

Warren Township

Zoning Ordinance



Warren Township
Midland County

Township Hall Address: 4506 W Baker Rd, Coleman, MI 48618

Mailing Address: P.O. Box 397, Coleman, MI 48618

Phone: (989) 465-9811

Website: <https://www.warrentownshipmi.com>

Table of Contents

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

Chapter 1 – Preamble.....	1-1
SECTION 1.1 – Title	1-1
SECTION 1.2 – Purpose.....	1-1
SECTION 1.3 – Repealing Clause	1-1
SECTION 1.4 – Severability.....	1-1
SECTION 1.1 – Effective Date	1-1
 Chapter 2 – Definitions	 2-1
SECTION 2.1 – Purpose.....	2-1
 Chapter 3 – Non-Conforming Uses.....	 3-1
SECTION 3.1 – Uses of Non-Conforming Land, Buildings, or Structures.....	3-1
SECTION 3.2 – Reconstruction of Damaged and Non-Conforming Structures	3-1
SECTION 3.3 – Repair and Maintenance of Non-Conforming Buildings and Structures.....	3-2
SECTION 3.4 – Change from One Non-Conforming Use to Another.....	3-2
 Chapter 4 – Zoning Districts	 4-1
SECTION 4.1 – Classification of Districts.....	4-1
SECTION 4.2 – District Boundaries	4-1
SECTION 4.3 – R-1, Residential District	4-2
SECTION 4.4 – R-F, Residential Farming District	4-4
SECTION 4.5 – C-1, Neighborhood Commercial District.....	4-6
SECTION 4.6 – C-2, General Commercial District	4-8
SECTION 4.7 – M-1 Industrial District.....	4-10
SECTION 4.8 – Table of Use Regulations	4-12
SECTION 4.9 – Table of District Regulations.....	4-14
 Chapter 5 – Supplementary Provisions.....	 5-1
SECTION 5.1 – Driveways.....	5-1
SECTION 5.2 – Required Parking Spaces	5-1
SECTION 5.3 – General Parking Requirements.....	5-2
SECTION 5.4 – Water Supply and Sewage Disposal Facilities	5-3
SECTION 5.5 – Essential Services	5-3
 Chapter 6 – Special Use Permits	 6-1
SECTION 6.1 – Purpose.....	6-1
SECTION 6.2 – Standards.....	6-1
SECTION 6.3 – Procedure.....	6-2
SECTION 6.4 – Conditions	6-2
SECTION 6.5 – Permit Expiration	6-2
SECTION 6.6 – Revocation	6-2
SECTION 6.7 – Reapplication.....	6-3
SECTION 6.8 – Specific Use Design Standards	6-3

Chapter 7 – Site Plan Review	7-1
SECTION 7.1 – Purpose.....	7-1
SECTION 7.2 – Site Plan Requirements.....	7-1
SECTION 7.3 – Review Procedures	7-1
SECTION 7.4 – Internal Application Review	7-2
SECTION 7.5 – Expiration	7-2
SECTION 7.6 – Revocation	7-2
SECTION 7.7 – Reapplication.....	7-2
SECTION 7.8 – Performance Bond.....	7-2
Chapter 8 – Administration	8-1
SECTION 8.1 – Zoning Administration.....	8-1
SECTION 8.2 – Application.....	8-1
SECTION 8.3 – Duties of the Zoning Administrator.....	8-1
SECTION 8.4 – Revocation	8-2
SECTION 8.5 – Fees	8-2
SECTION 8.6 – Occupancy	8-2
SECTION 8.7 – Planning Commission.....	8-2
SECTION 8.8 – Township Board	8-3
SECTION 8.9 – Amendments	8-4
SECTION 8.10 – Notice Requirements for Public Hearings	8-4
SECTION 8.11 – Zoning Board of Appeals	8-5
SECTION 8.12 – Revocation	8-8
SECTION 8.11 – Fees	8-8
SECTION 8.11 – Limitations	8-8
Chapter 9 – Violations.....	9-1
SECTION 9.1 – Administration and Enforcement.....	9-1
SECTION 9.2 – Court Determination	9-1
SECTION 9.3 – Violations, Penalties	9-1

Chapter 1 • Preamble

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

Ord. No. 2020-01. Effective: October 4, 2020

An ordinance to establish zoning districts within the unincorporated portion of the Township of Warren, Midland County, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and to regulate and encourage and prohibit certain uses of the land therein and regulate and limit the location, size and area of buildings thereon and to provide for the administration and enforcement thereof.

The Township of Warren, Midland County, Michigan, pursuant to the authority vested in it by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, ordains:

SECTION 1.1 TITLE

This Ordinance shall be known as the “Zoning Ordinance of Warren Township, Midland County, Michigan.”

SECTION 1.2 PURPOSE

1. To promote the public health, safety, morals and general welfare;
2. To encourage the use of lands and natural resources of the Township in accordance with their character and adaptability;
3. To provide for the orderly development of the Township;
4. To provide in the interest of health and safety, conditions under which certain buildings and structures may hereafter be erected and used;
5. To facilitate the development of an adequate system of transportation, education, sewage disposal, safe and adequate water supply and other public requirements;
6. To conserve life, property and natural resources, and the expenditure of public funds for improvements and services and conform to the most advantageous uses of land, resources and properties.

SECTION 1.3 REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, said repeal shall not affect or prevent any pending or future prosecution of or action to abate any existing violation of the present Zoning Ordinance of the Township of Warren.

SECTION 1.4 SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.5 EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication thereof. Adopted by the Township Board, Township of Warren, County of Midland, Michigan on October 4, 2020.

Chapter 2 • Definitions

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 2.1 PURPOSE

For the purpose of this Ordinance, certain terms used are herewith defined. The word, "shall" is always mandatory and not merely direction.

ACCESSORY USE: a use, building, or structure which is customarily and clearly incidental to, the principal use or use by Special Permit, located on the same premises as the principal building or use.

ADJACENT PROPERTY OWNER: Owner of all land contiguous to applicant's property, including across the road.

ALTERED: Any change in usage, construction, location, or square footage of a building or structure.

BUILDING: Any structure, either temporary or permanent having roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels or property of any kind.

CAMPGROUND: A tract of land licensed by the State of Michigan, where recreational vehicles, tents and similar structures are permitted as a commercial venture.

DAMAGED BUILDING: A building damaged by accident, vandalism, fire or other natural causes to the degree it is unsafe or uninhabitable.

DAYCARE CENTERS: The use of a dwelling for the temporary care of children and/or adults.

DWELLING, SINGLE FAMILY: A building or structure used exclusively for residence purposes for one (1) family only.

DWELLING, TWO FAMILY OR DUPLEX: A building or structure used exclusively for residence purposes for two (2) families living independently of each other.

DWELLING, MULTIPLE FAMILY: A building or structure used exclusively for residence purposes for three (3) or more families, living independently of each other.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like shall be considered a part of erection.

EVENT VENUE: A facility where special events (i.e., celebration, ceremony, wedding, reception, corporate function, or similar activity) for the benefit of someone other than the property owner takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Special Event Facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility, such as for a fundraiser for a charitable non-profit organization.

FAMILY: Shall be defined as one of the following:

1. One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, or caregivers, including, but not limited to: a nurse, nanny, physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.
2. Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees, caregivers, including, but not limited to: a nurse, nanny, physical therapist, or persons who occupy rooms for which compensation may or may not be paid.
3. A functional family living together as a single housekeeping unit.

FUNCTIONAL FAMILY: Functional Family means a group of people plus their offspring having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where a common living arrangement or basis for establishment of a housekeeping unit is temporary.

FARMING: Any parcel of land which is used for the production of field or tree crops, livestock, poultry, and dairy products.

FEEDLOT: A place where livestock, in excess of twelve (12) or poultry in excess of one hundred (100), are kept which is used solely for the purpose of preparing them for market.

FENCE, OBSCURING WALL: A structure constructed of masonry material or material equally as durable of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

GREENBELT: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer in carrying out the requirements of this Ordinance.

HOME OCCUPATION: Any occupation traditionally or customarily conducted within a dwelling or accessory building by its occupants as a subordinate use within one room thereof; provided that;

1. No stock in trade may be kept or articles sold or offered for sale in the dwelling or accessory building except such as are produced or related to some home occupation.
2. That no persons are employed other than the dwelling occupants.
3. No such home occupation shall require interior or exterior alterations, or uses of mechanical equipment, except that customarily utilized for residential or office purposes.

JUNK: Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts of automobiles, iron, steel and other old or scrap ferrous or nonferrous material.

JUNKYARD: Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment, or machinery which is maintained, operated, used or occupied, wholly or in part, for the storing, keeping, or acquisition of junk as defined in this ordinance.

KENNEL: Any activity involving the permanent or temporary keeping or treatment of four or more dogs or cats as a business other than an ordinary agricultural operation.

LOT (OR PREMISES): The parcel or land on which one principal building and its accessories are placed or are intended to be placed, together with the required yards and open spaces.

MEDICAL MARIHUANA

1. **AFFILIATE:** means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.
2. **COMMERCIAL MARIHUANA FACILITY, MARIHUANA FACILITY or FACILITY:** means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
3. **GROWER:** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
4. **LICENSEE:** means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
5. **MARIHUANA or MARIJUANA:** means that the term as defined in the Public Health Code, MCL 333.1101 et seq.; the Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable.
6. **MARIHUANA-INFUSED PRODUCT:** means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.
7. **MARIHUANA PLANT:** means any plant of the species *Cannabis sativa* L.
8. **MICHIGAN MEDICAL MARIHUANA ACT:** means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.
9. **PARAPHERNALIA:** means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.
10. **PROCESSOR:** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or

creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

11. **PROVISIONING CENTER:** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421 et seq., is not a provisioning center for purposes of this act.
12. **REGISTERED PRIMARY CAREGIVER:** means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.
13. **REGISTERED QUALIFYING PATIENT:** means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
14. **REGISTRY IDENTIFICATION CARD:** means that term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.
15. **SAFETY COMPLIANCE FACILITY:** means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
16. **SECURE TRANSPORTER:** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
17. **STATE OPERATING LICENSE:** or, unless the context requires a different meaning, "license" means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

MOBILE HOME: A structure, transportable in one (1) or more sections, which is built on a chassis and designed for conveyance upon the public thoroughfare, and constructed in such a manner as will permit occupancy thereof as a permanent dwelling. Mobile home shall not include a doublewide, once said doublewide is placed on a foundation.

NON-CONFORMING USE (or building): A use or building which lawfully exists on the effective date of this Ordinance, or amendments thereto, and that does not conform to the regulations of the district in which it is located.

NON-CONFORMING LOT: Any lot, out lot, or other parcel of land which does not meet the area or dimension requirements of this Ordinance.

PETS: Small, tamed, and domesticated animals including, but not limited to, dogs and cats, but excluding reptiles and exotic animals, which are kept for family enjoyment, protection, or hunting purposes, and not for commercial purposes or as farm animals.

PLACE OF WORSHIP: A building owned or maintained by an organized religious organization for the purpose of regular assembly for worship. Examples of religious institutions include but are not limited to: churches, synagogues, mosques, temples, shrines, pagodas, and meetinghouses.

PUBLIC ASSEMBLY HALLS: A building or structure designed and intended for use as a place of public assembly, with or without fixed seats, for entertainment, business, social, religious, educational or other purposes. Examples of assembly buildings include, but are not limited to auditoriums, community organizations, religious institutions, social or service clubs, and theaters.

RIGHT OF WAY LINES: The established right-of-way side lines or in the event there is no established right-of-way side lines for a road, the said right-of-way side line shall be deemed to be thirty-three (33) feet from the center of the road.

ROADS, Public - Means of passage for vehicles maintained by the County Road Commission and open for use by the general public.

ROADS, Private - Means of passage for vehicles built and maintained by the land owners for their private use.

SALVAGE YARD: Means a business enterprise, or a part of a business enterprise, engaged wholly or in part, in the purchasing, handling, storage, resale, recycling, conversion, or recovery of junk as defined by this ordinance.

SOLAR ENERGY FACILITY: An energy facility or an area of land 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 pertain to the creation of large-scale ground-mounted solar photovoltaic installations and include those facilities that primarily sell electricity to be used off-site.

STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

USE: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

VARIANCE: A modification of the specific regulations of this Ordinance granted by resolution of the Board of Appeals in accordance with the terms of this Ordinance or State Statute.

WIND ENERGY

1. **AMBIENT:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
2. **ANSI:** American National Standards Institute.
3. **APPLICANT:** The individual, group, company or other legal entity proposing the project and any successor individual or organization.
4. **dB(A):** The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
5. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

6. **DECOMMISSIONING:** The termination of use of a Utility Grid Wind Energy Facility or a portion of a facility.
7. **HUB HEIGHT:** The distance from the ground level base of the structure to the center of the turbine hub or horizontal rotor shaft.
8. **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
9. **INHABITED STRUCTURE:** Any existing structure useable for living or non-agricultural purposes, which includes but is not limited to, 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.
10. **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
11. **NON-PARTICIPATING PARCEL:** Any parcel of land which does not meet the requirements to be a participating parcel.
12. **ON-SITE USE WIND ENERGY SYSTEMS:** An On-Site Use wind energy system is intended to primarily serve the needs of the parcel upon which the wind energy system is located.
13. **OPERATOR:** The applicant and any individual, group or legal entity having legal or financial interest in the wind energy system.
14. **PARTICIPATING PARCEL:** Any parcel of land that participates by ownership, lease or easement agreement, or other contractual agreement, with a person or entity construction, operating, or submitting a Special Land Use Permit application for a Utility Grid Wind Energy System.
15. **ROTOR:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
16. **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.
17. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at an inhabited structure.
18. **SOUND PRESSURE:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
19. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
20. **TURBINE HEIGHT:** The distance from the ground level base of the structure to the highest point on the tip of a fully vertical rotor blade.
21. **UTILITY GRID WIND ENERGY SYSTEMS:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
22. **WIND ENERGY SYSTEM:** 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 wind energy system to the grid.

23. **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 Utility Grid Wind Energy System.

YARDS: The open spaces on the same lot with a main building or accessory building or structure unoccupied or unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front right-of-way line and the nearest point of any structure.
2. **Back Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of any structure.
3. **Side Yard:** An open space between a main building or accessory building or structure and the side lot line extending between the front yard and the back yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of any structure.

Chapter 3 • Non-Conforming Uses

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

An ordinance to establish zoning districts within the unincorporated portion of the Township of Warren, Midland County, and to regulate and encourage and prohibit certain uses of the land therein and regulate and limit the location, size and area of buildings thereon and to provide for the administration and enforcement thereof.

The Township of Warren, Midland County, Michigan, pursuant to the authority vested in it by Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, ordains:

SECTION 3.1 USES OF NON-CONFORMING LAND, BUILDINGS, OR STRUCTURES

3.1.1 Non-conforming buildings or structures

The lawful use of any building or structure or premises existing prior to the effective date of this ordinance although the use does not conform to this provisions of the Ordinance, may be continued; provided, however, that the continued use of a building or structure does not:

1. Constitute a public nuisance,
2. Endanger the public enactment of this Ordinance

3.1.2 Non-conforming lot

In any district subject to limitations imposed by other provisions of the Ordinance, a single-family dwelling, non-single-family dwelling, or accessory buildings may be erected on any single lot of record even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations of the district in which such lot is located.

3.1.3 Discontinued Use

If the non-conforming use of any building, structure, land or premises or part thereof, is discontinued for a continuous period of twelve (12) months, then any future use of said building, structure, land or premises shall conform in its entirety, to the provisions of this ordinance except that maintained non-conforming seasonal dwellings or recreational uses shall not be construed to be abandoned until they have ceased to be used for a continuous period of twenty-four (24) months.

SECTION 3.2 RECONSTRUCTION OF DAMAGED AND NON-CONFORMING STRUCTURES

Nothing in this Ordinance shall prevent the reconstruction, and repair, or restoration and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the date of this ordinance, provided that the reconstruction does not increase the footprint of the existing structure. If the damage includes more than 40% of the structure, the entire structure must be brought up to the current building code.

SECTION 3.3 REPAIR AND MAINTENANCE OF NON-CONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent the repair, or maintenance of a non-conforming building, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration and depreciation provided, however, that the non-conforming use:

1. Shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
2. Shall not increase in intensity of use

If a non-conforming structure or a portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Zoning Administrator to be unsafe or unlawful by reason of physical constion, it shall not be restored, repaired or rebuilt.

SECTION 3.4 CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER

Any non-conforming use of a structure, or structure and premises may be changed to another use provided that the proposed use is allowed in the District in which the premises are located.

Chapter 4 • Zoning Districts

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 4.1 CLASSIFICATION OF DISTRICTS

For the purpose of this Ordinance, all of the unincorporated area of the Township is hereby divided into the following Zoning Districts:

Zoning Districts	
R-1	Residential
R-F	Residential Farming
C-1	Neighborhood Commercial
C-2	General Commercial
M-1	Industrial

SECTION 4.2 DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the Zoning Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. The Map is and shall be kept on file at the Township Hall located at the corner of N. Geneva and Baker Roads. A copy is available with the Zoning Administrator of the Township at the Midland County Code Authority office and on the Township website.

Where uncertainty exists with respect to boundaries, those indicated as approximately following platted or recorded lot lines shall be construed as following such lot lines.

SECTION 4.3 R-1 RESIDENTIAL DISTRICT

The purpose of creating Residential Districts, R-1, is to provide areas primarily designed for residential use consisting of dwellings located on separate lots or premises, adequate in size to provide for safe water and sewage disposal facilities, properly spaced to diminish the spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each residential district, and to provide suitable and safe conditions for family living. Since certain other uses are generally accepted as compatible with residential developments, if properly integrated the inclusion of such uses is provided by "Special Use Permit" (Chapter 6).

4.3.1 Uses

Except as provided by Chapter Three, no building or structure or land or part thereof, shall hereafter be erected, used or occupied in part or in whole, for other than one or more of the following uses:

4.3.1.1 Uses Permitted by Right

1. Single-family dwellings
2. Accessory Uses
3. Family child care homes
4. Onsite Wind Energy Systems, subject to the Specific Use Design Standards as identified in Section 6.8.10.

4.3.1.2 Uses Permitted by Special Use Permit

1. Parks, playgrounds, and country clubs.
2. Golf Course
3. Places of worship or public assembly halls.
4. Public or non-profit private schools.

4.3.2 Dimensions

Minimum Floor Area for Dwelling	720 square feet, exclusive of an attached garage
Minimum Lot Area for Dwelling	0.5 acre
Minimum Road Frontage (public or private road)	100 feet
Minimum Road Frontage - Corner Lot (public or private road)	165 feet on both roads
Minimum Front Yard Setback	50 feet from right-of-way line
Minimum Side Yard Setbacks	20 feet on each side
Minimum Rear Yard Setback	25 feet

4.3.3 Animal Housing Shelters

No structure or building is permitted which is intended for use as housing or shelter for animals, other than those commonly known as "pets". No structure or building intended for use shall be moved to or constructed within two hundred (200) feet of any side or rear lot lines, and must be one hundred (100) feet from a dwelling and fifty (50) feet from a well.

4.3.4 District Regulations

All uses in this District must comply with the provisions of Section 5.2 (Parking)

SECTION 4.4 R-F, RESIDENTIAL FARMING DISTRICT

The following provisions shall apply to all residential farming districts (R-F) and are to provide areas primarily designed for farming and residential uses consisting of dwellings located on separate lots or premises, adequate in size to provide for safe water and sewage disposal facilities, properly spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each residential farming district and to provide suitable and safe conditions for family living. Since certain other uses are generally accepted as compatible with residential and residential farming developments, if properly integrated the inclusion of such uses is provided by "Special Use Permit".

4.4.1 Uses

Except as provided by Chapter Three no building or structure, or land or part thereof, shall hereafter be erected, used or occupied, in whole or part, for other than one or more of the following specified uses:

4.4.1.1 Uses Permitted by Right

1. Single-family dwelling and duplexes.
2. Family child care homes
3. Farming operations that comply with the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices (GAAMPS).
4. Parks and playgrounds.
5. Accessory uses.
6. A temporary structure (not more than 100 feet square), may be used for the sale of farm produce grown on the immediate premises.
7. Home Occupations
8. Onsite Wind Energy Systems, subject to the Specific Use Design Standards as identified in Section 6.8.10.

4.4.1.2 Uses Permitted by Special Use Permit

1. Places of worship or public assembly halls.
2. Hospitals and homes for the care of human illness, and institutions of similar character.
3. Golf courses
4. Outdoor Recreation Facilities.
5. Multiple-Family Dwellings, subject to the Specific Use Design Standards as identified in Section 6.8.4.
6. Public or non-profit private schools.
7. Animal boarding and kennels, subject to the Specific Use Design Standards as identified in Section 6.8.3.
8. Archery, Gun clubs and similar uses of non-commercial nature on sufficient acreage to provide safe operation.
9. Riding Stables.
10. Campgrounds, subject to the Specific Use Design Standards as identified in Section 6.8.1.

11. Assisted Living or Elderly Care Institutions
12. Wireless Communication Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.6.
13. Event Venues, subject to the Specific Use Design Standards as identified in Section 6.8.7.
14. Medical Marihuana Growers, subject to the Specific Use Design Standards as identified in Section 6.8.8.
15. Medical Marihuana Processors, subject to the Specific Use Design Standards as identified in Section 6.8.8.
16. Medical Marihuana Provisioning Centers, subject to the Specific Use Design Standards as identified in Section 6.8.8.
17. Solar Energy Facility, subject to the Specific Use Design Standards as identified in Section 6.8.9.
18. Utility Grid Wind Energy Facility, subject to the Specific Use Design Standards as identified in Section 6.8.11.

4.4.2 Dimensions

Minimum Floor Area for Dwelling	720 square feet
Minimum Lot Area for Dwelling	1 acre
Minimum Road Frontage (public or private road)	132 feet
Minimum Road Frontage - Corner Lot (public or private road)	165 feet on both roads
Minimum Access Drive Width	30 feet
Minimum Front Yard Setback	50 feet from right-of-way line
Minimum Side Yard Setbacks	25 feet on each side
Minimum Rear Yard Setback	25 feet

4.4.3 Animal Housing and Shelters

No structure or building is permitted which is intended for use as housing or shelter for animals other than those commonly known as "pets". No structure or building intended for use shall be moved to, or constructed within one hundred (100) feet of any side, rear lot lines or dwelling and shall be on a minimum of five acres.

4.4.4 District Regulations

All uses in this district must comply with the provisions of Section 5.2 (Parking)

SECTION 4.5 C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

The primary purpose of Neighborhood Commercial Districts C-1 is to provide areas for localized business activities serving an immediate residential area. The building shall be in character with the surrounding residential area.

4.5.1 Uses

Except as otherwise provided by Chapter Three, no building or structure, or part thereof, shall hereafter be erected, used or occupied, on land or premises used or occupied in whole or in part, for other than one or more of the following specified uses:

4.5.1.1 Uses Permitted by Right

1. General stores and grocery stores offering chiefly new merchandise, when conducted within a closed building.
2. Business and personal services similar in character to barber shops, beauty parlors, shoe repair shops, printing, dressmaking, tailoring, florist shops, real estate sales, and insurance agencies.
3. Professional offices, financial institutions, undertaking establishments, and public utility buildings.
4. Places of worship or public assembly halls.
5. Single-family dwellings and duplexes
6. Family child care homes
7. Accessory uses.
8. Onsite Wind Energy Systems, subject to the Specific Use Design Standards as identified in Section 6.8.10.

4.5.1.2 Uses Permitted by Special Use Permit

1. Gasoline service stations and garages, but not the storage, processing, or sale of used vehicle parts.
2. Trailer or Mobile Home Parks in accordance with the standards set forth by the Mobile Home Commission, Act 419 of 1976 (Mobile Home Commission Act), or a newer one.
3. Laundries, including the self-service type, and dry cleaning agencies.
4. Animal hospitals.
5. Animal boarding and kennels, subject to the Specific Use Design Standards as identified in Section 6.8.3.
6. Food service establishments.
7. Multi-family dwellings, subject to the Specific Use Design Standards as identified in Section 6.8.4.
8. Food and meat processing and slaughtering plants.
9. Parks and Playgrounds
10. Medical Marihuana Safety Compliance Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
11. Medical Marihuana Secure Transport Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
12. Medical Marihuana Provisioning Centers, subject to the Specific Use Design Standards as identified in Section 6.8.8.

4.5.2 Dimensions

Minimum Floor Area for Building	720 square feet
Minimum Lot Area	1 acre
Minimum Road Frontage (public or private road)	132 feet
Minimum Road Frontage - Corner Lot (public or private road)	165 feet on both roads
Minimum Access Drive Width	30 feet
Minimum Front Yard Setback	50 feet from right-of-way line
Minimum Side Yard Setbacks	25 feet on each side
Minimum Rear Yard Setback	25 feet

4.5.3 District Regulations

All uses listed under Uses Permitted by Right, except items 4 and 5, shall be subject to the Site Plan Review as identified in Chapter 7. All uses in this district must comply with the provisions of Section 5.2 (Parking).

SECTION 4.6 C-2, GENERAL COMMERCIAL DISTRICTS

The primary purpose of the General Commercial District C-2 is to provide area for general commercial business activities which serve the general public.

4.6.1 Uses

Except as otherwise provided by Chapter Three, no building or structure, or part thereof, shall hereafter be erected, used or occupied, or land or premises used or occupied, in whole or in part, for other than one or more of the following specified uses:

4.6.1.1 Uses Permitted by Right

1. General stores and grocery stores.
2. Business and personal service stores.
3. Professional offices, financial institutions, undertaking establishments, public utility buildings.
4. Places of worship or public assembly halls.
5. Gasoline service stations and garages, but not the storage, processing, or sale of used vehicle parts.
6. Laundries, including the self-service type, and dry cleaning agencies.
7. Food service establishments and night clubs.
8. Indoor recreation facilities.
9. Wholesale sales.
10. Indoor showrooms.
11. Outdoor automobile sales.
12. Bus terminals.
13. Motels.
14. Family child care homes
15. Accessory uses.
16. Onsite Wind Energy Systems, subject to the Specific Use Design Standards as identified in Section 6.8.10.

4.6.1.2 Uses Permitted by Special Use Permit

1. Automobile body and automobile paint shops.
2. Lumber yards
3. Outdoor recreation facilities.
4. Wireless Communication Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.6.
5. Medical Marihuana Safety Compliance Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
6. Medical Marihuana Secure Transport Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
7. Medical Marihuana Provisioning Centers, subject to the Specific Use Design Standards as identified in Section 6.8.8.

4.6.2 Dimension

Minimum Floor Area for Building	720 square feet
Minimum Lot Area	No minimum
Minimum Road Frontage (public or private road)	100 feet
Minimum Front Yard Setback	50 feet from right-of-way line
Minimum Side Yard Setbacks	No minimum requirement, except to provide easy accessibility from the front yard to back yard. For a property abutting R-1, RF, or C-1 a minimum setback of 100 feet is required.
Minimum Rear Yard Setback	25 feet, unless abutting R-1, RF, or C-1 a minimum setback of 100 feet is required.

4.6.3 District Regulations

All uses under this district must comply with the provisions of Section 5.2 (Parking). All uses listed under primary uses shall be subject to the Site Plan Review as identified in Chapter 7.

SECTION 4.7 M-1, INDUSTRIAL DISTRICT

The purpose of this district is to provide suitable areas for the encouragement of industries, for processing selected raw and semi-finished materials, storage of industrial products, and for wholesale establishments. It is intended that primary uses in this district be restricted to the operations whose external physical effects are confined to the area of the district and have no detrimental effects on surrounding districts.

4.7.1 Uses

Except as provided by Chapter Three, no building or structure, or part thereof, shall hereafter be erected, used or occupied, or land or premises used or occupied, in whole or in part, for other than one or more of the following specified uses:

4.7.1.1 Uses Permitted by Right

1. The manufacture, compounding, processing or assembly of products, goods or materials, including testing, repair and storage of such products, when conducted within closed buildings.
2. Wholesale establishments, warehouses, and trucking facilities.
3. Research and design facilities when conducted within closed buildings.
4. Storage facilities for building materials, sand, gravel, storage of contractor equipment and supplies.
5. Sawmills.
6. Accessory uses.
7. Family child care homes
8. Caretaker's buildings.
9. Food Service for employees
10. Other uses similar to and no more objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of wastes or sewage.
11. Onsite Wind Energy Systems, subject to the Specific Use Design Standards as identified in Section 6.8.10.

4.7.1.2 Uses Permitted by Special Use Permit

1. Reduction, conversion and disposal of waste goods and materials except for toxic waste and radioactive waste subject to the approval and requirements of the Township Planning Commission and the Midland County Health Department.
2. Salvage yards, subject to the Specific Use Design Standards as identified in Section 6.8.2.
3. Blast furnaces, rolling mills and similar uses.
4. Production, refining or storage of petroleum or other inflammable liquids.
5. Wireless Communication Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.6.
6. Medical Marihuana Growers, subject to the Specific Use Design Standards as identified in Section 6.8.8.
7. Medical Marihuana Processors, subject to the Specific Use Design Standards as identified in Section 6.8.8.

8. Marihuana Safety Compliance Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
9. Marihuana Secure Transport Facilities, subject to the Specific Use Design Standards as identified in Section 6.8.8.
10. Medical Marihuana Provisioning Centers, subject to the Specific Use Design Standards as identified in Section 6.8.8.

4.7.2 Dimensions

Minimum Lot Area	10 acres
Minimum Road Frontage (public or private road)	132 feet
Minimum Road Frontage – Corner Lot (public or private road)	165 feet on both roads
Minimum Front Yard Setback	100 feet from right-of-way line
Minimum Side Yard Setbacks	25 feet on both sides, except when abutting a property zoned R-1, RF, or C-1 which required a minimum setback of 100 feet.
Minimum Rear Yard Setback	25 feet, except when abutting a property zoned R-1, RF, or C-1 which required a minimum setback of 100 feet.

4.7.3 Exterior Yard Storage

Except as otherwise provided by this Ordinance all storage shall be in the back yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential or commercial district or from a public street.

4.7.4 District Regulations

All uses listed under primary uses shall be subject to the Site Plan Review as identified in Chapter 7. All uses in this District must comply with the provisions of Section 5.02 (Parking).

4.7.5 Additional Requirements

A statement shall be provided listing the effects of operation on traffic, on water and air pollution, on emission of dangerous or obnoxious matter, and on the proposed treatment of such conditions to maintain the same within the limitations of this Ordinance. It shall show the plans for the disposal of sewage and all industrial waste. It shall specify the fuels to be used, including plans for smoke control.

SECTION 4.8 TABLE OF USE REGULATIONS**Use****R – Use by Right****S – Special Use Permit**

	R-1	R-F	C-1	C-2	M-1
Accessory Uses	R	R	R	R	R
Assisted Living or Elderly Care Institutions		S			
Animal Boarding and Kennels		S	S		
Animal Hospitals			S		
Archery, Gun Clubs and similar uses		S			
Automobile body and Automobile Paint Shops				S	
Blast Furnaces and Rolling Mills					S
Business and Personal Services			R	R	
Bus Terminals				R	
Caretaker's Building					R
Campgrounds		S			
Country Clubs	S				
Duplexes		R	R		
Event Venues		S			
Family Child Care Homes	R	R	R	R	R
Farming		R			
Financial Institutions			R	R	
Food Service Establishments			S	R	
Food Service for Employees					R
Food and Meat Processing and Slaughtering Plants			S		
Gasoline Service Station and garages			S	R	
General Stores or Grocery Stores			R	R	
Golf Courses	S	S			
Homes for the care of human illness and institutions		S			
Home Occupations		R			
Hospitals		S			
Indoor Recreation Facilities				R	
Indoor Showrooms				R	
Laundries or Dry Cleaning services			S	R	
Lumber Yards				S	
Manufacture, compounding, processing, and assembly, within closed buildings					R
Medical Marihuana Growers		S			S
Medical Marihuana Processors		S			S
Medical Marihuana Safety Compliance Facilities			S	S	S

Use**R – Use by Right****S – Special Use Permit**

	R-1	R-F	C-1	C-2	M-1
Medical Marihuana Secure Transport Facilities			S	S	S
Medical Marihuana Provisioning Centers		S	S	S	S
Mobile Home or Trailer Parks			S		
Motels				R	
Multiple-Family Dwellings		S	S		
Nightclubs				R	
Onsite Wind Energy Systems	R	R	R	R	R
Outdoor Automobile Sales				R	
Outdoor Recreation Facilities		S		S	
Parks and Playgrounds	S	R	S		
Petroleum Production, refining, or storage					S
Places of Worship	S	S	R	R	
Professional Offices			R	R	
Public Assembly Halls	S	S	R	R	
Public or Non-profit Schools	S	S			
Public Utility Buildings			R	R	
Research and Design Facilities, within closed buildings					R
Riding Stables		S			
Salvage Yards					S
Sawmills					R
Single-Family Dwellings	R	R	R		
Solar Energy Facility		S			
Storage Facilities for building material and supplies					R
Temporary Structures; farm produce		R			
Undertaking Establishments			R	R	
Utility Grid Wind Energy Facility		S			
Waste disposal, reduction, or conversion					S
Wholesale Sales				R	
Wholesale Establishments, warehouses, and trucking facilities					R
Wireless Communication Facilities		S		S	S

SECTION 4.9 TABLE OF DISTRICT REGULATIONS

Zoning District	R-1	RF	C-1	C-2	M-1
Lot Area, Min, acre	0.5	1	1	No minimum	10
Lot Width, Min., ft.	100	132	132	100	132
Corner Lot, Street Min., ft.	165 - both sides	165 - both sides	165 - both sides	-	165 - both sides
Front Yard, Min., ft.	50*	50*	50*	50*	100*
Rear Yard, Min., ft.	25	25	25	R-1 - 100 RF- 100 C-1 - 100 C-2 and M-1 - 25	R-1 - 100 ft. RF- 100 ft. C-1 - 100 ft. C-2 and M-1 - 25 ft.
Side Yard, Min., ft.	20 - each side	25 - each side	25 - each side	R-1 - 100 RF- 100 C-1 - 100 C-2 and M-1 - no minimum, except to provide easy accessibility between front and rear yards.	R-1 - 100 ft. RF- 100 ft. C-1 - 100 ft. C-2 and M-1 - 25 ft.
Housing Unit, Min. sq. ft.	720 - exclusive attached garage	720	720	720	-
Minimum Access Drive Width, ft.	-	30	30	-	-

* From right-of-way line

Chapter 5 ▪ Supplementary Provisions

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 5.1 DRIVEWAYS

Every driveway hereafter installed or repaired within the road right-of-way shall be done only after a permit is obtained from the Midland County Road Commission.

SECTION 5.2 REQUIRED PARKING SPACES

Space for off-street parking shall be provided by all property owners according to the following minimum schedule:

Use	Parking Spaces
Multiple Family Dwellings, Duplexes, and Mobile Home Parks	Two (2) parking spaces per family unit.
General Stores, Grocery Stores, Personal Service Shops, Food Service Establishments, and Laundries or Dry Cleaning establishments	Two (2) parking spaces for each fifty (50) square feet of floor area.
Places of Worship and Public Assembly Halls	One (1) parking space for each four (4) seats.
Professional Offices and Financial Institutions	One (1) parking space for each fifty (50) square feet of floor area
Motels	One (1) parking space for each separate unit
Manufacturing, Industrial, Wholesale, Waster Disposal, and Outdoor Storage uses	One (1) parking space for each three (3) employees on the maximum shift.
Animal Hospitals	Two (2) parking spaces for each patient room and one space for each employee on the maximum shift
Archery/Gun Clubs	One and a half (1.5) spaces for each shooting position/alley
Automobile Body or Paint Shops	One (1) space for every two-hundred (200) square feet of floor area and one (1) space for each employee on the maximum shift.
Family Child Care Homes	One (1) space per each employee on the maximum shift
Gasoline Service Stations	Three (3) spaces for each service stall and one (1) space for each employee on the maximum shift.
Golf Courses	Four (4) spaces for each hole and one (1) space for each employee on the maximum shift.
Assisted Living/Elderly Care Institutions	One (1) space for every four beds and one (1) space for each employee on the maximum shift.

Home Occupations	One (1) space for every 100 square feet
Hospitals	One (1) space for every three (3) patient beds and one (1) space for each employee on the maximum shift.
Medical Marihuana Growers, Processors, and Safety Compliance Facilities	One (1) parking space for each three (2) employees on the maximum shift.
Medical Marihuana Secure Transport Facilities	One (1) space for every transport vehicle and one (1) space for each employee on the maximum shift.
Medical Marihuana Provisioning Centers	Two (2) parking spaces for each fifty (50) square feet of floor area.
School	One (1) parking space for each employee in addition to the public assembly hall requirements for any auditoriums.
Utility Buildings	One (1) space for every three (3) employees on the maximum working shift.
Undertaking Establishments	One (1) space for every twenty-five (25) square feet of floor area or assembly room.
Mixed Uses in The Same Building.	In case of buildings having mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for one use shall not be considered as providing required spaces for any other use.
Other Uses Not Specifically Mentioned. In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.	

SECTION 5.3 GENERAL PARKING REQUIREMENTS

1. A maximum of two hundred (200) square feet, exclusive of drives, entrances, and exits shall comprise one parking space.
2. Required parking areas for a building shall be figured on the entire floor area of the first floor; parking for additions stories shall be added to the total of the required area for the first floor. Storage areas on any floor but the first, shall not be included in the total required parking area.
3. Any proposed building enlargements must include enough additional parking spaces to meet the minimum requirements for the proposed use.
4. Any lighting used to illuminate any parking area shall be so arranged so as to direct light away from the adjoining premises.
5. Any parking area in the Commercial or Industrial districts shall be surfaced with asphalt, bituminous concrete pavement, or gravel, if treated in such a way so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.

SECTION 5.4 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

Every building and structure hereafter erected or moved on any premises and used in whole or in part for dwellings, business, commercial, or recreational purposes shall obtain a permit from the Midland County Health Department to provide for a safe and sanitary water supply and a method or system of sewage disposal constructed in accordance with the ordinances of Midland County, Michigan.

SECTION 5.5 ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commission of underground or overhead gas, electrical, steam or water distribution or transmission systems, including mains, drains, sewers, pipes, conduits, wire, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings, except municipal buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health and safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the Township of Warren in any use District.

The Township Planning Commission shall have the power to permit the location in any use district of a public utility building, structure, or use, if the commission shall find such use, area, building and structures reasonable and necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Chapter 6 • Special Use Permits

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 6.1 PURPOSE

Uses requiring special permits are those uses of land and buildings which are not essentially incompatible with the uses permitted in a zoning district; but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of surrounding areas, public services and facilities and adjacent uses of land.

Proposed uses will be evaluated according to their compatibility with the nature, extent and density of the surrounding area. A special permit must be consistent with the Ordinance.

Special use permits may be permitted only in those zoning districts where they are designated by this Ordinance. They may be permitted only when specifically approved by the Township Planning Commission in accordance with the provisions of this Ordinance.

Prior to approval of a special use permit, the Township Planning Commission shall ensure that the standards specified in this Section, as well as standards established elsewhere in this Ordinance shall be satisfied.

SECTION 6.2 STANDARDS

All uses by special permit shall comply with each of the following standards.

1. All special uses shall, at a minimum, be subject to the general regulations for structures, uses, lots, yards, and provisions contained in this Ordinance, according to its specific zoning district.
2. The nature, location and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the general permitted uses of the adjacent or neighboring lands or buildings.
3. The special use shall not diminish the value of the land, buildings, or structures in the district, and shall represent an improvement to the property under consideration.
4. The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.
5. The water supply and sewage disposal system shall be adequate for the proposed special use, however the use shall not overburden any existing services or facilities.
6. Uses by special permit shall not be significantly more objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste or sewage than the operation of the principal permitted uses of the area.
7. The special use shall be consistent with the intent and purpose of this Ordinance and shall protect the public health, safety, and general welfare.

SECTION 6.3 PROCEDURE

1. **SUBMISSION OF AN APPLICATION.** The application package is to be submitted to the Zoning Administrator
 - a. An application for a special use permit shall include: the application fee and any required project escrow, as set by the Township Board, a statement with supporting evidence showing compliance with the requirements of this Section and any other provisions of this Ordinance, and a site plan drawn to the specifications of the site plan review regulations of this Zoning Ordinance.
 - b. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which it will be considered.
2. **PLANNING COMMISSION HEARING AND SPECIAL USE PERMIT CONSIDERATION.** The Special Use Permit Application package shall be the subject of both a public hearing and a site plan review conducted by the Planning Commission.
 - a. Upon receipt of a complete application for a special land 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.
 - b. A notice of public hearing shall be mailed to all parties specified in the Administration chapter of this Zoning Ordinance and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
3. **SITE PLAN REVIEW**
 - a. The Planning Commission shall conduct a site plan review for the proposed special use, using the procedure and standards presented in the Site Plan Chapter and any specific standards identified for the Special Use in this Chapter.

SECTION 6.4 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.

The site plan and all conditions, limitations, and requirements imposed by the Township Planning Commission shall be incorporated as part of the special permit and violation of any of these at any time will cause revocation of said permit and said use of special permit shall cease to be a lawful use.

SECTION 6.5 PERMIT EXPIRATION

A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant, Township Supervisor, Planning Commission and Township Board in writing of the expiration or revocation of said permit.

SECTION 6.6 REVOCATION

Any property which is the subject of a special permit which has not been used nor maintained for a period twelve (12) months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Township Planning Commission), for the purposes for

which such special permit was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special use shall thereupon terminate.

SECTION 6.7 REAPPLICATION

No application for a special use permit which has been denied wholly or in part by the planning commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the planning commission.

SECTION 6.8 SPECIFIC USE DESIGN STANDARDS

Those uses listed below regardless of being permitted by right or by special use permit shall be subject to all the following conditions and requirements as enumerated in addition to the other regulations of this Ordinance.

6.8.1 Campgrounds

1. Minimum lot size of twenty (20) acres, with direct access to an improved gravel or paved public road.
2. No vehicle, trailer, or tent shall be erected or placed within ten (10) feet of any road right-of-way.
3. A minimum of fifty (50) feet setback (greenbelt) shall be maintained along the perimeter of the campground.
4. Service buildings may be permitted to provide retail services which are customary and necessary for camping related activities.

6.8.2 Salvage Yards

1. Minimum lot size shall be 10 acres.
2. Salvage material shall be completely screened with an obscuring wall or fence, not less than eight (8) feet high.

6.8.3 Animal Boarding and Kennels

1. Minimum lot size shall be two (2) acres for the first three (3) animals and an additional one (1) acre for each ten (10) animals.
2. No buildings where animals are kept, animal runs and/or exercise areas shall be located nearer than one hundred (100) feet from any lot line.

6.8.4 Multiple Family Dwellings

1. Minimum lot size shall be ½ acre for each unit.

6.8.5 Damaged Buildings

1. Damaged buildings and structures shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence.

6.8.6 Wireless Communication Facilities

6.8.6.1 EXISTING FACILITIES

Wireless communications equipment is a permitted use of property and is not subject to special land use approval if all the following requirements are met:

1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
2. The existing wireless communications support structure or existing equipment compound is in compliance with Warren Township's Zoning Ordinance or was approved by the Warren Township Planning Commission.
3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Warren Township Planning Commission.

6.8.6.2 SPECIAL USE PERMIT APPROVAL

Wireless communications equipment that meets the requirements of subsection (6.7.6.1)(1) and (2) but does not meet the requirements of subsection (6.7.6.1)(3) or (4) is a permitted use of property if it receives special land use approval.

6.8.6.3 GENERAL APPLICATION REQUIREMENTS

All applications shall comply with these requirements.

1. **APPLICATION.** A fully completed, signed, and dated application, indicating the property owner, service provider, and the provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction, or modification.
2. **SITE PLAN.** A detailed site plan showing:
 - a. The location, size, height, design, and setbacks of the tower, and the number, size, mounting height, and design of antennas.
 - b. The location, size, design, and setbacks of any accessory structures, fences, and outdoor equipment.
 - c. The location of all structures within two-hundred (300) feet of the subject site.
 - d. The location of any drives and/or access easements.
 - e. Legal description of the parent parcel and leased parcel (if applicable).
 - f. Other information required for site plans under Chapter 7.
3. **FEES.** All applicable fees (including zoning escrow fees where applicable).
4. **LANDOWNER APPROVAL.** Signature and approval of the owner of the land upon which the wireless communication facility shall be situated.

6.8.6.4 NEW TOWER APPLICATION REQUIREMENTS

Applications for new wireless communication facilities shall also require the following additional information:

1. **STATEMENT OF NEED.** A statement of what is proposed and demonstrating the need for the proposed facility based upon the presence of one or more of the following factors:
 - a. Inability to find a suitable colocation site.
 - b. Proximity to an interstate highway or major thoroughfare.
 - c. Areas of population concentration.
 - d. Concentration of commercial, industrial and/or other business centers.
 - e. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - f. Topography of the proposed facility location in relation to other facilities within which the area where the proposed facility is to operate.
 - g. The need for additional coverage, capacity and/or quality.
 - h. Other specifically identified reason(s) for creating the need for the facility.
2. **FACILITIES MAP.** A map showing existing and known proposed wireless towers, and existing buildings and/or other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site, including sites outside of the Township, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility.
3. **SUPPLEMENTAL INFORMATION.** The following information shall also be submitted:
 - a. **TECHNOLOGY.** The existing form of technology being used and any changes to that technology
 - b. **EFFECTIVE RADIATED POWER (ERP).** The proposed and existing service area of the tower and the attached wireless communication facility, and tower height and type, and signal power expressed in Effective Radiated Power (ERP) upon which the service area has been planned.
 - c. **FALL ZONE.** A certification by a state of Michigan licensed and registered professional engineer regarding the manner in which the proposed tower will fall. The certification will be utilized in determining appropriate setbacks to be required for the tower.
 - d. **OTHER AGENCIES.** If required, evidence of applicable approvals and licenses from the Federal Aviation Administration, the Federal Communication Commission and the Michigan Aeronautics Commission.
 - e. **MAINTENANCE.** It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. A maintenance plan to ensure the long term, continuance maintenance of the facility, along with the name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information must be continuously updated and provided to the Township during all times the facility is on the premises.

6.8.6.5 DESIGN AND OPERATING REQUIREMENTS

1. **HEIGHT.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable

communication by the applicant (and by other entities to collocate on the structure), but in all events, it shall be no more than 250 feet in height from grade.

a. **Height Justification.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

2. **TOWER CONSTRUCTION.** Wireless communication structures are restricted to self-supporting structures. The use of guy wires is prohibited.

a. **Support System.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.

3. **SETBACKS**

a. The setback of the support structure from any adjacent property line shall be no less than the combined height of the support structure, tower, and antennas.

b. A wireless communication structure must be located at least twice the height of the tower from any neighboring residential structure. This is independent of the property line setback regulation listed directly above.

4. **ACCESS.** There shall be unobstructed access to the support structure, for operation; maintenance, repair and inspection purposes, which may be provided through or over an easement.

5. **LIGHTING.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Strobe lighting is to be avoided unless specifically required.

6.8.6.6 ABANDONMENT AND DECOMMISSIONING

1. **ABANDONMENT:**

a. A wireless communication facility that has not been used for a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the wireless communication facility provides substantial evidence (updated every 6 months after 12 months of no use) 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 and facilities and completely restore the parcel to its condition prior to development of the wireless communication facility.

b. The owner or operator of the wireless communication facility shall notify the Township Clerk in writing of the facility non-use immediately upon its non-use.

c. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the wireless communication facility and restore the site to its condition prior to development within six months of notice by the Planning Commission or its designee.

- d. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the wireless communication 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 wireless communication facility and restore the site to a nonhazardous predevelopment condition.
2. **DECOMMISSIONING.** The applicant shall submit a decommissioning plan. The plan shall include:
 - a. the anticipated life of the project,
 - b. the estimated decommissioning costs, which does not include salvage value.
 - c. the method of ensuring that funds will be available for decommissioning and restoration.
 - d. the anticipated manner in which the project will be decommissioned and the site restored.
 - e. A provision to notice the Township one year in advance of decommissioning.
 - f. A clause which requires the applicant, owner, or operator to review the value of the decommissioning bond or surety on a 5-year basis for cost of inflation.
 3. **REQUIREMENTS.** At the time of decommissioning the applicant, owner, or operator is required to do the following:
 - a. Remove all towers and other components of the system.
 - b. Remove all foundations and underground components to a depth of not less than six feet below ground level.
 - c. Remove all roads and driveways not accepted for use by either the township or the property owner.
 - d. Restore the site to condition acceptable to the township and the property owner.
 - e. Components damaged by weather or malfunction shall be removed or repaired within 90 days of the damage. The Planning Commission may authorize extensions of this period but such extensions shall not extend beyond one year from the date of the damage.
 4. **PERFORMANCE BOND.** The applicant shall post a performance bond to ensure the decommissioning of the wireless communication facility and restoration of the property.
 - a. The applicant shall post a performance bond in the amount based on the decommissioning plan and in consultation with the Township Attorney to be sufficient to cover the decommissioning of the system.
 - b. The performance bond shall be in the form of either a cash bond held in trust by the Township or a mutually agreed upon agent, or a bond issued by a bonding agent approved for use by the State of Michigan.
 - c. The performance bond shall be in favor of the Township and shall be used in the event the decommissioning plan needs to be enforced with respect to the removal of the system or individual components and restoration of the site.
 - d. The performance bond shall remain in effect until the system and all components are removed and the site restored.
 - e. Salvage Value shall not be considered in the estimated cost of removal and amount of guarantee provided to the Township.

6.8.7 Event Venues

1. MINIMUM LOT SIZE

- a. No minimum lot size for an existing structure, as of the date of adoption of this ordinance amendment.
- b. New construction shall have a minimum lot size of 5 acres.

2. EVENT HOURS:

- a. Friday and Saturday - 9 am to 11:30 pm, with music ending at 12:00 am
- b. Sunday through Thursday - 9 am to 10 pm

3. PARKING

- a. Parking shall be made available on site for each event. There shall be no parking on any adjacent public or private roads.
- b. Applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow in the public right-of-way.
- c. If the parking area is less than 300' from an abutting residential use, all parking areas shall be screened from view by either a greenbelt, obscuring fence, or masonry wall
- d. All parking must comply with applicable ADA standards.

4. LIGHTING

- a. All outdoor event-related lighting must be shielded and directed on the property so as not to create a nuisance for adjacent properties.
- b. All outdoor event-related lighting must be extinguished 1 hour after all individuals from the private group or party have vacated the property.

5. SCREENING

- a. If a special event venue is less than 500' from a residence, the venue is required to install a landscape buffer in the yard abutting the residence. The buffer can be either a greenbelt, obscuring fence, or masonry wall.

6. RESTROOMS

- a. Facilities may be portable stations.
- b. The facilities must be maintained and located in a side or rear yard.

7. CERTIFICATIONS

- a. The applicant is required to comply with all applicable federal, state, and local regulations and obtain any necessary approvals from the Midland County Health Department, Road Commission, and Drain Commission.
- b. The venue must meet all Michigan State Building Code regulations and the applicant must demonstrate compliance prior to hosting any events at the facility.

6.8.8 Medical Marihuana

1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Warren Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Warren Township shall suspend the acceptance of applications for Special Use permits pending the resolutions of the legal issue in question.
2. At the time of application for the Special Use Permit, the marihuana facility must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the

- Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
3. Warren Township may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, all other applicable provisions of this zoning ordinance, Warren Township General Ordinance # 2019-05 (revised), or the terms of the special use permit and approved site plan are not met.
 4. All marihuana growing, processing, testing, transporting, or provisioning shall be located entirely within one or more completely enclosed buildings.
 5. **BUFFER ZONES.** Medical Marihuana Facilities may not be located within one thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility registered with the Township and holding worship services on-site prior to Medical Marihuana Facilities Application being submitted, or a public or private park, with the minimum distance between uses measured horizontally between the nearest property line. Cemeteries are exempt as religious facilities.
 6. In addition to the items to be provided the applicant shall also provide a business operations plan that includes the following:
 - a. A description of the type of facility proposed and the anticipated or actual number of employees.
 - b. A security plan meeting the requirements of this ordinance and the State of Michigan.
 - c. A description by category of all products to be sold.
 - d. Material Safety Data Sheets for all nutrients, pesticides and other chemicals to be used in the facility.
 - e. A description and plan of all equipment and methods that will be employed to minimize any impact to adjacent uses, including but not limited to odor.
 - f. A plan for disposal of marihuana and related byproducts that will be used at the proposed facility.
 7. **LIGHTING.** Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 8. **ODOR.** As used in this subsection, building means the building, or portion thereof, used for marihuana growing, processing, or testing.
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed to the manufacturers' specifications, but not less than a minimum of once every 365 days.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d. An alternative odor control system is permitted if the Special Use permit applicant submits and the Township accepts a report by a mechanical engineer licensed in the

state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

9. **ADDITIONAL COMMENTS.** The Warren Township Planning Commission may impose such reasonable terms and conditions on a Medical Marihuana Facility Special Use Permit as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this ordinance and applicable laws.

6.8.8.1 Marihuana Growers

1. **MINIMUM LOT SIZE.** 5 acres

6.8.8.2 Marihuana Processor

1. **MINIMUM LOT SIZE.** 5 acres

6.8.8.3 Marihuana Secure Transport Facilities

1. No vehicle may be used for the ongoing or continuous storage of marihuana, but may only be used incidental to, and in furtherance of, the transportation of marihuana.
2. Vehicles used for the transport of marihuana must be stored indoors when not in use.

6.8.8.4 Marihuana Provisioning Centers

1. **HOURS OF OPERATION:** A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 8:00 p.m.
2. **INDOOR ACTIVITIES:** All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window.
3. **OTHER ACTIVITIES:** Marihuana, alcohol or tobacco products shall not be smoked, ingested, or otherwise be consumed in the building space occupied by the provisioning center.
4. **PHYSICAL APPEARANCE:** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.

6.8.9 Solar Energy Facilities

1. **PROCEDURE.** The Planning Commission review of a Special Land Use Permit application for a Solar Energy Facility (SEF) is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 6. The second step, which may occur at a separate meeting, is the site plan review process by the Planning Commission as described in Chapter 7. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all

- proposed Solar Energy Facilities, inverters, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s).
2. **FEE.** An applicant shall remit an application fee, in the form of an escrow deposit, in the amount specified by Township fee schedule. This schedule 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.
 3. **APPLICANT IDENTIFICATION.**
 - a. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, and any additional contact information as necessary.
 - b. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Warren Township.
 - c. The applicant, operator, and/or owner is required to place an identification placard on site of the SEF with their company name, address, a contact name, and a contact phone number for the life of the project.
 4. **PROJECT DESCRIPTION.** A general description of the proposed project including:
 - a. A legal description(s) and parcel identification number(s) of the property or properties on which the project would be located.
 - b. Location and height of all proposed above-ground structures and utilities associated with the Solar Energy Facility, including horizontal and vertical scaled drawings with dimensions that show the location of the proposed Solar Energy Facility.
 - c. A description of the proposed technology to include type of solar panel and system, fixed mounted compared to solar tracking, number of panels, and angles of orientation.
 - d. An anticipated construction schedule.
 5. **INSURANCE.** The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Energy Facility for the life of the project. The policy shall provide a minimum of \$2,000,000 property and personal liability coverage per event. The applicant is required to send updated policy documents to the Township Board on an annual basis.
 6. **CERTIFICATION.** Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances, including compliance with the following:
 - a. 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), and 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.).

- b. The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction or operation of the solar energy facility. The applicant/owner will be required to enter into a road use agreement and drain agreement with the County Road Commission and Drain Commission for post-construction repairs, if required by these agencies.
 - c. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.
7. **MANUFACTURERS' MATERIAL SAFETY DATA SHEET(S)**. Documentation shall include the type and quantity of all materials used in the operation of all equipment.
8. **VISUAL SIMULATIONS**. Photo exhibits visualizing the proposed solar energy facility, with emphasis on visualizing the location of any required fences, landscaping, access roads, and setbacks from an adjacent property.
9. **MAINTENANCE PLAN**. Applicant shall submit a maintenance plan that describes the following:
 - a. Explains routine maintenance to solar panels and facility.
 - b. Demonstrates the 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.
 - c. 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.
 - d. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during construction and throughout the solar energy facilities' useful life.
10. **EMERGENCY SERVICES**.
 - a. The solar energy facility owner or operator shall provide a copy of the project summary, electrical schematic, and as-built site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked.
 - b. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
11. **DECOMMISSIONING**. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process.
12. **CONFLICT RESOLUTION**. Description of the complaint resolution process.

6.8.9.1 ADDITIONAL SITE PLAN REQUIREMENTS.

The applicant shall submit a site plan in full compliance with Chapter 7 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

1. The project area boundaries.
2. The location, height, and dimensions of all proposed structures and fencing.
3. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
4. Existing topography.

5. Water bodies, waterways, wetlands, drainage channels, and drain easements.
6. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.
7. Proposed setbacks to all existing structures adjacent to the Solar Energy Facility.
8. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
9. Identification and site plan of a construction/set-up/laydown area.
10. All comments from the Midland County Drain Commissioner's office pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.

6.8.9.2 STANDARDS AND REQUIREMENTS.

Solar Energy Facilities shall meet the following standards and requirements:

1. LOCATION OF SOLAR ENERGY FACILITIES

- a. Unless otherwise specified herein, all Solar Energy Facilities must comply with the requirements established in the Warren Township Zoning Ordinance.
- b. All solar energy facilities must be located on parcel(s) with a minimum lot size of 20 acres.
- c. All improved areas shall be setback 100'.
- d. Solar panels and associated racking are limited in height to 12 feet when oriented at maximum tilt. This requirement may be reduced or eliminated at the request of the applicant and the discretion of the planning commission. All other structures shall comply with the height requirements of this ordinance.
- e. A Solar Energy Facility is exempt from maximum lot coverage requirements. As a part of the application, the applicant should include a maximum lot coverage calculation for reference. The growth of native vegetation beneath the solar panels is encouraged in order to limit the impacts of stormwater runoff.

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 codes.
- b. Any other relevant studies, reports, certificates and approval as may be reasonably required by Planning Commission.
- c. 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.
- 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.
- e. The applicant must obtain a driveway permit from the Midland County Road Commission or MDOT, as applicable.
- f. The applicant must obtain any drain permits from the Midland County Drain Commission or MDEQ, as applicable.
- g. Lighting shall be consistent with local, state, and federal law, and shall be limited to that required for safety and operational purposes. Lighting shall be reasonably shielded from abutting properties.

- h. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
 - i. If a Solar Energy Facility ownership changes, the new owner/operator must meet with the Warren Township Planning Commission to review the conditions of the Special Use Permit within sixty (60) days of the change in ownership.
- 3. NOISE** No solar energy facility shall emit noise over the existing ambient level shall be heard at the property lines of the project. To the best of the applicant's ability, the project shall be designed with the inverters in the center of the solar array. If noise complaints occur, the owner/operator may be required to complete a noise study and mitigate any additional noise that is found.
- 4. LIGHT AND GLARE**
- a. All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
 - b. Solar facilities should be sited and designed properly to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, or other highly sensitive viewing locations, or to reduce them to the lowest achievable levels. The applicant will provide a glint and glare study which accurately assesses and quantifies potential glint and glare effects and to determine the potential health, safety, and visual impacts associated with proposed project
 - c. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/ or traffic control operations.
- 5. LANDSCAPING/SCREENING**
- a. The design of landscape buffers for Solar Energy Facilities shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
 - b. 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.
 - 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 practices of best management of natural areas or good stewardship of the land or forest otherwise prescribed by applicable laws, regulations and bylaws.
 - d. Each owner or operator of a solar energy facility to which this Ordinance applies shall utilize good plant husbandry techniques with respect to 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. Low level vegetation, cover plants, or grasses shall be maintained by the facility operator not to exceed 12 inches in height.
 - e. Where a solar energy facility abuts or is across the road from a residential use, and such residential use is not screened by natural vegetation, the perimeter within 100 feet of from the residence shall be screened and buffered by a landscaped earthen

berm or installed evergreen or native vegetative plantings, subject to the following requirements:

- i. Where a berm is not used, the evergreen or native vegetative buffer shall be composed of native or evergreen trees planted at a minimum of 5 feet in height. The Planning Commission may adjust the buffering so it is designed to minimize the unobstructed view of the solar energy facility from any adjacent residence. Where a berm is used it shall be landscaped so as to provide similar screening conditions.
 - ii. All dead or unhealthy plantings (being 60% or more dead) shall be replaced by the applicant/owner within one year, or the next planting period.
- f. Applicant must provide a detailed maintenance plan for the proposed solar energy system, and surrounding area, including provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

6. 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
- b. Solar energy facilities shall be surrounded by a six-foot tall chain link fence that shall be designed to restrict unauthorized access. The planning commission may modify this requirement if deemed appropriate.
- c. Planned security measures to prevent unauthorized trespass and access during construction, operation, removal, maintenance or repair of the Solar Energy Facility.

6.8.9.3 ABANDONMENT AND DECOMMISSIONING.

1. **ABANDONMENT:** A Solar Energy Facility that ceases to produce energy on a continuous basis for 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 and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility.
 - a. Upon determination of abandonment, the Zoning Administrator 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 months of notice by the Planning Commission or its designee.
 - b. If the responsible party (or parties) fails to comply, the Planning Commission 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 nonhazardous 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 zoning permit, which shall include:
 - a. The anticipated life of the project;
 - b. The estimated decommissioning costs in current dollars (salvage costs cannot be considered in the estimated decommissioning costs). The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
 - c. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 - d. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
 - e. Complete restoration of property to condition prior to development of the Solar Energy Facility;
3. The anticipated manner in which the project will be decommissioned and the site restored.
 - a. Decommissioning shall include the removal of each PV Panel, all electrical components, and associated facilities within the footprint of the solar energy facility to a depth of 48 inches below grade. However, the landowner may submit a request allowing the concrete foundations to be left for other uses, subject to the Zoning Administrator.
 - b. Following removal, the location of any remaining foundation shall be identified on a map and recorded with the deed to the property with the Midland County Register of Deeds.
 - c. All access roads to the Solar Energy Facility shall be removed, cleared, and graded by the facility owner, unless the property owner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.
 - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner of the Solar Energy Facility or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activities, unless the property owner requests, in writing, that the land surface areas not be restored.
4. A provision to give notice to the Township one year in advance of decommissioning.
5. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one 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 at the time of receiving 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 shall include a provision for inflationary cost adjustments every 5 years.

6. 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. When determining the amount of such required security, the Township shall also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
7. Decommissioning shall be complete, and the ground shall be restored to its previous condition, or to the landowners specifications, within one year from the date of abandonment; which may be extended by one additional year by the Building Official.

6.8.9.4 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 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. The process shall not preclude the local government from 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.

6.8.9.5 CONFLICTING PROVISIONS.

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.

6.8.10 Onsite Wind Energy Systems

An On-Site Use wind energy system with towers 65 feet or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. An On-Site Use wind energy system with a tower height greater than 65 feet shall be considered a Special Land Use. Anemometer towers greater than 65 feet in height used to conduct a wind site assessment for possible installation of an On-Site Use wind energy system shall also be a Special Land Use.

1. **APPLICATION REQUIREMENTS.** Prior to the installation of an On-Site Use wind energy system with a tower height greater than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:
 - a. Applicant identification,
 - b. A site plan,
 - c. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and
 - d. Proof of the applicant's public liability insurance.
2. **PROPERTY SETBACK:** The distance between an On-Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the tip height of the wind energy system. The distance between an anemometer tower and the owner's property lines

shall be at least 1 ½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.

3. **SOUND PRESSURE LEVEL:** On-Site Use wind energy systems shall not exceed 50 dB(A) equivalent sound level or Leq at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
4. **CONSTRUCTION CODES, TOWERS, & INTERCONNECTION STANDARDS:** On-Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-Site Use wind energy systems 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. An interconnected On-Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
5. **SAFETY:** An On-Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. 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. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

6.8.11 Utility Grid Wind Energy System

1. **PROCEDURE:** The Planning Commission review of a Special Land Use Permit for a Utility Grid Wind Energy System is a two-step process. The first step is the public hearing and decision by the Planning Commission. The second step, which may occur at a separate meeting, is the site plan review process, as described in Section 6.3.
2. **APPLICATION:** Prior to construction, the applicant must submit an application for a Special Land Use Permit and shall include the following documentation:
 - a. **APPLICANT IDENTIFICATION:** Applicant name, address, and contact information
 - b. **PROJECT DESCRIPTION:** A general description of the proposed project including a legal description and map of the property or properties on which the project would be located and an anticipated construction schedule.
 - c. **PROJECT MAP:** A map showing all participating properties and non-participating properties within the project boundary.
 - d. **SITE PLANS:** The project site plans shall include maps showing the physical features and land uses in the project area. The site plan shall include:
 - i. The project area boundaries, including lot lines and dimensions
 - ii. Names and parcel identification numbers of each parcel within the Utility Grid Wind Energy System
 - iii. The location, height, and dimensions of all proposed structures and fencing.

- iv. The location, grades, and dimensions of all temporary and permanent on-site access roads including width and surface material from the nearest county or state-maintained road
- v. Existing topography
- vi. Water bodies, waterways, wetlands, and drainage channels
- vii. All new infrastructure related to the project
- e. **INSURANCE:** Proof of the applicant's public liability insurance
- f. **SOUND PRESSURE LEVEL:** Copy of the modeling and analysis report
- g. **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.
- h. **VISUAL IMPACT:** Visual simulations of how the completed project will look from four viewable angles.
- i. **ENVIRONMENTAL IMPACT:** Copy of the Environmental Impact analysis.
- j. **AVIAN AND WILDLIFE IMPACT:** Copy of the Avian and Wildlife Impact analysis
- k. **ELECTROMAGNETIC INTERFERENCE:** Copy of the Electromagnetic Interference Study
- l. **SHADOW FLICKER:** Copy of the Shadow Flicker analysis
- m. **MANUFACTURERS' MATERIAL 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
- n. **DECOMMISSIONING:** Copy of the decommissioning plan
- o. **COMPLAINT RESOLUTION:** Description of the complaint resolution process
- p. **LIGHTING PLAN:** Copy of the FAA lighting plan and temporary construction lighting plan
- q. **TRANSPORTATION PLAN:** A description of the routes used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles and equipment deliveries, and a copy of the agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.
- r. **ENGINEERING:** Engineering data concerning construction of the Tower and its base or foundation, approval by an engineer licensed in the State of Michigan.
- s. **OPERATION AND MAINTENANCE:** Description of operations including regular and unscheduled maintenance.
- t. **SCHEDULE:** Anticipated Construction Schedule
- u. **APPLICATION FEE, TOWNSHIP COSTS, AND ESCROW:** An applicant shall submit an application for a special land use permit and fee in the amount specified in the fee schedule adopted by the local government. The Planning Commission may require additional deposits from the applicant for further review.
 - i. This applicant shall agree to pay and/or reimburse the Township costs incurred in acquisition of professional, engineering, or other technical advice or review of the application, including without limitation engineering, sound modeling, post construction sound survey, and decommissioning analysis.

6.8.11.1 Design and Operating Requirements:

The Utility Grid Wind Energy System shall meet the following design standards and operating requirements.

1. SETBACKS

- a. **INHABITED STRUCTURE.** The distance between a wind turbine and an Inhabited Structure shall be at least 1,320’.
- b. **NON-PARTICIPATING PARCEL.** The distance between a wind turbine and the property lines of adjacent non-participating parcels shall be at least 1.5 times the tip height of the wind turbine, or a minimum of 1,000’.
- c. **DISTANCE BETWEEN TURBINES.** The distance between any wind turbines shall be at least 1,320’.
- d. **ROAD RIGHT-OF-WAY AND RAILROAD/RAIL TRAIL SETBACK.** The distance between a wind turbine and the underlying road right-of-way shall be at least 1.5 times the tip height of the wind turbine, or a minimum of 1,000’.
- e. **PUBLIC UTILITY SETBACK.** The distance between a wind turbine and an active public utility corridor, such as overhead communication lines, shall be at least 1.5 times the hub height, or 1,000’.
- f. **SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) OR METEOROLOGICAL (MET) TOWERS.** shall also comply with the property setback requirements. The setback shall be at least the height of the SCADA or Met tower.
- g. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment.

2. TOWER HEIGHT: Wind turbines are limited to a height of 500’.**3. SOUND PRESSURE LEVEL:**

- a. The sound pressure level generated by a Utility Grid Wind Energy System shall not exceed 50 dB(A) equivalent sound level or L_{eq} measured at an inhabited structure and a non-participating parcel line. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- b. The applicant shall provide modeling and analysis that will confirm that the Utility Grid Wind Energy Systems will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613.
- c. After installation of the Utility Grid Wind Energy System, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

4. CONSTRUCTION CODES, TOWERS, AND INTERCONNECTION STANDARDS:

- a. Utility Grid Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.

- b. Utility Grid Wind Energy Systems 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 Wind Energy Systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- c. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- d. All applicants shall be required to apply for Aircraft Detection Lighting System (ADLS). If approved by the FAA, the applicant shall be required to install ADLS.
 - i. Applicant shall provide copies to the Planning Commission of steps to implement ADLS from the FAA.
- e. Where Utility-Grid Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected or other remedial measures performed to properly drain the site to the satisfaction of the landowner if a private drain, or if a public drain, the Midland County Drain Commission and Warren Township.

5. SAFETY:

- a. All wind turbines 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 wind energy system.
- c. A sign shall be posted near each tower and Operations and Maintenance Office building that will contain emergency contact information.
- d. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- e. The minimum vertical blade tip clearance from grade shall be 75 feet for a wind turbine employing a horizontal axis rotor.

6. VISUAL IMPACT:

- a. Utility Grid Wind Energy System projects shall use tubular towers and all Utility Grid Wind Energy Systems in a project shall be finished in a single, non-reflective matte finished color.
- b. A project shall be constructed using wind turbines of similar design, size, operation, and appearance throughout the project.
- c. 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.

7. 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.).

8. 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. 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.
- c. 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.

9. ELECTROMAGNETIC INTERFERENCE:

- a. No Utility Grid Wind Energy System shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone 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 wind energy system.
- b. No Utility Grid Wind Energy System shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind

energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

10. SHADOW FLICKER:

- a. The applicant shall conduct an analysis on potential shadow flicker at inhabited structures. 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.
- b. Shadow flicker shall not exceed 30 hours at a participating inhabited structure.
- c. There shall be no shadow flicker on a non-participating inhabited structure.
- d. Site plans shall depict a contour around each proposed wind turbine that represents the predicted 30 hours per year of shadow flicker.
- e. The analysis shall identify areas where shadow flicker may affect the occupants of the structures and include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate or mitigate shadow flicker that occurs beyond 30 hours.

11. ABANDONMENT

- a. A Utility Grid Wind Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Utility Grid Wind 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 and facilities and completely restore the Parcel to its condition prior to development of the Utility Grid Wind Energy Facility.
- b. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Utility Grid Wind Energy Facility and restore the site to its condition prior to development of the Utility Grid Wind Energy Facility within six months of notice by the Planning Commission or its designee.
- c. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Utility Grid Wind 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 Utility Grid Wind Energy Facility and restore the site to a nonhazardous predevelopment condition.

12. DECOMMISSIONING

- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - i. the anticipated life of the project,
 - ii. the estimated decommissioning costs, which does not include salvage value.
 - iii. the method of ensuring that funds will be available for decommissioning and restoration.
 - iv. the anticipated manner in which the project will be decommissioned and the site restored.
 - v. A provision to notice the Township one year in advance of decommissioning.

- vi. A clause which requires the applicant, owner, or operator to review the value of the decommissioning bond or surety on a 5-year basis for cost of inflation.
 - b. At the time of decommissioning the applicant, owner, or operator is required to do the following:
 - i. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid Wind Energy System.
 - ii. Remove all towers and other components of the system.
 - iii. Remove all foundations and underground components to a depth of not less than four feet below ground level.
 - iv. Remove all roads and driveways not accepted for use by either the township or the property owner.
 - v. Restore the site to condition acceptable to the township and the property owner.
 - vi. Components damaged by weather or malfunction shall be removed or repaired within 90 days of the damage. The Planning Commission may authorize extensions of this period but such extensions shall not extend beyond one year from the date of the damage.
 - c. Performance Bond. The applicant shall post a performance bond to insure the decommissioning of the Utility Grid Wind Energy System and restoration of the property.
 - i. The applicant shall post a performance bond in the amount of \$200,000 per tower or an amount determined by the Township Attorney to be sufficient to cover the decommissioning of the system.
 - ii. The performance bond shall be in the form of either a cash bond held in trust by the Township or a mutually agreed upon agent, or a bond issued by a bonding agent approved for use by the State of Michigan.
 - iii. The performance bond shall be in favor of the Township and shall be used in the event the decommissioning plan needs to be enforced with respect to the removal of the system or individual components and restoration of the site.
 - iv. The performance bond shall remain in effect until the system and all components are removed and the site restored.
 - v. Salvage Value shall not be considered in the in the estimated cost of removal and amount of guarantee provided to the Township.
13. **COMPLAINT RESOLUTION:** The applicant shall develop a process to resolve complaints from nearby residents concerning the construction and operation of the project.
- a. The process may use an independent mediator or arbitrator. The process shall not preclude the local government from acting on a complaint. All complaints shall be acknowledged within 10 business days of the receipt of the complaint.
 - b. The applicant, owner, or operator shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
 - c. A report of all complaints and resolution shall be filed with the Township Clerk on a quarterly basis.

14. **AS-BUILT DRAWINGS:** Within 12 months of project completion, the applicant shall submit as-built site plan drawings of the constructed Utility Grid Wind Energy System. The applicant should submit a hard copy of the drawing set and electronic file formats including Adobe PDF, GIS, and CAD files. The information in the drawings should include: location data (x,y coordinates) of site features, inclusive of turbines, access roads, junction boxes, underground collection lines, aboveground transmission lines, and borings underneath roads and drains.

Chapter 7 • Site Plan Review

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 7.1 PURPOSE

An approved site plan, which includes those documents and drawings specified in this article is necessary for certain buildings and uses to ensure that the proposed land use or activity is in compliance with this Ordinance. The Site Plan is required for M-1, C-1, C-2 Districts and Special Use Permits.

SECTION 7.2 SITE PLAN REQUIREMENTS

A Site Plan shall include a sketch plan with accurate dimensions showing:

1. A legal description of the lot, the name, address, and telephone number of the owner.
2. Existing and proposed buildings and structures.
3. Existing and proposed public or private roads and rights-of-way, parking areas and walkways.
4. Location of existing and proposed public or private utility systems and/or private sewage systems and wells or water supply systems.
5. Existing natural and man-made features such as: woodlots, streams, lakes, and ponds.
6. A description of any changes in grade or drainage systems, excepting those changes to accommodate basement and driveway grading. When development occurs within 500 feet of watercourse, the grade changes shall be shown in conformance with the County Drain Commission' requirements.
7. A description of adjacent uses.
8. Any other information to establish compliance with this and other ordinances of Warren Township.

SECTION 7.3 REVIEW PROCEDURES

Upon receipt of a Site Plan, the Zoning Administrator shall forward the site plan to the Township Planning Commission for their review. The Township Planning Commission shall determine whether it is in proper form, contains the required information, and shows compliance with this and all other ordinances of Warren Township. All actions of the Township Planning Commission shall be recorded in the minutes.

A denial of any site plan shall set forth in detail the reasons, which shall be limited to:

1. Any defect in form or required information.
2. Any violation or inadequacy of any utility, facility or structure. The proprietor may appeal any denial to the Zoning Board of Appeals.

SECTION 7.4 INTERNAL APPLICATION REVIEW

1. Within 30 days of receipt of the site plan or special use permit, the Planning Commission and/or staff will review all applications for completeness and accuracy before the application is accepted and officially filed.
 - a. An application is complete with submittal of all the required forms, submittal of all the supporting information required by the zoning ordinance, submittal of any necessary fees.
2. If the application is incomplete, the Planning Commission and/or staff shall notify the applicant in writing, specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action will be taken by the Township on the application until the deficiencies are corrected.

SECTION 7.5 EXPIRATION

Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

SECTION 7.6 REVOCATION

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

SECTION 7.7 REAPPLICATION

No application for a site plan review which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.

SECTION 7.8 PERFORMANCE BOND

The Planning Commission shall have the right and authority to require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Township Supervisor. The Township Supervisor may, at his/her discretion, call upon professional assistance from the Township Engineer, or Zoning Administrator. In cases where the provisions above have not been met, the amount of the

aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

Chapter 8 • Administration

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 8.1 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board deems desirable to carry out the terms of this Ordinance.

SECTION 8.2 APPLICATION

Before proceeding with the erection, addition to, moving or use of any building or structure, or the use of any premise subject to the provisions of this Ordinance, the owner thereof shall first obtain a Certificate of Approval from the Building Inspector. Application thereof shall be made in writing upon forms provided by the Township, and shall be accompanied by a written permit from the County Health Department approving the proposed water supply and sewage disposal facilities. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.

SECTION 8.3 DUTIES OF THE ZONING ADMINISTRATOR

1. **ISSUANCE OF PERMIT.** If the Zoning Administrator finds the application conforms to the requirements of this Ordinance and other applicable laws, he shall mark all copies approved over his signature and date. One copy shall be filed with the Township Clerk and the other given to the applicant, together with a card signed by the Zoning Administrator, stating the terms of the permit, which shall be attached to and remain on the construction during the progress of the work authorized. Such permit shall be valid for twelve (12) months from date of issue, but may be renewed subject to the terms of the Ordinance then in effect.
2. **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
3. **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
4. **RECORD NON-CONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
5. **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance
6. **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning 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 the interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.

7. **PUBLIC INFORMATION.** The Clerk, Supervisor, or Zoning 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.
8. **RESPOND TO COMPLAINTS.** The Zoning 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 Zoning Administrator shall provide a report at each regular Planning Commission 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.
9. **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
10. **PROVIDE A WRITTEN REPORT** to the Planning Commission each month.

SECTION 8.4 REVOCATION

The Township Board shall have the power to revoke any certificate in case of failure or neglect to comply with any provisions of this Ordinance, or in case of false statement or misrepresentation made in the application. The owner of the premises shall be notified of such revocation.

SECTION 8.5 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.

SECTION 8.6 OCCUPANCY

A Certificate of approval shall be obtained from the Zoning Administrator, following his final inspection. This Certificate must be obtained by the builder before residency occurs in any dwelling, building or mobile home.

SECTION 8.7 PLANNING COMMISSION

1. **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, comprised of
 - a. One member of the Township Board selected by the Township Supervisor as an ex officio member, and
 - b. Four residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.
2. **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged, with exception of the ex-officio member whose term expires with Township Board term.

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. **FUNCTION:** The duties of the Planning Commission shall be as outlined in Public Act 110 of 2006, as amended, commonly known as the Michigan Zoning Enabling Act and PA 33 of 2008, et seq. commonly known as the Michigan Planning Enabling Act.
5. **MEETINGS.** The Planning Commission shall meet monthly or as determined by the Township Board and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
6. **PER DIEM OR EXPENSES.** Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Township Board may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
7. **MASTER PLAN.** The Planning Commission shall make and adopt a master plan as a guide for the development of the Township. Plan contents, adoption, amendment, approval by the Township Board, hearing and publication shall be according to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
8. **ZONING ORDINANCE.** The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare of the Warren Township citizens.
9. **ADMINISTRATION AND ENFORCEMENT.** The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a. **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval, or denial.
 - b. **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 an application and shall also take any necessary action to revoke a Special Use Permit.
 - c. **REZONING OR TEXT AMENDMENT.** The Planning Commission shall conduct public hearings for proposals to rezone the 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. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

SECTION 8.8 TOWNSHIP BOARD

On recommendation of the Planning Commission, the Township Board shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of Township government. The Township Board may review all zoning decisions of the Planning Commission. The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance and may also act to waive any fee.

SECTION 8.9 AMENDMENTS

Warren Township Board of Trustees may amend this Ordinance, and the boundaries of the zoning districts shown on the Zoning Map in the same manner as provided by Public Act 110 of 2006, as amended, for the enactment of the original Ordinance.

1. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
2. **AMENDMENT PROCEDURE:**
 - a. **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application provided by the Township to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
 - b. **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - c. **PUBLIC HEARING.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
 - d. **RESUBMITTAL.** No application for a rezoning that 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 8.10 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

1. If the Township is required to provide notice and hearing under the Michigan Zoning Enabling Act, the Township shall publish notice of the request in a newspaper of general circulation in the community.
2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
3. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not

- need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
4. If an individual property or 10 or fewer adjacent properties are proposed for rezoning or the request is for a zoning board of appeals interpretation or appeal regarding a decision to a specific parcel, the planning commission or zoning board of appeals shall give a notice of the proposed rezoning in the same manner as above.
 5. If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

SECTION 8.11 ZONING BOARD OF APPEALS

There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its power as provided by the authority of Act 110 of the Public Acts of 2006, as amended and by the provisions of this Ordinance. Said powers include:

8.11.1 Membership

1. **REGULAR MEMBERS.** The Warren Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Warren 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 misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.
2. **ALTERNATE MEMBERS.** The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
3. **COMPENSATION.** A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

8.11.2 Terms of Office

Terms 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 the Zoning Board, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

8.11.3 Zoning Board of Appeals Procedures

1. **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.
2. **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 member and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.
3. **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
4. **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.
5. **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.

8.11.4 Duties

1. **APPEALS.** To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator, or by an other official in administering or enforcing any provisions of this ordinance.
2. **INTERPRETATION**
 - a. Interpret, upon request, the provision of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts.
 - c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

3. VARIANCE

To authorize, upon proper application, a specific variance from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard

and depth regulations as specific in this Ordinance provided all the conditions listed below are satisfied:

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
- b. The variance will do substantial justice to the applicant, as well as to other property owners.
- c. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
- d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- e. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

The strict application of the regulations enacted must result in practical difficulties to the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Zoning Board of Appeals shall specify, in writing, the grounds upon which it justifies the granting or does not justify the granting of a variance. The statement should include any conditions the Board applies to the variance application that will substantially secure objectives or the regulations or provision to which such variance applies.

8.11.5 Appeals, Method for Taking

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal

1. Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Administrator's decision. Such appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Township Board to cover costs of processing such appeal.
2. An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

8.11.6 Decision

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

SECTION 8.12 REVOCATION

If a granted variance remains unused for one year or if the designated property is sold before the variance is used, the variance is null and void.

SECTION 8.13 FEES

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk, who shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township.

SECTION 8.14 LIMITATIONS

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.

The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

Chapter 9 - Violations

ZONING ORDINANCE WARREN TOWNSHIP, MICHIGAN

SECTION 9.1 ADMINISTRATION AND ENFORCEMENT

Any building or structure which is erected, altered, used, or any use of land which is begun, or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Action outlined in Warren Township's Civil Infraction Ordinance, Ordinance 2019-01 shall be taken against any person, firm, corporation, or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance.

SECTION 9.2 COURT DETERMINATION

A court shall order the nuisance abated, and the owner or agent in charge of the building or land, or both the owners and the agent, shall be adjudged guilty or maintaining a nuisance per se. The court may further order that in default of abatement by the owner or agent, that the Township may enter upon the premises for such purposes, and that the costs of abatement incurred by the Township shall be a personal charge against the owner(s) or occupant(s) and shall be a lien against the premises. Such charges may be assessed as a special assessment against the premises, to be collected as provided by law.

SECTION 9.3 VIOLATIONS; PENALTIES

1. **FIRST OFFENSE.** Any person who shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved under this chapter shall be guilty of a civil infraction and be liable to a civil fine up to the sum of \$500.00, in accordance with any costs and expenses permitted by law.
2. **SECOND OFFENSE.** Any person who shall violate any of the provisions of this chapter, as noted in subsection (a) of this section, for a second time within a three-year period shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500.00 and/or up to 90 days' incarceration in the county jail.
3. **CONTINUING OFFENSES.** Each day that a violation continues to exist shall be deemed a separate offense.
4. **ASSISTING IN VIOLATIONS.** The owner of any building or premises, or part thereof, where anything in violation of this chapter shall be placed or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction, shall be fined as provided in this section.
5. **IMMEDIATE THREATS TO PUBLIC HEALTH, SAFETY, AND WELFARE.** Any person who shall violate any of the provisions of this chapter in such a way as to create an immediate threat to the public health, safety and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500.00 and/or up to 90 days' incarceration in the county jail. Whether a particular violation of this chapter constitutes an immediate threat to the public health, safety and welfare shall be a matter within the sole discretion of the Township Supervisor.