will be set back from existing and planned public Right-of-Ways, and Parcel Setbacks, a minimum distance equal to the height of the tower including all antennas and attachments.
- (3). All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations. In the event that a tower and associated facilities is not removed within twelve (12) months, it may be removed by the township, and the cost of removal will be assessed against the property owner.
- (4). No Wireless Communication facility shall interfere with the Public Safety Telecommunications. All applications for Wireless Communication facilities shall include an intermodulation study prepared by a radio frequency engineer certifying a technical evaluation of existing and proposed transmission and including all potential interference problems.

## CHAPTER 7

### Administration Administration, Enforcement and Amendments

**General Provision:** All employees of the Township, who issue or sign any kind of work permit or citation, must submit monthly a listing of all issued, current, or completed permits and citations to the Township Supervisor, prior to the regularly scheduled monthly meeting.

#### **SECTION 701. DUTIES OF THE BUILDING ADMINISTRATOR/ZONING OFFICER.**

The duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- (1) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for Permits shall be submitted to the Administrator who shall keep a record of all applications, which have been submitted, and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Administrator shall issue a Permit for the proposed use. When conditions are not met, the Administrator shall consult with the applicant to determine the proper course of action. The Administrator shall maintain a record of all applications and related permits, including documentation for each.
- (2) ISSUE WRITTEN DENIAL. When any application for a permit is denied, the Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (3) REVOCATION OF PERMITS. The Administrators shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance, or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.
- (4) NOTICE OF HEARINGS. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the designated committee member from each of the Planning Commission or Zoning Board of Appeals shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (5) INSPECTIONS. The Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (6) RECORD NONCONFORMING USES. The Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 4, Section 401.

- (7) **RECORD SPECIAL USES.** The Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 6.
- (8) **RECORD INTERPRETATIONS OF ORDINANCE.** The Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- (9) **PUBLIC INFORMATION.** The Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it. Full copies are available from the Township Clerk for a reasonable fee per copy.
- (10) **RESPOND TO COMPLAINTS.** The Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Administrator shall provide a report at each regular Township Board Meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- (11) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- (12) **REPORTS TO SUPERVISOR.** On a monthly basis, the Administrator shall provide to the Supervisor, his/her report to the Township Board, a written report of all issued, current and completed permits and violation citations issued.

## **SECTION 702. ZONING PERMITS REQUIRED.**

No building or structures of any kind, including signs, shall be erected, no use commenced, or any use changed, on any Parcel until a proper permit has been issued by the Building Administrator. Once it has been determined by the Administrator that the proposed building, structure or use, is in compliance with all provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. All Zoning Permits shall expire after one (1) year from issuance unless construction or the use permitted, has commenced within that year.

## **SECTION 703. APPLICATION FOR ZONING PERMIT.**

All applications for Zoning Permits shall be made to the Building Administrator with the accompanying fee. The Township Board shall set the amount of the fee. The permit fee may be doubled upon failure to obtain a permit before beginning construction, or use.

The application shall be made up of the following:

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

**SECTION 704. DUTIES OF THE PLANNING COMMISSION.**

- (1) **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, appointed by the Township Supervisor with the approval of the Township Board.
- (2) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- (3) **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- (4) **MEETINGS.** The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- (5) **DEVELOPMENT PLAN.** The Planning Commissions shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to The Township Planning Act, P.A. 168 of 1959 as amended, and MZEA, PA 110 of 2006 as amended.
- (6) **ZONING ORDINANCE.** The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, general welfare, and contribute to environmentally friendly, well maintained land that will not adversely affect property values in the area.
- (7) **ADMINISTRATION AND ENFORCEMENT.** The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.
- (8) **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval, or denial.

- (9) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.
- (10) REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board.

#### **SECTION 705. DUTIES OF THE ZONING BOARD OF APPEALS.**

- (1) ESTABLISHMENT. The Township Board, exercising the authority of Act 184 of the Public Acts of 1943, as amended, hereby provides that a Township Zoning Board of Appeals be established.
- (2) MEMBERSHIP. The Mt Haley Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (3) TERMS OF OFFICE. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.
- (4) RULES OF PROCEDURE. The Board of Appeals adopts its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, Secretary and in the chairperson's absence, an Acting Chair
- (5) MEETINGS. Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.



- (6) RECORDS. Minutes shall be recorded of all proceedings, which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
- (7) DECISIONS. The Zoning Board of Appeals shall return a decision upon each case within forty-five (45) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned.
- (8) MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board.
- (9) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (10) DUTIES. The Mt. Haley Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
  - (a) ADMINISTRATIVE REVIEW. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to review or hear appeals of special land use, planned unit development decisions of the Planning Commission or site plan review in connection with special land use or planned unit development decisions. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the Township. Any such request must be made in writing not more than thirty (30) days after the date of the Zoning Administrator's decision.

An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
  - (b) INTERPRETATION. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of

Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

1. The Board may determine the precise location of the boundary lines between zoning districts.
2. The Board may classify any activity which is not specifically mentioned in the Uses Table in Chapter 3 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
3. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.
4. The Board may interpret any portion of this Ordinance when the Administrator is unable to clearly determine its intent or effect.

(c) **VARIANCES.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance, which can be expressed in terms of numbers, may be brought before the Zoning Board of Appeals to be considered for a variance. Variances shall be granted only upon the Zoning Board of Appeals finding that all basic conditions listed herein and any one of the special conditions listed hereafter are satisfied.

1. **Basic Conditions.** Any variance granted from this Ordinance:
  - a. Shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - b. Shall not permit the establishment within a district of any use which is not permitted by right within that zoning district or for which a special use permit is required.
  - c. Shall not cause substantial adverse effect upon property values or uses in the immediate vicinity or in the district in which the property of the applicant is located.
  - d. Is not one where the specific conditions relating to the property are so general or recurrent in nature, as to make the formulation of a general regulation for such conditions unreasonable or impractical.
  - e. Shall relate only to property that is under the control of the applicant.

2. Special Conditions. When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:
  - a. There are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - b. There are exceptional circumstances or physical conditions such as narrowness, shallowness, shape, or topography of property involved. Circumstances resulting from an act of the applicant shall not be allowed a variance.

(d). **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**

1. A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation, which relates to a specific parcel. Mailed notice shall be given not less than fifteen (15) days before the date of the meeting at which the action will be considered.
2. Decisions of the Zoning Board of Appeals may not be based or granted, only on the basis of economic loss or increased profit from the decision.
3. Any request, which has been denied wholly or in part by the Zoning Board of Appeals, may only be appealed to the Circuit Court.

**SECTION 706. ENFORCEMENT.**

(1) **RESPONSIBILITY.** The Building Inspector and Zoning Enforcement Officer shall enforce the provisions of this Ordinance.

(2) **VIOLATIONS AND PENALTIES.**

- (a) Any person or other entity, including the owner or occupant of any buildings or premises, or their respective agents, who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation, as permitted by law. In no case, however, shall costs of more than \$500.00 be ordered. Each day that a violation shall continue constitutes a separate offense.

- (b) All violations of this Ordinance are declared a nuisance per se. In addition to any other remedy available by law, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.
  - (c) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

#### **SECTION 707. AMENDMENT.**

- (1) **TOWNSHIP BOARD MAY AMEND.** The regulations and provisions of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended by the Township Board.
- (2) **INITIATION OF AMENDMENTS.** The Township Planning Commission, independently or upon request by the Township Board, may initiate amendments to the text of this Ordinance as well as to the zoning map specifying the various districts. Individuals may petition to initiate amendments to the text of this Ordinance. A person having an interest in a specific parcel(s) of property may initiate a request to amend the zoning map for rezoning of that parcel(s).
- (3) **AMENDMENT PROCEDURE.**
- (a) **PETITIONS FOR REZONING AND AMENDMENT OF MAP.** Each petition for rezoning shall be submitted by one or more owners, interested parties or their agents upon an application of standard form to the Township Clerk, who will transmit the application to the Planning Commission for recommended action. With the petitions shall be paid the applicable fee.
  - (b) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment, however initiated, and make recommendation thereon to the Township Board.
  - (c) **PUBLIC HEARING.** Before voting on any recommendation relating to a proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given to the public as required by law.

- (d) NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the chairperson of the Planning Commission.
1. CONTENT. Notice of the public hearing shall contain the time, place, date and purpose of the hearing.
  2. DISTRIBUTION.
    - a. PUBLISHED. Notice shall be given once in a newspaper of general circulation in the community, to be printed not less than fifteen (15) days before the hearing.
    - b. UTILITIES BY MAIL. Not less than fifteen (15) days notice shall also be given by mail to each utility, railroad and airport manager that registers its name and mailing address with the Planning Commission for the purpose of receiving the notice.
    - c. OTHER NOTICE. If an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning shall be given to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed and to the occupants of all single and 2-family dwellings within 300 feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made not less than 15 days prior to the hearing.
    - d. AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Commission meeting at which the hearing is to be conducted.
- (e) MIDLAND COUNTY PLANNING COMMISSION. This commission has been disbanded by a vote of the Midland County Commissioners on May 16<sup>th</sup> 2017.
- (f) TOWNSHIP BOARD ADOPTION. Upon receipt of the Midland County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the Township Board would first consider the proposed amendment. The Planning Commission shall be

notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by law, shall be published in a newspaper which circulates in the Township not less than fifteen (15) days before the hearing. Mailed notice of said hearing is not required.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- (g) RESUBMITTAL. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

#### **SECTION 708. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.**

- (1) CONTENT. Each notice for any public hearing required by this Ordinance shall include the following information.
  - (a) Identification of the applicant, if any.
  - (b) Identification of the property which is the subject of the request.
  - (c) Nature of the matter to be considered.
  - (d) Identification of the public body which will be conducting the public hearing and will decide upon the matter.
  - (e) Date, time and place of the public hearing.
  - (f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
- (2) NOTIFICATION OF OCCUPANTS AND PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET. Whenever provisions of this Ordinance require mailing of public hearing notices to Occupants and Property Owners within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.
  - (a) The owner(s) of property for which approval is being considered.
  - (b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.

- (c) Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

**SECTION 709. SITE PLAN REVIEW.**

- (1) SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. Site review and approval by the Planning Commission is required for:
  - (a) The proposed use will have more than two (2) dwelling units.
  - (b) The proposed use is in a Commercial (C) or Industrial (I) zoning district.
  - (c) Subdivision plats submitted under the Land Division Act, Public Act 288 of 1967.
  - (d) All uses requiring Special Use Permit
  - (e) Wireless Communication Facilities not permitted by right or by Special Use Permit.
- (2) In the case of existing uses, a Site Plan Review is required when,
  - (a) The use is proposed to increase the footprint by ten (10%) percent or more, of any residential structure with more than two (2) units, or any commercial or industrial structure or use.
  - (b) A legal non-conforming use, building or structure, is proposed to be expanded. Illegal nonconforming uses may not expand.
- (3) SITE PLANS
  - (a) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
  - (b) APPLICATION MATERIAL. Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least four copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted,

including the fee.

- (c) **PROFESSIONAL FEES INCURRED BY THE TOWNSHIP.** The provisions for the applicant's payment, reimbursement and deposit for fees incurred by the Township for professional, engineering or other technical advice or review of Special Use Permit applications, set forth with Section 602 of this Ordinance, apply to applications for Site Plan Review.
- (d) **SITE PLAN CONTENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist shall be available from the Township Building Inspector. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of Section 704 of this Ordinance.

1. **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
2. **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan, must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting on the owner's behalf.
3. **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.
4. **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
5. **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives,



internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.

6. UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
  7. STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
  8. SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review Process.
  9. SITE PLAN REVIEW PROCESS. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards. (See Appendix for a Site Plan Checklist Guide.)
- (e) STAFF REVIEW OF SITE PLAN. Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- (f) PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

1. APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project. Deviations from the site plan will only be permitted as outlined by Section 707.
  2. CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
  3. DENIAL WITH EXPLANATION. Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- (g) RECORD TO BE MAINTAINED. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.
- (h) SITE CONSTRUCTION TIME LIMITS. Construction on the site must commence within two (2) years of the final approval of the site plan. A one (1) year extension could be applied for through the Zoning Administrator. If time limits are not met the entire approval process must be repeated.
- (3) SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.
- (a) DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
  - (b) SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by Chapter 4 of this Ordinance.
  - (c) SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a

proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified by Chapter 6, also must be satisfied.

- (d) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- (e) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, and snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Midland County Road Commission shall be sought
- (f) **DRIVEWAYS.** All driveways serving parking lots shall be a minimum of twenty (20') feet wide unless part of a one-way entrance and exit system
- (g) **UTILITIES.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- (h) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- (i) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- (j) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining properties or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations

promulgated by the Michigan Department of Natural Resources, Midland County Health Department or other agencies.

- (k) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way or adjacent properties, is unacceptable.
- (l) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Purposes Table in Chapter 3.

Table: PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED?	PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING	MAILED NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET, # DAYS BEFORE HEARING	BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
VARIANCE	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes.	Not Less than 15.	Not less than 15.	Circuit Court only
INTERPRETATION	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes.	Not Less than 15.	Not less than 15.	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved party or State County or Twp. Officer, board bureau or dept.	Zoning Board of Appeals	Yes.	Not Less than 15.	Not less than 15.	Circuit Court only
SITE PLAN APPROVAL	Applicant or Zoning Administrator	Planning Commission	No	Not required.	Not required.	Planning Comm. after 1 year, or Township Board
SPECIAL USE PERMIT	Applicant or Zoning Administrator	Planning Commission	Yes If requested by property owner within 300 ft.	Once, 15 days before date.	Once, 15 days before date.	Planning Comm. after 1 year, or Circuit Court
PLANNED UNIT DEVELOPMENT (PUD)	Applicant or Zoning Administrator	Planning Commission	Yes	Once, 15 days before date.	Once, 15 days before date.	Planning Comm. after 1 year, or Circuit Court.
REZONING	Applicant, Planning Commission or Township Board	Planning Commission recommends to:	Yes	Once, 15 days before date.	Once, 15 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, 15 days before date	Not required.	Circuit Court
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to:	Yes	Once, 15 days before date	Once, not less than 8 days before date.	Planning Commission after 1 year.
		Township Board	If requested by any party	Once, 15 days before date.	Not required.	Circuit Court
DEVELOPMENT PLAN OR MAP CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	Once, 15 days before date	Not required.	Planning Commission after 1 year or Circuit Court.
FEE WAIVER	Applicant	Township Board	No	Not Required	Not Required	Circuit Court

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Mt Haley Township Zoning Ordinance, Chapter 7 – Administration, Enforcement and Amendments, 11/17/2003  
DTB

**MT. HALEY TOWNSHIP  
MIDLAND COUNTY, MICHIGAN  
WIND ENERGY ZONING ORDINANCE AMENDMENT  
ORDINANCE NO. 01-11**

At a regular meeting of the Township Board of Mt. Haley Township, Midland County, Michigan, held at the Mt. Haley Township Hall on November 12, 2018, at 7:00 p.m., Township Board Member Norm Jardis moved to adopt the following Ordinance, which motion was seconded by Township Board Member Dick Dougherty:

*An Ordinance to amend the Mt. Haley Township Zoning Ordinance, Ordinance No. 02-11, as amended, to add a new Section 621, creating a new Wind Park overlay district including sections 21, 22, 23, 24, 28, 27, 26, 25, 33, 34, 35, 36, and the southern half of sections 16, 15, 14, and 13 of Mt. Haley Township; authorizing Wind Energy Systems within the Township; and establishing requirements for Wind Energy Systems within the Zoning Ordinance.*

Mt. Haley Township, Midland County, Michigan, ordains:

**Section 1. Amendment of Article II, Section 2.2, Definitions:** The Mt. Haley Township Zoning Ordinance, Ordinance No. 01-11, as amended, shall be amended to add the following new Section 621:

**SECTION 621 WIND ENERGY**

Index of Subsections:

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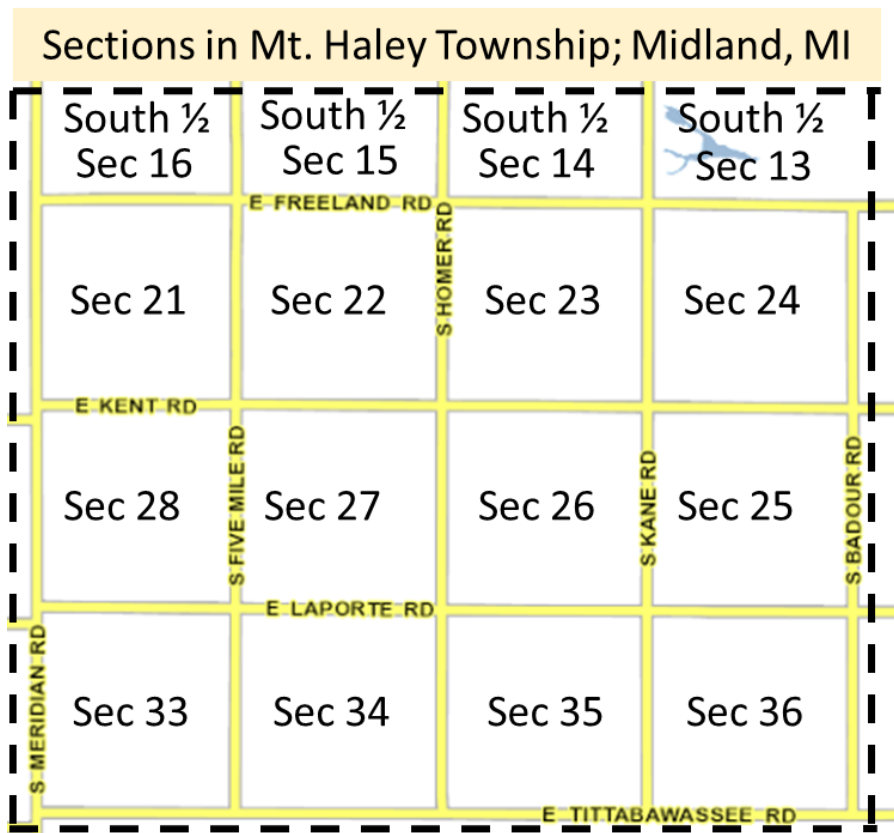
**1. STATEMENT OF INTENT; ESTABLISHMENT OF WIND PARK OVERLAY DISTRICT**

Due to the passage of PA 342 of 2016, known as the Clean and Renewable Energy and Energy Waste Reduction Act, which requires Michigan electric providers to supply renewable energy sources, Mt. Haley Township felt a need to address wind energy in the Township. Wind energy is a renewable and carbon-free energy resource of the Township, and the conversion of wind energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from

the use of conventional energy sources. However, wind energy facilities may cause significant potential negative effects because of their large size, lighting, shadow flicker, noise, and other factors.

The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the Mt. Haley Township community. Regulation of the siting, installation, and operation of wind energy facilities is necessary to ensure compatible land uses. The regulations provide for the designation of property suitable for the location, construction, and operation of wind energy facilities in the Township. Refer to section 6.2.2 of the master plan.

A zoning overlay district is hereby established for the location of Utility Grid WES by issuance of a Special Land Use Permit. This overlay district will be referred to hereafter as the Wind Park. The Wind Park includes sections 21, 22, 23, 24, 28, 27, 26, 25, 33, 34, 35, 36, and the southern half of sections 16, 15, 14, and 13.



**2. DEFINITIONS**

1	ANSI	American National Standards Institute.
2	A-Weighted Sound Level	The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, a method for weighting the frequency spectrum to mimic the human ear. Expressed as dB(A).

3	Background Sound	The all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9 Part 3.
4	Continuous Background Sound	Background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9 Part 3.
5	dB(A)	The sound pressure level in decibels. The “A” weighted scale defined by ANSI.
6	Decibel	ANSI S1.1 definition: Unit of the level of a power or power-like quantity when the base of the logarithm is the tenth root of ten. Unit symbol, dB. The unit of measure used to express the magnitude of sound pressure, sound intensity, and sound power.
7	Decommission	To remove or retire from active service.
8	Dwelling	A building in which people currently live or may be used to live in. This includes homes that may be currently unoccupied but for sale, for rent, or used as a vacation home.
9	Equivalent A-weighted Continuous Sound Level	The level of a steady sound which, in a stated time period and at a stated location has the same A-weighted sound energy as the time varying sound, denoted as $L_{EQ A}$ , and expressed as dB(A).
10	Frequency	The number of oscillations or cycles per unit of time, expressed as Hertz (Hz)
11	Height of Turbine	The distance from the ground level base of the structure to the highest point on the tip of a fully vertical rotor blade.
12	Hertz	The frequency of sound expressed by cycles per second.
13	Hub Height	The distance from ground level to the center of the turbine hub or horizontal rotor shaft.
14	IEC	International Electrotechnical Commission.
15	Inhabited Structure	Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
16	ISO	International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
17	MET Tower or Anemometer Tower	A temporary or permanent tower used to measure wind speed and direction.
18	Nacelle	The housing to which the rotors and hub are attached and frequently contains rotor breaks, electronics, and generators.
19	Noise Sensitive Facility	An Inhabited Structure, school, hospital, church, public library, or other area designated by the Planning Commission.
20	Non-Participating	A parcel of land that is not Participating.
21	Octave Band	The frequency interval where the upper frequency is twice the lower frequency.



22	One-Third Octave Band	The frequency interval where the upper frequency is the lower frequency times the cube root of two.
23	On-Site Use WES	A Wind Energy System (WES) that primarily serves the energy needs of the parcel upon which the WES is located.
24	Participating	A parcel of land that participates by ownership, lease, easement agreement, or other contractual agreement, with a person or entity constructing, operating, or submitting a Special Land Use Permit application for a WES, and including the parcel on which a WES is located.
25	Rotor	An element of a WES that acts as a multi-bladed airfoil assembly extracting kinetic energy directly from the wind through rotation.
26	SCADA Tower	A temporary or permanent freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
27	Shadow Flicker	Alternating changes in light intensity caused by a moving blade or rotor of a WES casting shadows on the ground and stationary objects, such as a window at Dwelling.
28	Sound Power	The rate per unit time at which sound energy is radiated, expressed as watts (W).
29	Sound Power Level	Ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).
30	Sound Pressure Level	Twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dB(A)), the unit dB shall refer to an un-weighted measurement.
31	Utility Grid WES	A WES designed, built or operated to provide electricity not principally for use on the site where the WES is located. A Utility Grid WES may be located within the Wind Park by issuance of a Special Land Use Permit.
3EFV 32	Wind Energy System (WES)	A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WES to the grid.
33	Wind Site Assessment	An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WES.

### 3. WIND SITE ASSESSMENT FOR WIND ENERGY SYSTEMS (WES)

- a. Prior to construction of a WES, a wind site assessment may be conducted to determine the wind speeds and the feasibility of using the site. SCADA, Anemometer Towers, or MET Towers taller than 65 feet in height used to conduct a wind site assessment for possible installation of a WES shall be permitted as a Special Land Use in the Agricultural, Commercial, and Industrial Zones.
- b. Prior to the installation of the SCADA, Anemometer Tower or MET Tower, an application for a Special Land Use Permit shall be filed with the Township that will include:
  - i. Applicant identification

- ii. A site plan
- iii. A copy of that portion of the Applicant's lease with the land owner(s) granting authority to install the MET Tower and requiring the Applicant to remove all the equipment and restore the site after completion of the wind site assessment
- iv. Proof of the owner's and operator's liability insurance unless waived under subsection 14.
- c. The distance from the center of an Anemometer Tower or MET Tower and the property lines between the leased property and the non-leased property shall be at least 1.0x the height of the Anemometer Tower or MET Tower. Leased property can include more than one parcel of property and the requirement shall apply to the combined properties.
- d. No part of the WES structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- e. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

#### **4. UTILITY GRID WIND ENERGY SYSTEMS (WES)**

A Utility Grid WES is designed and built to provide electricity to the electric utility grid. Utility Grid WES shall be permitted as a Special Land Use in the Agricultural, Commercial, and Industrial Districts within the Wind Park.

- a. Procedure: The Planning Commission review of a Special Land Use Permit application for a WES is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Section 602. The second step, which may occur at a separate meeting for a Utility Grid WES, is the site plan review process by the Planning Commission as described in Section 709. Both of these sections can be found in Ordinance 02-11.
- b. A decision on the Special Land Use Permit application by the Planning Commission includes all proposed Utility Grid WES components, underground electrical lines, substation(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
- c. Application Fee, Township Costs, and Escrow. With its application an Applicant shall pay an application fee as determined by resolution of the Township Board.
- d. Township costs in review and retention of professionals. The Applicant shall pay to and reimburse the Township its costs incurred in acquisition of professional, engineering, or other technical advice or review of the application, including without limitation engineering, sound modeling, sound surveys, visual studies, environmental and wildlife studies, electromagnetic studies, and decommissioning analysis. No special land use approval shall be issued or effective until all such fees have been paid. With the application, the Applicant shall make an initial deposit in an amount specified in a schedule established by the Township Board. Thereafter, in its consideration and review of the application, the Planning Commission may require additional deposits from the Applicants.
- e. Prior to the installation of a Utility Grid WES, an application for a Special Land Use Permit shall be filed with the Township and shall include the following:
  - i. Applicant Identification: Applicant name, address, and contact information.

- ii. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- iii. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include
  - 1. the project area boundaries
  - 2. the location, height, and dimensions of all existing and proposed structures and fencing
  - 3. the location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road
  - 4. existing topography
  - 5. water bodies, waterways, wetlands, and drainage channels
  - 6. all new above ground infrastructure related to the project.
- iv. Proof of the owner's and operator's liability insurance unless waived under subsection 14.
- v. Consent Documents: Copies of any written waivers from neighboring property owners; must be signed and notarized by all involved parties.
- vi. Sound Pressure Level: Copy of the modeling and analysis report.
- vii. Certifications: Certification that Applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
- viii. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- ix. Environmental Impact: Copy of the Environmental Impact analysis.
- x. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- xi. Shadow Flicker: Copy of the Shadow Flicker analysis; must include at least one calendar year in the analysis.
- xii. Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- xiii. Fire suppression plan
- xiv. Maintenance Schedule: Description of operations, including anticipated regular and unscheduled maintenance.
- xv. Decommissioning: Copy of the decommissioning plan.
- xvi. Complaint Resolution: Description of the complaint resolution process.
- f. The detailed site plan for site plan review shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
  - i. The project area boundaries, including all lot lines and dimensions.
  - ii. Names and parcel identification number of each parcel with the Utility Grid WES.
  - iii. The location, height, composition, dimensions of all existing and proposed structures, fencing, utility easements, land use, zoning district, and ownership of property.
  - iv. The location, grades, composition, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,

- v. Existing topography,
- vi. Water bodies, waterways, wetlands, and drainage channels
- vii. All new infrastructure above and below ground related to the project, including proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures
- viii. Lighting plan
- ix. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and a bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid WES
- x. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of five feet
- xi. Anticipated construction schedule
- xii. Description of operations, including anticipated regular and unscheduled maintenance
- g. All Utility Grid WES shall be constructed and thereafter maintained and operated to the following standards and requirements:
  - i. Setbacks
 

The following setback distances shall be maintained and measured from the center of the base of the Utility Grid WES at ground level.

**TABLE 4-1. Summary of Setbacks**

Stream and/or River	Setbacks set as per wildlife review study and any agency that has authority over streams and rivers
Creek and/or Drains	No portion of Utility Grid WES within 100' of center line
Utility - overhead	1.0x of tallest tip height to right of way
Utility - underground	1.0x of center of nacelle/hub to right of way
Roadways	1.25x of tallest tip to centerline of road
An operations and maintenance office building, a substation, or ancillary equipment	Shall comply with any property setback requirement that may be applicable to that type of building or equipment
Overhead transmission lines and power poles that are part of the Utility Grid WES	Shall be on leased land and shall comply with the setback requirements applicable to public utilities
Participating Dwelling	Greater of 2.0x of tallest tip height or 1000'
Participating property line	No minimum setback
Non-Participating Dwelling	Greater of 2.5x of tallest tip height or 1320'
Non-Participating property line	1.1x of tallest tip height

- ii. Utility Grid WES are limited to a height approved by the FAA above the existing grade.

- iii. Underground power lines serving the Utility Grid WES shall be placed a minimum of five feet below grade and  $\leq 2$  feet below any drainage tile on the property.
- iv. Construction Codes, Towers, and Interconnection Standards:
  - 1. Utility Grid WES, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements.
  - 2. Utility Grid WES, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. Utility Grid WES shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- h. Upon completion of the construction of the Utility Grid WES, digital “as built” documentation shall be provided to the Township. The “as built” documentation shall include details of above and below grade components of the Utility Grid WES and all accessory facilities.

## **5. LIGHTING**

- a. Utility Grid WES towers shall not be illuminated unless required by the FAA.
- b. When illumination is required by the FAA, Utility Grid WES are required to use Aircraft Detection Lighting Systems (ADLS) if approved by all agencies having jurisdiction over such lighting.
- c. All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. Continuous nighttime lighting systems are not allowed.

## **6. SAFETY**

- a. All Utility Grid WES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WES.
- c. Spills shall be reported to and cleaned up as per Michigan Department of Environmental Quality and MIOSHA requirements.
- d. A sign shall be posted near any tower and any operations and maintenance building that will contain emergency contact information.
- e. Signage placed at any road access shall be used to warn visitors about the potential danger of falling ice.
- f. The minimum vertical blade tip clearance from grade shall be 50 feet for a WES employing a horizontal axis rotor.
- g. The Applicant shall be responsible for maintenance of the access roads. At the landowner’s discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.

## **7. VISUAL IMPACT**

- a. Utility Grid WES shall use tubular towers and all Utility Grid WES shall be finished in a single, non-reflective matte finish and neutral color.
- b. Cosmetic appearance shall be maintained to “as installed” or new condition. This includes but is not limited to removal/repair of graffiti and painting of rust within six months of it being reported to owner/operators of Utility Grid WES.
- c. Utility Grid WES with broken, damaged, fallen, or malfunctioning parts shall be repaired to new condition or removed within 9 months of the failure being documented. After that, the damaged Utility Grid WES shall be removed as per the decommissioning process.
- d. A project shall be constructed using Utility Grid WES of similar design, size, operation, and appearance throughout the project.
- e. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
- f. The Applicant shall avoid state or federal scenic areas and significant visual resources listed in the Township's master plan.

## **8. ENVIRONMENTAL IMPACT**

- a. The Applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The Applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
- b. The Applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The Applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101, *et seq.*) including but not limited to Part 31 Water Resources Protection (MCL 324.3101, *et seq.*), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101, *et seq.*), Part 301 Inland Lakes and Streams (MCL 324.30101, *et seq.*), Part 303 Wetlands (MCL 324.30301, *et seq.*), Part 323 Shoreland Protection and Management (MCL 324.32301, *et seq.*), Part 325 Great Lakes Submerged Lands (MCL 324.32501, *et seq.*), and Part 353 Sand Dunes Protection and Management (MCL 324.35301, *et seq.*).
- c. The Applicant shall be responsible for making repairs to any public roads damaged by the construction or operation of the Utility Grid WES.

## **9. AVIAN AND WILDLIFE IMPACT**

- a. The Applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The Applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The Applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

- c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- d. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

#### **10. ELECTROMAGNETIC INTERFERENCE**

- a. No Utility Grid WES shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna for radio, television, wireless phone, internet, or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the Applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WES.
- b. No Utility Grid WES shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WES is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

#### **11. SHADOW FLICKER**

- a. Shadow flicker on Participating Dwellings shall be limited to a maximum of 30 hours per year.
- b. Shadow flicker not allowed on or within 100 feet of the nearest wall of Non-Participating Dwelling unless waived by Non-Participating owner(s).
- c. Shadow flicker on Participating Parcels will be measured at the nearest external wall or walls.
- d. Shadow Flicker Analysis: The Applicant shall conduct an analysis on potential shadow flicker at Dwellings. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the Dwelling and describe measures that shall be taken to eliminate the problems. Site plans shall depict a contour around each proposed Utility Grid WES that represents the predicted 30 hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the Dwellings.
- e. The shadow flicker analysis shall include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate shadow flicker that occurs beyond the levels set herein. Mitigation measures may be allowed on Participating Parcels.
- f. All Utility Grid WES shall be outfitted with curtailment software.
- g. Any shadow flicker complaint shall be addressed by the Applicant and be eliminated based upon the standards herein.

- h. If flicker is a nuisance, conflict resolution process shall be employed.

**TABLE 11-1. Summary of Allowable Flicker**

Participating Dwelling	Limited to a maximum of 30 hours per year
Non-Participating Dwelling	Shadow flicker not allowed on or within 100 feet of the nearest wall of Non-Participating Dwelling unless waived by Non-Participating owner(s).

**12. SOUND PRESSURE LEVEL**

- a. The audible sound from a Utility Grid WES at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous Sound Level ( $L_{EQ}$ ) limits set forth in Table 12-1, measured in accordance with the methodology described in Subsections 12.e. and 12.f.

Zone	Equivalent A-weighted Continuous Sound Level (dB(A) $L_{EQ}$ (1hr))
Participating Parcel; as measured 50' from the Noise Sensitive Facility at the point closest to the Utility Grid WES.	$\leq 55$
Non-Participating Parcel; as measured 50' from the Noise Sensitive Facility at the point closest to the Utility Grid WES.	$\leq 45$

**TABLE 12-1. Equivalent A-weighted Continuous Sound Level ( $L_{EQ}$ ) Limits**

- b. In the event audible noise from the operation of the Utility Grid WES contains a prominent discrete tone, the limits set forth in Table 12-1 shall be reduced by five dB(A). For a prominent discrete tone to be identified as present the equivalent-continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent-continuous sound frequencies of f500 Hz and above, by eight dB for center frequencies between 160 Hz and 400 Hz, or by 15 dB for center frequencies between 25 and 125 HZ as specified by ANSI S12.9 Part 4, Annex C. This should be done for each 10 minute compliance measuring interval.
- c. Any noise level falling between two whole decibels shall be rounded to the nearest whole number.
- d. Sound Modeling Study - The Applicant shall provide a predictive sound modeling study of all turbine noise for a Utility Grid WES to verify that ordinance requirements can be met for the Equivalent A-weighted Continuous Sound Level limits in Table 12-1. The sound modeling must follow International Standard, ISO 9613-2 "Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation." The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 - Part 11 or as determined by analytical calculations according to the manufacturer, plus 2 dB to each



frequency band. The turbine(s) should be modeled as a single point source at the proposed hub height and perceived sound at 6.6 foot +/- 0.7 foot above the ground. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground (G=0.5) for all other land. The sound modeling study shall include a map with all proposed Utility Grid WES locations, all Noise Sensitive Facilities, and all Participating and Non-Participating Parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30-dB(A) sound contour line, at 5 dB(A) intervals from the center of the proposed Utility Grid WES.

- e. Post Construction Sound Survey - The Applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The Applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Subsections 12.a. and 12.b. The measurements and the reporting of the data shall be conducted as described below. The survey shall address noise complaints on file with the Township and Applicant and may require additional measurement locations as deemed necessary by the Planning Commission. Should the sound survey indicate a non-compliant measurement, the owner of the WES will be required to obtain compliance through mitigation or other measures.
  - i. Methodology
    - 1. Measurement personnel and instrumentation shall be as required in Subsection 12.g.
    - 2. A calibration check shall be performed and recorded before and after each measurement period.
    - 3. The nighttime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the nighttime compliance measurement period (nighttime: 10:00 pm to 7:00 am).
    - 4. The daytime measurement period shall be two hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the daytime compliance measurement period (daytime: 7:00 am to 10:00 pm).
    - 5. Compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of at least two one hour measurement intervals is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in Table 12-1. Representative intervals are defined as:
      - a. Periods complying with the general method for routine measurements of ANSI S12.18. Measurement shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of  $\pm 45$  degrees of the annual prevailing wind direction.
      - b. Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest Utility Grid WES to the measurement location.
      - c. Periods where ground level gusts are equal to or less than 5 m/s (11 mph).

6. The sound level measured in each 10-minute measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.
- ii. Measurement Locations
1. The measurement locations shall be chosen by the Applicant's Measurement Personnel and approved by the Planning Commission prior to the Post Construction Sound Survey.
  2. The measurement locations shall be performed at 50' from Noise Sensitive Facilities when possible. Otherwise, 50' for Participating Parcels and at parcel boundary lines for Non-Participating Parcels. The locations shall be in close proximity to one or multiple Utility Grid WES and/or locations which have modeled sound levels closest to limits identified in Table 12-1. A 5:1 ratio (Utility Grid WES to measurement locations) will be used to determine the number of measurement locations, with a minimum of 8 measurement locations. The measurement locations shall include, but are not limited to, the following:
    - a. A minimum of four measurements of different Non-Participating Parcels. The measurement location shall be 50 feet from the Noise Sensitive Facility if possible, otherwise at the parcel boundary line nearest the closest Utility Grid WES.
    - b. A minimum of two measurements of different Participating Parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest Utility Grid WES.
    - c. Any measurement location determined necessary by the Applicant's Measurement Personnel and Planning Commission. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
  3. The microphone shall be positioned at a height of 5 feet  $\pm$  1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
  4. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
  5. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than two feet in height for a 50-foot radius around the sound monitoring equipment.
  6. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
  7. Meteorological measurements of the surface wind speed and direction shall be collected using microphones and anemometers at a height of 6.6 foot  $\pm$  0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- iii. Reporting of Measurement Data-
- Reports shall be submitted to the Planning Commission within 45 days of completion of the post-construction sound survey and shall include, at a minimum, the following:

1. A narrative description of the sound from the Utility Grid WES for the compliance measurement period result.
  2. A narrative description of the sound measurements collected.
  3. A map showing the Utility Grid WES locations, noise measurement locations, and all Noise Sensitive Facilities.
  4. The dates, day of the week, and hours of the day when measurements were made.
  5. The wind direction and speed, temperature, precipitation, and sky condition for each 10-minute measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided from the closest Utility Grid WES), using the fastest integration time reasonably available.. Both the average and maximum wind speeds for the 10-minute measurement interval shall be reported.
  6. The wind energy output for each 10-minute measurement interval for the closest Utility Grid WES.
  7. Identification of all measurement equipment by make, model, and serial number.
  8. All meteorological, sound, windscreen, and audio instrumentation specifications and calibrations.
  9. All A-weighted equivalent sound levels for each 10-minute measurement interval.
  10. All 1/3 octave bands between 20Hz and 20kHz linear equivalent sound levels for each 10-minute measurement interval and identification of tonal periods.
  11. All attendant's notes and observations.
  12. All concurrent time-stamped turbine operational data including the date, time, and duration of any noise reduction operation or other interruptions in operations if present.
  13. All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
  14. All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology shall be included. Data, field notes, and calculations may be provided in electronic form on request of the Planning Commission. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.
  15. All other information determined necessary by the Planning Commission.
- f. As an ongoing condition of any Special Land Use Permit for a Utility Grid WES, the Zoning Enforcement Officer or Township Supervisor may require measurements of the sound from routine operation of the completed Utility Grid WES. Such measurements may be required to determine compliance with this Ordinance and the Special Land Use Permit, to investigate a community complaint for validation of the calculated sound levels presented to the Planning Commission in support of the Special Land Use Permit. The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a non-compliant measurement, the owner and the operator of the Utility Grid WES shall be required to obtain compliance through mitigation or other measures. Sound testing as a result of a complaint will only be carried out if the location has not been monitored within 5 years and there have been no

operation changes to the wind farm that would affect sound emission, and modeled sound levels are within 5 dB of sound level limits.

i. Methodology- Refer to Subsection 12.g. below.

ii. Measurement Locations

1. Measurement locations shall be conducted at the property of the complainant and chosen by the Zoning Enforcement Officer or Supervisor. The measurement locations shall include, but are not limited to, the following representative locations:

a. For Participating Parcels, a minimum of one measurement location at the Noise Sensitive Facility of the complainant, measured 50 feet from the façade nearest the closest Utility Grid WES.

b. For Non-Participating Parcels, a minimum of one measurement location at the parcel boundary line of the complainant nearest the closest Utility Grid WES

c. Any measurement location determined necessary by the Measurement Personnel and approved by the Planning Commission.

2. The microphone shall be positioned at a height of 5 feet  $\pm$  1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.

3. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities, and urban areas.

4. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than two feet in height for a 50-foot radius around the sound monitoring equipment.

5. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.

6. Meteorological measurements of surface wind speed and direction shall be collected using microphones and anemometers at a height of 6.6 foot  $\pm$  0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.

7. Reporting of Measurement- Data Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include as indicated above in Subsection 12.e.iii.

iii. Reporting of Measurement- Data Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include as indicated above in e) III

g. General Sound Survey Methodology

i. Measurement Personnel. Measurements shall be supervised by personnel who are independent of the owner or operator of the Utility Grid WES, well qualified by training and experience in measurement and evaluation of environmental sound, Board Certified members of the Institute of Noise Control Engineering (INCE), and approved by the Planning Commission.

ii. Measurement Instrumentation. Measurement devices shall comply with the following requirements:

1. A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
2. An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
3. A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave-Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
4. An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
5. A microphone windscreen shall be used of a type that meets or exceeds the recommendations of the manufacturer of the sound level meter.
6. The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
7. The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
8. Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of  $\pm 1$  mph providing data in the fastest integration time reasonably available.
9. A wind direction sensor used for surface wind direction shall have a minimum manufacturer specified accuracy of  $\pm 3^\circ$  providing data in five second integrations.
10. Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of  $\pm 2^\circ\text{C}$  providing data in the fastest integration time reasonably available.
11. A digital recording device shall be used to store the time waveform of the sound pressure levels.

### **13. DECOMMISSIONING**

- a. Abandonment
  - i. Any WES that is not used for the production of energy for a period of 12 successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the Applicant receives a written extension of that period from the Planning Commission due to an extended repair schedule for good cause. All above and below ground materials (down to 5 feet below the ground) must be removed. The ground must be restored to its original condition within 12 months of abandonment.
- b. Continuing Security and Decommissioning
  - i. If any WES is approved for construction under this Ordinance, the 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 WES has been finally removed, as provided below.
    1. Continuing Security: If a Special Land Use Permit is approved pursuant to this section, the Planning Commission shall require a security in the form of a cash deposit, irrevocable letter of credit, or surety bond in a form, amount, time and

duration deemed acceptable to the Township, which will be furnished by the Applicant to the Township in order to ensure full compliance with this section and any condition of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences upon a WES. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to have each WES fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this Ordinance or the Special Land Use Permit. Such financial security shall be kept in full force and effect during the entire time while a WES exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the WES).

2. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the Applicant prior to the commencement of construction of any WES and shall be maintained by the WES owner until the WES has been permanently 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 the continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs of any consultants, reports or studies which the Township anticipates it may have to perform that are reasonably related to enforcement of this Ordinance and the Special Land 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 that the WES owner place additional monies into escrow with the Township. Alternatively, if lawful, Applicant will pay permit fees equivalent to estimate of all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. As for the escrow requirement, the permit fees will also include a replenishment obligation if the permit fees paid by the Applicant prove to be insufficient to cover the Township's enforcement fees, costs and expenses.
3. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WES exists or is in place shall constitute a material and significant

4. Violation of a Special Land Use Permit and this Ordinance, and will subject the WES owner to all remedies available to the Township, including possible enforcement
- c. Decommissioning Plan and Bond
- i. This Ordinance requires that the Applicant for a Utility Grid WES Special Land Use Permit submit a decommissioning plan that is to be implemented at the end of the project's useful life. The plan is to describe the process for disposition of the project, equipment removal agreements with landowners, and financial assurance for the decommissioning process.
  - ii. Prior to commencing with the decommissioning of one or more Utility Grid WES, a demolition permit shall be obtained from the building inspector. The fee of this permit shall include the Township's cost to hire a professional qualified to interpret the decommissioning plan and capable of determining if and when the decommissioning plan has been carried out.
  - iii. The following paragraphs describe the project's decommissioning plan per the requirements of this Ordinance. Facility Dismantling, Removal and Site Restoration: Decommissioning includes four primary phases: (1) ground preparation; (2) dismantling of project components; (3) transportation and traffic related to the dismantling; and (4) site reclamation. These are described below.
    1. Ground Preparation. The decommissioning of each Utility Grid WES will first require ground preparation to insure that cranes and transport trucks can access the site. Depending on the site-specific land use at each Utility Grid WES site, this may include enlarging the access roads. A crane pad area and disassembly area will also be required on the ground to provide space for crane movement, truck movement, and lowering of Utility Grid WES components. This activity may require grubbing and clearing, as well as upgrading access roads with road material such as gravel. Top soil and natural debris will be salvaged for site reclamation.
    2. Dismantling of Project Components. This phase involves dismantling of each Utility Grid WES using similar cranes which are used for assembly. The Utility Grid WES components include the rotor, the nacelle, and the tower which are all disassembled during the process. The sequence of disassembly would be to detach the rotor from the nacelle and lower it to the crane pad area/disassembly area, detach the nacelle from the top tower section, detach the top section from the middle section and then detach the middle section and the bottom section. Components are then separated into categories of reuse, salvage, or disposal. The top section of the concrete foundations used to secure the bottom tower section will be removed to a depth of no less than 5 feet below surrounding grade. The underground cabling will be removed as per the landowner lease agreement. Any overhead cabling and support structures, as well as substation or switching station components, will be disassembled and transported off the site.
    3. Transportation and Traffic. The transportation and traffic portion of the decommissioning is key to the process as the mobilization and demobilization of the large cranes and hauling of materials require careful planning and traffic management. The towers will be separated into sections appropriate for transport

on the local system. Any roads or crossings built for the project will be left in place for the use of the landowners unless otherwise specified.

4. Site Reclamation. After all material and debris have been removed, the site can be regraded. Salvaged subsoil will be replaced and capped with topsoil and salvaged organic material, such as woody debris, will be added in required areas. Soils at the bases of Utility Grid WES will be resorted to a depth of five (5) feet and to conditions similar to the surrounding ground. Seed mixes and fertilizer will then be applied to the disturbed areas. Landowners will be consulted on specific seed mixes if necessary.
- iv. Prior to decommissioning, the input of the landowners will be considered as to the extent of decommissioning that will be undertaken on their land. The future owners or lease holders of the land affected by distribution lines and underground cabling will be consulted prior to decommissioning. The project will be decommissioned in accordance with the decommissioning laws and regulations that will apply at the time of decommissioning.

#### **14. LIABILITY**

- a. The owner and operator of any WES shall use due care in exercising the rights granted by a special land use permit under this Section 621. The owner and operator shall maintain a liability insurance policy on all WES within the project on its own behalf and on behalf of the Township as named co-insured, with limits of liability for the entire project of not less than \$2,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2018 dollars based on the CPI). The Township may, in its discretion, waive the foregoing insurance requirement if the owner and operator enter into an indemnification agreement acceptable to the Township that shall indemnify and hold harmless the Township, its officers, employees, and agents, from any claims, lawsuits, or liability for damages whatsoever arising out of the owner's or operator's operation or maintenance of any WES under the special land use permit.

#### **15. COMPLAINT RESOLUTION**

- a. The Applicant shall develop a process to resolve complaints from residents concerning the construction or operation of the project. All complaints shall be acknowledged by the current owner of the WES within 10 days of receipt of such complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint.
- b. The Applicant shall maintain and make available a telephone number where a project representative can be reached during normal business hours.
- c. Starting at the time construction begins, the Applicant shall provide a report of all complaints and resolutions to complaints. Reports shall be communicated in writing and in person to the Mt. Haley Township Board at the regularly scheduled board meetings. Frequency of the reports shall be monthly for the first 36 months and quarterly thereafter.

**Section 2. Severability:** The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section



or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

**Section 3. Effective Date:** This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law, or as otherwise provided by the Michigan Zoning Enabling Act.

**Section 4. Repeal:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: \_\_\_\_\_ 5 \_\_\_\_\_

NAYS: \_\_\_\_\_ 0 \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_ 0 \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_ *Richard Keenan* \_\_\_\_\_

Richard Keenan, Mt. Haley Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Mt. Haley Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_Nov. 12\_\_\_\_\_, 20 18\_\_, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_Midland Daily News\_\_\_\_\_ newspaper, a newspaper that circulates within Mt. Haley Township, on \_\_\_Nov 24\_\_\_\_\_, 20 \_18\_.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Midland County Clerk on \_\_\_\_\_, 20\_\_.

ATTESTED:

\_\_\_\_\_ *Sharron J. Flemming* \_\_\_\_\_

Sharon Fleming, Mt. Haley Township Clerk

**MT. HALEY TOWNSHIP  
MIDLAND COUNTY, MICHIGAN  
ZONING ORDINANCE AMENDMENT  
ORDINANCE NO. 2021-04**

A meeting of the Mt. Haley Township Board, Midland County, Michigan, held at Mt. Haley Township on Sept. 13, 2021, at 7:00 p.m., DREASBOIS moved to adopt the following Ordinance, which motion was seconded by MULLO:

*An Ordinance to amend the Mt. Haley Township Zoning Ordinance to define and regulate the land use Primary Caregiver Operation and to address marihuana activities within the Township for the public, health, safety, and general welfare.*

**MT. HALEY TOWNSHIP ORDAINS:**

**Section 1. Amendment of Chapter 2, Section 202 – Definitions.** The Mt. Haley Township Zoning Ordinance, Section 202, is hereby amended to add the following definitions:

1. **Reasonably Available Odor Control Technology (“RAOCT”)** – An odor control technology that limits odor from a particular source or source category within the limits of Township ordinances by the application of control technology that is reasonably available considering technological and economic feasibility. RAOCT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.
2. **Primary Caregiver Operation** – The cultivation, storage and/or distribution of marihuana by a medical marihuana primary caregiver in accordance with state law including the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.* (“MMMA”) and Township ordinances.

**Section 2. Amendment of Chapter 4, General Requirements.** The Mt. Haley Township Zoning Ordinance, Chapter 4, General Requirements, is hereby amended to add Section 409, which shall read as follows:

**Section 409 – Generally Applicable Marihuana Regulations**

- A. Marihuana grown on the premises of residential dwellings shall not exceed twelve (12) marihuana plants and must comply with the applicable provisions of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.* (“MMMA”), and the Michigan Regulation and Taxation of Marihuana Act, Michigan Initiated Law 1 of 2018, MCL 333.27951, *et seq.* (“MRTMA”). This requirement shall not apply to principal Primary Caregiver Operation land uses.
- B. Marihuana grown on a premises of a residential dwelling not exceeding twelve (12) marihuana plants shall be considered an accessory use to the principal use of a

- E. Distribution, growth or cultivation of medical marihuana, and all other related activities, must occur indoors.
- F. Primary Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of a lot, unless the Planning Commission otherwise approves of Reasonably Available Odor Control Technology for a specific Primary Caregiver Operation.
- G. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of a structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- H. No person operating a facility shall provide or otherwise make available medical marihuana to any person who is not a medical marihuana patient legally connected to that medical marihuana caregiver.

**Section 5. Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 6. Repeal.** All provisions contained in other Township ordinances which are inconsistent with the provisions of this Ordinance, are repealed.

**Section 7. Effective Date.** This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS BREASBOIS, MURD, RADOSA, BROWN

NAYS None

ORDINANCE DECLARED ADOPTED.

**CERTIFICATION**

I, Karen Radosa, Clerk of the Township Board of Mt. Haley, hereby certify this to be a true and complete copy of Ordinance No. 2021-04, duly adopted at a regular meeting of the Township Board held on the 13<sup>th</sup> day of September, 2021.

Karen Radosa  
Karen Radosa,



# **MOUNT HALEY TOWNSHIP**

## **Proposed Ordinances**

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1

**MOUNT HALEY TOWNSHIP  
MIDLAND COUNTY, MICHIGAN**

**Ordinance No. \_\_\_\_\_**

At a meeting of the Township Board of Mt. Haley Township, Midland County, Michigan, held on \_\_\_\_\_, 202\_, at \_\_\_\_\_ p.m., Township Board Member \_\_\_\_\_ moved to adopt the following Ordinance, which motion was supported by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE MOUNT HALEY TOWNSHIP  
ZONING ORDINANCE AND TO AMEND CHAPTER 6 TO INCLUDE A  
NEW SECTION 622 RELATED TO “ON-SITE RESIDENTIAL WIND  
ENERGY SYSTEMS.”**

THE TOWNSHIP OF MOUNT HALEY, MIDLAND COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Section \_\_\_\_.** Section \_\_\_\_ of the Mount Haley Township Zoning Ordinance is amended to include a new Section \_\_\_\_ related to On-site Residential Wind Energy Systems.

**Section \_\_\_\_ . On-Site (Residential) Wind Energy Systems**

(1) Definitions.

- a) ON-SITE (RESIDENTIAL) WIND ENERGY SYSTEM. An on-site wind energy system intended to primarily serve the needs of the home consumer.

(2) Regulations and Conditions.

- b) An on-site wind energy system with a blade tip height of 150 feet or higher shall be considered a utility grid wind energy system for siting purpose.
- c) Home-Residential Wind Turbines are permitted on any parcel located within in Wind Overlay Zoning District.
- d) Mt Haley Township building, electrical, and all other applicable permits are required.

- e) A zoning permit shall be obtained from the Zoning Administrator prior to installation.
- f) Turbines shall be located in the rear or side yards only.
- g) Free standing or guyed turbine towers must be securely anchored in the ground to concrete support. Towers and/or guy wires shall NOT be anchored to a building.
- h) Tower height shall not exceed 149 feet from ground level to upper tip of the blade.
- i) Turbine sound level shall not exceed 55 dbA at the property line closest to the wind energy level.
- j) Turbine Tower shall be no closer than 1.1 times the tallest tip of the blade from an adjoining parcel, road, or a public right-of-way.
- k) The distance from any building must be at least 10 feet.
- l) Battery storage area must meet all applicable federal, state, and local requirements related to containment and potential hazard spillage.
- m) Guy wires and anchors shall be no closer than 10 feet from owner's property line, road or public right-of-way.
- n) On-Site Wind Energy Systems must comply with all applicable federal, state, and local construction and electrical codes, and local building permit requirements, including but not limited to the requirements of the Federal Aviation Administration, Michigan Airport Zoning Act (Public Act 23 of 1950), Michigan Tall Structures Act (Public Act 259 of 1959) and local Airport regulation. Interconnector on-site systems must comply with the Michigan Services Commission.
- o) On-Site Wind Energy Systems Must have a system to prevent over speeding or uncontrolled rotation.
- p) On-Site Wind Energy Systems must be equipped with appropriate lightning protection.
- q) Guy wires, if needed, must be clearly visible to the height of at least 6 feet above grade.
- r) A minimum vertical blade, bottom to tip, clearance must be at least 20 feet above grade on a horizontal axis rotor.



- s) If use ceases for more than 12 successive months, property owner must remove all materials, equipment, and facility no later than 90 days after end of a 12-month period.

**Section 2. Severability and Captions.** This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 3. Repeal.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency. Further, the Mount Haley Township Home-Residential Wind Turbine Ordinance (Ordinance 02-11) is hereby repealed.

**Section 4. Effective Date.** This Ordinance is ordered to take effect seven (7) days following publication of adoption in *The Midland Daily News*, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES:

NO:

Declared adopted on: [\_\_\_\_\_].

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Ken Brown, Township Supervisor

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Karen Radosa, Township Clerk

2

**MOUNT HALEY TOWNSHIP  
MIDLAND COUNTY, MICHIGAN**

**Ordinance No. \_\_\_\_\_**

At a meeting of the Township Board of Mt. Haley Township, Midland County, Michigan, held on \_\_\_\_\_, 202\_, at \_\_\_\_\_ p.m., Township Board Member \_\_\_\_\_ moved to adopt the following Ordinance, which motion was supported by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE MOUNT HALEY TOWNSHIP  
ZONING ORDINANCE AND TO AMEND CHAPTER 6 TO INCLUDE A  
NEW SECTION 623 RELATED TO “COMMERCIAL SOLAR ENERGY  
FACILITIES.”**

THE TOWNSHIP OF MOUNT HALEY, MIDLAND COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Chapter 6.** Chapter 6 of the Mount Haley Township Zoning Ordinance is amended to include a new Section 623 related to Solar Energy Facilities which reads as follows:

**SECTION 623 SOLAR ENERGY FACILITIES**

(a) Purpose, Intent, and Establishment of Overlay District

- 1) Due to the passage of PA 342 of 2016, known as the Clean and Renewable Energy and Energy Waste Reduction Act, which requires Michigan electric providers to supply renewable energy sources, Mt. Haley Township felt a need to address solar energy in the Township. The conversion of solar energy to electricity may reduce dependence on nonrenewable energy sources and decrease the adverse effects that result from the use of conventional energy sources.
- 2) The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the Mt. Haley Township community. Regulation of the siting, installation and operation of solar energy facilities is necessary to ensure compatible land uses. The regulations provide for the designation of property suitable for the location, construction, and operation of solar energy facilities in the Township. Refer to section 6.2.2 of the master plan.
- 3) A zoning overlay district has been established for the location of Solar Energy Facilities (see overlay map in Section 621.1). This overlay district includes sections 21, 22, 23, 24, 28, 27, 26, 25, 33, 34, 35, 36 and southern half of sections 16, 15, 14 and 13.

(b) **Definitions.** For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number

Commented [DW1]:

shall include the plural number; and the plural the singular; and the word “shall” is mandatory and not discretionary.

- 1) DECOMMISSIONING PLAN: A document that details the plan for dismantling and removing a solar energy facility.
- 2) FENCE: A continuous barrier extending from the surface of the ground to a uniform height of not more than seven (7) feet from the ground at any given point, constructed of steel or other material of similar nature and strength and intended to enclose, screen, or separate areas.
- 3) IMPROVED AREA: The area containing solar panels, electrical inverters, storage buildings, and access roads.
- 4) PUBLIC ROAD: Any road or highway which is now or hereafter designated and maintained by the Midland County Road Commission as part of the County Road System. For the purposes of this section, setbacks for improved areas shall be measured from the road right of way.
- 5) SOLAR ENERGY FACILITY (SEF): A ground-mounted energy facility that includes an area of land principally used to convert solar energy to electricity, which includes, but is not limited to, all the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside any perimeter fencing. This term applies to solar photovoltaic (PV) systems used for the purpose of generating and selling energy to a public utility off site and does not apply to private commercial or residential uses where the energy is used for supplying supplemental electricity for on-site uses.
- 6) SOLAR GLARE: The effect produced by the light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

(c) Solar Energy Facilities (SEF)

- 1) The solar energy regulations and standards described in this Section pertain to the creation of large-scale ground-mounted solar photovoltaic installations that will provide power to the electrical grid. The regulations below do not apply to solar panels and other solar devices which will primarily provide power to an onsite farm, home, or business.
- 2) Special Land Use Requirements. The regulations set forth below apply to the construction, operation, and /or repair of Solar Energy Facilities. Such facilities shall only be allowed as a special land use in the agricultural, commercial, and industrial zoned districts of the specified zoning overlay district in Mt. Haley Township.
  - a. Procedure. An application for a utility grid solar energy facility shall require special land use and site plan approval from the Planning Commission in accordance with the Mount Haley Township Zoning Ordinance.

- b. Fee. An applicant shall remit an application fee and an escrow deposit, in the amount specified by the Township Board. This amount shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.
- c. Applicant Identification. A completed application form provided by the Township containing 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 in the application (substitution may include a legal description or parcel identifications number(s)) and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Mt. Haley Township.
- d. Submittal Requirements. All applications for utility scale solar energy facilities shall include the following information. The applicant shall submit a project narrative containing at a minimum, the following information:
  - 1. Project Description. A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
  - 2. Project Design. A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels and angles of orientation.
  - 3. Certification. Certifications that the applicant has complied or will comply with all applicable county, state, and federal laws, regulations and ordinances, including compliance with the Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116). Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
  - 4. Manufactures Data Sheet(s). Documentations shall include the type and quantity of all materials used in the operation of all equipment.
  - 5. Visual Simulations. Photo exhibits visualizing the proposed solar energy system, with emphasis on visualizing the location of any fences, landscaping, access roads, and setbacks from property lines.
  - 6. Maintenance Plan. The applicant shall also submit a maintenance plan that describes the following:
    - i. Demonstrates that solar energy facility will be designed, constructed, and operated to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust.

- ii. States the manner how unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.
  - iii. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.
  - iv. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction
7. Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
8. Decommissioning. Copy of the decommissioning plans and decommissioning agreement in a form acceptable to the Township.
9. Complaint Resolution. Description of the complaint resolution process including time frames.
10. Any other relevant studies, reports, certificates, and approvals as may be reasonably required by the Planning Commission.
- e. Additional Site Plan Requirements. The applicant shall submit a site plan in full compliance Section 707 for each Solar Energy Facility. Additional submittal requirements for a Solar Energy Facility site plan are as follows:
- 1. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
  - 2. All comments from the Board of Public Works – Midland County pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.
  - 3. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
  - 4. Identification of a construction/set-up/laydown area.

The Zoning Administrator or Planning Commission may waive the submission of materials outlined in this Section or in Section 709(2)(d) if such materials are determined to be not applicable to the request for Solar Energy Facility approval.

(d) Standards and Requirements. All Solar Energy Facilities shall meet the following standards and requirements:

1) Location of Solar Energy Facilities

- a. All Solar Energy Facilities must comply with the lot area, width, and all other requirements established in the Mt. Haley Township Zoning Ordinance.
- b. All fences and improved areas located on the site shall comply with the applicable setbacks for the underlying zoning district in which it is located.
- c. Any structures or other improved areas located within the fenced/improved area shall be located at least thirty (30) feet from the fence line/improved area.
- d. Project design and layout will ensure any structures or other improved areas located within the fenced/improved area shall be located a minimum of 100 feet from any residential structure, church, school, family or group child day-care home, and bed and breakfast establishments.
- e. Solar panels and associated racking is limited in height to sixteen (16) feet measured to the highest point of the solar panel. All other structures shall comply with the height requirements of the district in which the facility is located. At the request of an applicant, the Planning Commission may authorize an increase in height of solar panels of up to twenty percent beyond the maximum height set forth in this section. In requesting such an increase, the applicant shall demonstrate in writing to the Planning Commission's satisfaction that the increase is necessary for the operation of the Solar Energy Facility.

2) Design and Installation Standards

- a. All proposed facilities will comply with all applicable local, state, and federal standards and requirements, including electrical and building code.
- b. Any electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained underground (both on the property where the Solar Energy Facility will be located and off site). The Planning Commission may waive the requirement that distribution lines for the Solar Energy Facility which are located off site (i.e. are not located on or above the property where the Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- c. The design and construction of solar energy facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment. A determination of no hazard from the Federal Aviation Administration shall be required.
- d. No portion of the Solar Energy Facility shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of

ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulation.

- e. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state, and federal requirements regulating outdoor battery storage have been met.
- f. The applicant must obtain driveway permits from the Midland County Road Commission or MDOT, as applicable.
- g. The applicant must obtain any drain permits from the Midland County Drain Commissioner or and required state permits from EGLE, as applicable.
- h. The design of solar energy facilities shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- i. Lighting shall be consistent with local, state, and federal law, and shall be limited to only that required for safety and operational purposes. Lighting shall be reasonably shielded from abutting properties.
- j. If a Solar Energy Facility ownership changes, the new owner/operator must notify the Planning Commission within sixty (60) days of the change in ownership.

### 3) Light and Glare.

- a. All Solar Energy Facilities shall be placed such that solar glare does not project onto nearby inhabited structures, non-participating parcels or roadways, and be considered a nuisance.
- b. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan. The design and construction of Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations.

### 4) Landscaping.

- a. Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, and planting.
- b. All Solar Energy Facilities shall have a minimum landscape buffer depth of 20 feet. The buffer shall contain berms, and/or evergreen or deciduous trees at least eight (8) feet tall or bushes at least four (4) feet tall, planted no more than eight (8) feet apart. Trees and bushes planted in the buffer shall obtain a height of ten (10) feet within three growing seasons. The trees or bushes may be trimmed but can be no lower than a height of ten (10) feet. The Planning Commission may allow existing



vegetation to be relied upon to satisfy the landscaping requirement or allow for other native vegetation that will achieve the desired screening effect.

- c. Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Solar Energy Facility pursuant to and per practices of best management of natural areas or good husbandry of the land or forest as prescribed by applicable laws, regulations, and bylaws.
- d. Each owner/operator of a Solar Energy Facility shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed ten (10) inches in height.

5) Security.

- a. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner, furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator that may be contacted 24 hours and 7 days a week.
- b. Solar energy facilities shall be surrounded by a fence, not to exceed seven (7) feet in height designed to restrict unauthorized access.

(e) Abandonment and Decommissioning

- 1) Abandonment: Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment, facilities, and underground wiring and completely restore the property to its Condition prior to development of the Solar Energy Facility.
  - a. Upon determination of abandonment, the Planning Commission or its designee shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six (6) months of notice.
  - b. If the responsible party (or parties) fails to comply, the Township or its designee, may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a non-hazardous, predevelopment condition.

2) Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the special use permit, which shall include:

- a. The anticipated life of the project.
- b. The estimated decommissioning costs net of salvage value in current dollars.
- c. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
  - i. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
  - ii. Complete restoration of property to condition prior to development of the Solar Energy Facility.
- d. The anticipated manner in which the project will be decommissioned, and the site restored.
- e. A provision to give notice to the Township one year in advance of decommissioning.
- f. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceased to be used for a period of one (1) year or more, any application for a new Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Solar Energy Facility which will be posted prior to receive a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may require security, the Township may also require future meetings at preset intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
- g. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township.
- h. The time frame for completion of decommissioning activities.
- i. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator thirty (30) days prior to its expiration or termination.

(f) Complaint Resolution

- 1) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within ten (10) days of receipt of such complaint and the Township

supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint.

- 2) During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
- 3) A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

(g) Conflicting Provisions

- 1) In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Solar Energy Facilities, the provisions of this section shall control.

**Section 2. Severability and Captions.** This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 3. Repeal.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

**Section 4. Effective Date.** This Ordinance is ordered to take effect seven (7) days following publication of adoption in *The Midland Daily News*, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES:

NO:

ABSENT/ABSTAIN:

Declared adopted on: [\_\_\_\_\_].

\_\_\_\_\_  
Ken Brown, Township Supervisor

\_\_\_\_\_  
Karen Radosa, Township Clerk

3

**MOUNT HALEY TOWNSHIP  
MIDLAND COUNTY, MICHIGAN**

**Ordinance No. \_\_\_\_\_**

At a meeting of the Township Board of Mt. Haley Township, Midland County, Michigan, held on \_\_\_\_\_, 202\_, at \_\_\_\_\_ p.m., Township Board Member \_\_\_\_\_ moved to adopt the following Ordinance, which motion was supported by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE MOUNT HALEY TOWNSHIP ZONING  
ORDINANCE AND TO AMEND CHAPTER 6 TO INCLUDE A NEW SECTION  
624 RELATED TO “RESIDENTIAL SOLAR ENERGY FACILITIES.”**

THE TOWNSHIP OF MOUNT HALEY, MIDLAND COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Chapter 6.** Chapter 6 of the Mount Haley Zoning Ordinance is amended to add a new Section 624, which reads as follows:

**SECTION 624 - RESIDENTIAL SOLAR ENERGY FACILITIES**

(1) Definitions.

- a) **RESIDENTIAL SOLAR ENERGY FACILITY.** An energy facility principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that are small homeowner type solar panels which electricity is not sold off site.

(2) General Provisions.

- a) Code compliance – Solar collection devices shall be designed and installed in compliance with the manufacturer’s installation instructions, this ordinance and all County, State, Federal and Fire regulations and safety requirements as well as applicable industry standards.
- b) Reflection/glare – Solar collection devices shall be installed in such a way that reflection or glare does not adversely impact surrounding residents, land uses, structures or road right-of way. All panels shall have tempered non-reflective surfaces.
- c) Solar panels and solar energy systems shall be allowed on all types of structures, lots, or parcels and in all zoning districts as an accessory use. The installation of all such devices must comply with all applicable setbacks requirements of the zoning district in which it is located. Building permits shall be required for installation of all Solar Energy Systems.

- d) All panels shall be fitted with an automatic shutoff or breaker switch, as approved by the Building Inspector, to isolate the panels in case of fire.
- e) In the event that a Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment. This shall include the removal of the entire solar panel(s) or system and any associated facilities and equipment connected hereto from the premises and the restoration of the area to a compliant pre-installation condition.
- f) Total annual energy production capacity should not exceed ten percent of the property's documented annual usage.

(3) Roof or Building Mounted Solar Energy Systems.

- a) No part of a Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the system is mounted on a building in an area other than the roof, no part shall extend beyond the wall on which it is mounted. Roof and/or wall mounted systems shall be designed to be in harmony with the architectural style of the building to which it is attached and not obviously appearing as a separate mechanical structure that appends or appears to interrupt the design character of the roof and/or wall to which it is attached.
- b) No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eaves or valley in order to maintain pathways of accessibility.
- c) No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.

(4) Ground Mounted Solar Energy Systems.

- a) Prior to installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
- b) A ground mounted Solar Energy System, when panels are oriented at maximum tilt, shall not exceed ten (10) feet in height when utilized in conjunction with residential properties or structures; all other uses and properties shall comply with the structure height requirements for the applicable zoning district.
- c) All power transmission or other lines, wires or conduits from a ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted system, they must be placed in a secured container or enclosure.
- d) There shall be a greenbelt screening around any ground mounted Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the system

from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen.

- e) The surface area beneath any solar panel or array of panels shall be continually maintained and the previous surface condition of such land shall remain unbuilt.
- f) For a ground mounted Solar Energy System, the system cannot utilize more than twenty (20) percent of the parcel's area.

**Section 2. Severability and Captions.** This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 3. Repeal.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

**Section 4. Effective Date.** This Ordinance is ordered to take effect seven (7) days following publication of adoption in *The Midland Daily News*, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES:

NO:

Declared adopted on: [\_\_\_\_\_].

\_\_\_\_\_  
Ken Brown, Township Supervisor

\_\_\_\_\_  
Karen Radosa, Township Clerk

4



## Recommendation for amending of Section 405 (4)

- (4) PERMITTED ACCESSORY STRUCTURES. Within all zoning districts, storage buildings not exceeding the accessory building size and height limitations of the applicable zoning district of this Ordinance may be constructed and maintained on a lot or parcel of land which lacks other principal building or principal use on the parcel. Such storage buildings shall be set back the applicable accessory building minimum distance from the front, rear and side lot lines, as set forth in this Ordinance. Use of the storage buildings shall be limited to only such use as would otherwise be accessory to a permitted principal building or use on the parcel, e.g. storage of seasonal lawn equipment, sporting goods, personal boats or vehicles or equipment and materials used in construction of the principal building on the parcel. **No building or structure initially constructed or designed for use as a mobile home, mobile office, shipping container, recreational vehicle or parts of vehicles including trucks, buses, truck cabs, truck boxes and semi-trailers shall be used as an accessory building or for storage.** No such storage building may be used for dwelling, residential or lodging purposes.