

TOWNSHIP OF BRIDGEHAMPTON  
SANILAC COUNTY, MICHIGAN  
**ZONING ORDINANCE**

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TOWNSHIP OF BRIDGEHAMPTON  
SANILAC COUNTY, MICHIGAN

**ZONING ORDINANCE**

**PREAMBLE**

THIS ORDINANCE, FOR THE ZONING OF UNINCORPORATED PORTIONS OF THE TOWNSHIP OF BRIDGEHAMPTON, PROVIDES THE REGULATIONS FOR LOCATION, SIZE, HEIGHT, AND USE OF BUILDINGS AND STRUCTURES, AREA AND DIMENSIONS OF LOTS AND YARDS; THE USE OF LANDS IN THE UNINCORPORATED AREA TO BE DIVIDED INTO ZONES OR DISTRICTS OF SUCH NUMBERS, SIZES OR SHAPES AS ARE DEEMED BEST SUITED TO CARRY OUT THE PURPOSE OF THIS ZONING ORDINANCE. TO PROVIDE A METHOD OF ADMINISTRATION, AND PRESCRIBE PROCEDURES AND PENALTIES FOR THE ADMINISTRATION OF THIS ORDINANCE.

The Township of Bridgehampton Ordains:

**ARTICLE 1**  
**TITLE AND PURPOSES**

**ZO-1.00.00 TITLE**

This Ordinance shall be known as the Bridgehampton Township Zoning Ordinance.

**ZO-1.01.00 PURPOSE**

The fundamental purposes of this Ordinance are to:

- ZO-1.01.01 Promote health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to reduce hazards to life and property, to promote the use of lands and resources in the Township in accordance with their character and adaptability; to secure the most appropriate agricultural and economical provision of public improvements, all in accordance with a comprehensive plan.
- ZO-1.01.02 The Township Board of Bridgehampton finds it necessary and advisable to promote and regulate the growth of said Township, according to the provisions of this Ordinance.
- ZO-1.01.03 Divisions in the unincorporated areas referred to as Districts are graphically presented on the map to be found in the Township office, which, from time to time may be supplemented by legal descriptions in the Appendix.
- ZO-1.01.04 Except as otherwise provided in this Ordinance, no land or existing building, and no new building or structure shall hereafter be located, erected, altered, or moved upon any premises other than in conformity with the provisions of this Ordinance.

## **ARTICLE 2**

### **DEFINITIONS**

#### **ZO-2.00.00 DEFINITIONS**

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq. and the Michigan Planning Enabling Act, P.A. 33 of 2008, MCL 125.3801, et. seq. and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language. (amd Ord 12-1)

#### **Abutting**

A lot or parcel, which shares a common border with another lot, parcel or right of way.

#### **Accessory Structure**

A structure erected on the same lot or site as the principal use building and intended to serve a purpose incidental to the principal use building, including but not limited to buildings, swimming pools, tennis courts, towers, driveways, parking areas, underground tanks, fences and satellite antennae.

#### **Accessory Use or Accessory Building**

A subordinate use or building customarily incident to and located on the same lot with the main use or building.

#### **Adjacent (lot or parcel)**

A lot or parcel, which abuts or is directly across a public street or private easement from another lot or parcel.

#### **Alley**

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public use and which affords secondary access to abutting property.

#### **Alteration**

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

#### **Apartment**

A dwelling unit within a building containing three (3) or more dwelling units.

#### **Apartment House**

A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

## Area, Building

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 3 feet, steps, one-story open porches, bay windows, not extending through more than one story and not projecting more than 2 feet, balconies and terraces.

## Basement

A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.

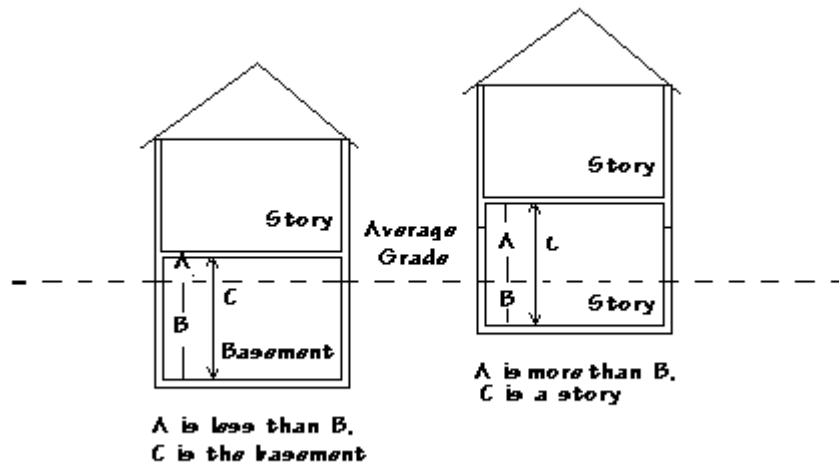


Figure 1

## Building

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

**Building Height** See "Height, Building"

## Building Line

The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

## Cesspool

A cavity in the ground that receives waste to be partially absorbed directly or indirectly by the surrounding soil.

**Conditional Use** See "Special Land Use"

**Detention Facility**

Any prison penitentiary, reformatory, house of correction, jail community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, training center or camp, etc. operated or leased by the Department of Corrections or Department of Social Services or constructed and maintained under Act 274 of 1979 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adult or juvenile criminal offenders. (See also Juvenile Detention/Correction Facility.)

**District**

A portion of the unincorporated part of the Township within which certain regulations and requirements apply under the provision of this ordinance.

**Dwelling**

A building designed or used as the living quarters for one or more persons.

**Dwelling House**

A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

**Dwelling Unit**

One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and dining.

**Dwelling Multi-Family**

A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

**Erected**

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

**Essential Service**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities for municipal departments or commissions or for the public health, safety or general welfare.

**Family**

A single person, doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

**Fence**

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

**Flea Market**

An enclosed shop or open market wherein two or more vendors sell new or used goods, antiques, curios, art objects, collectibles, or other merchandise.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, proximately caused by severe storms, hurricanes, tornadoes, or heavy rains.

**Floor Area, Gross**

The "gross floor area" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls of enclosed porches.

**Frontage**

That portion of a parcel of property, which is contiguous with a public thoroughfare which has been deeded, dedicated or otherwise conveyed to and accepted by the governmental entity responsible for its maintenance.

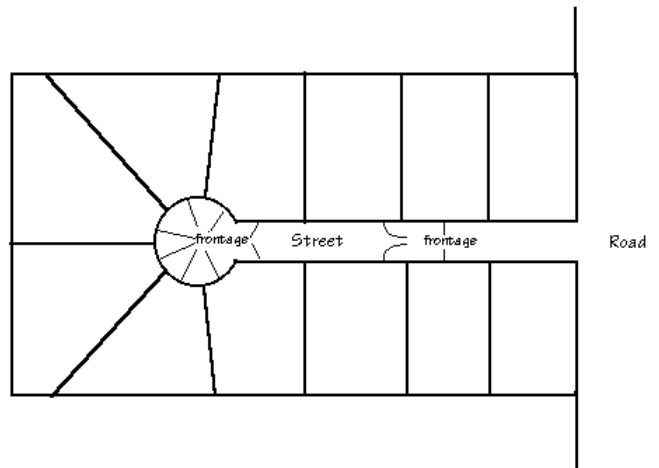


Fig.2 Frontage

**Garage Private**

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.



**Garage Public or Storage**

A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

**Garage Sale or Yard Sale**

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

**Gasoline Service Station**

A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and the servicing of and minor repair of motor vehicles. A special land use permit is required.

**Grade**

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling. (See Fig 1)

**Height, Building**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

**Home Occupation**

An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

**Hotel**

A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

**Industry**

The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

**Junk**

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

**Junkyard**

An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Juvenile Correctional/Detention Facility**

Any institution, halfway house, regional detention facility, treatment center, group home, farm, training center or camp wherein one or more juvenile offenders is detained by court order as the result of a determination of delinquency or under the supervision of the Department of Social Services by court order because of a determination of delinquency.

**Kennel Commercial**

Any lot or premises on which three (3) or more dogs or cats are either permanently or temporarily boarded.

**Land Leased Community**

An area licensed by the State of Michigan for the placement of more than two (2) manufactured homes on property owned by an entity other than the tenant.

**Loading Space**

An off-street space on the same lot with a building, or contiguous to a group of buildings for loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**Lot**

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

**Lot, Corner**

A lot at the point of intersection of, and abutting on, two or more streets.

**Manufactured, Factory Built or Portable Home**

As used herein the term "manufactured home" shall mean a moveable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreation vehicles (whether licensed or not as motor homes) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

**Mobile Home** See Manufactured Home

**Mobile Home Park** See Land Leased Community

**Motor Vehicle Repair Garage**

A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

**Motel**

A series of attached, semi-detached, or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

**Non-Conforming Building**

A building or portion thereof existing at the effective date of this ordinance, or amendments thereto, that does not conform to the use provisions of the ordinance.

**Non-Conforming Land Use**

A use of land existing at the time of the enactment of this ordinance, which does not conform to the regulation of the district in which it is located.

**Nuisance**

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

**Occupied**

Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

**Off-Street Parking Lot**

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

**Parking Space**

An area of not less than 200 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Loading and unloading space shall not be included in such area.

**Playground**

A parcel of land set aside for recreational purposes.

**Pond**

A natural or man-made body of water without an encircling fabricated retainer.

**Public Service**

Public service facilities (within the context of this ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

**Public Utility**

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

**Razing**

To destroy, demolish, level to ground, etc.

**Residential Structure**

Any building, including a manufactured home occupied, intended to be occupied or constructed to be occupied as a dwelling unit for humans.

### Rooming House

Any dwelling in which more than two persons either individually or as families are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house".

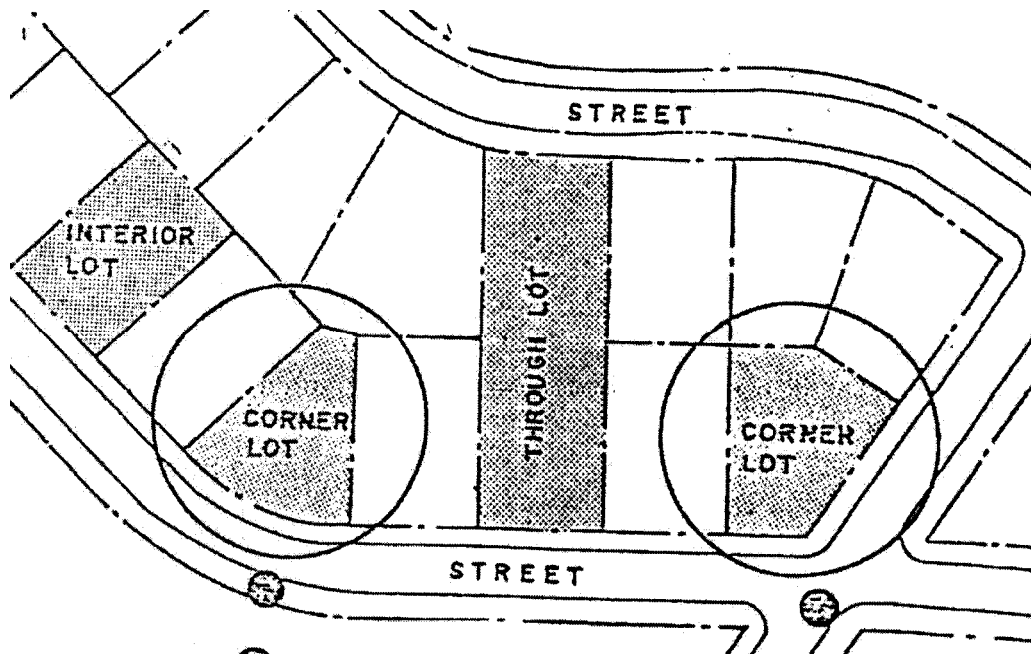
### Seepage Pit

A dry well, leaching pit, or any other cavity in the ground, which receives the liquid discharge of a septic tank.

### Septage Waste

Any human excrement, other domestic and restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station or other enclosure as determined by the DNR Director under Section 19 of 181 PA 1986, but does not include liquid industrial waste regulated under the authority of 136 PA 1969.

### Setback



### Signs

Every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. Signboards, billboards, etc. displaying more than 32 square feet shall be considered as accessory structures.

## **Special Land Use**

- A) A Special Land Use (also known as "conditional use" or "special approval use") is a use permitted only after application to, and review by, the Planning Commission; review being necessary because the provisions of this ordinance cannot be made precise enough to all applications. The special land uses are conditionally issued by special permit after review by the Planning Commission, or on appeal by the Board of Appeals. These land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.
- B) The Special Land Use differs from the Variance in several respects. A special land use does not require "undue hardship" or "unusual circumstances" in order to be allowable.
- C) Two Categories of Special Land Uses
  - 1) Though an area may be appropriately zoned, certain proposed uses may require review and authorization by the Planning Commission before such use may be undertaken. The general characteristics of these Special Land Uses may include one or more of the following:
    - a) They require large areas.
    - b) They are infrequent activities.
    - c) They sometimes create an unusual amount of traffic.
    - d) They are sometimes obnoxious or hazardous.
    - e) They may affect public safety and convenience.
    - f) They may not be compatible with existing developments in the area.
    - g) They may not comply with the Performance Standards Schedule.
  - 2) Other special land uses may be granted, conditionally, or without restriction, when it is determined by the appropriate agency that though literally defined as a more restricted use, the proposed use is not inconsistent with the uses in the immediate environment.

## **Storage Yard**

The use of open land, or land which is used or designed and/or intended to be used as a repository for storing or keeping of cars, vehicles, boats, equipment, products or other personal property (new and/or used goods) whether or not the area is adjacent to and part of a business, commercial or industrial use and whether or not consideration is exchanged for storage therein.

## **Street**

A public thoroughfare which has been dedicated or deeded for public use and which affords principal means of access to abutting property.

## **Structure**

Anything constructed or erected on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

## **Swimming Pool**

A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

## **Temporary Building or Temporary Use**

A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

## Tourist Home

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**Trailer Court** See Land Leased Community

**Trailer Coach** See Manufactured Home

Any vehicle designed, used or so constructed as to permit its being moved upon the public street or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping space for one or more persons.

## Travel Trailer

A vehicle designed as a travel unit for occupancy as a temporary or seasonable vacation living unit.

## Use

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

## Variance

A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. **THE CRUCIAL POINTS OF A VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY.** A VARIANCE IS NOT JUSTIFIED UNLESS THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED BY THE BOARD OF APPEALS, ONLY.

## Yards

The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance and as defined herein.

**Front Yard** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

**Side Yard** - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Rear 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 line of the main building. See Fig. 3

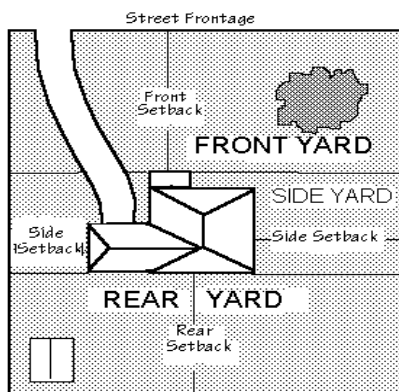


Fig. 3 Setbacks

## **Zoning Variance**

A modification of the literal enforcement of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. THE CRUCIAL VARIANCE IS NOT JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE PRESENT IN THE CASE.

## **Zoning Exception**

An exception is a use permitted only after review by the Board of Appeals of an application; such review being necessary because of the provisions of the ordinance covering conditions, precedent or subsequent are not precise enough to all applications without interpretation and such review is required by the ordinance.

The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this ordinance appear as conditional uses authorized by special permit or review by the Planning Commission, legislative body, or Board of Appeals. These land uses could not be conveniently allocated to one (1) zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these include one (1) or more of the following:

- 1 They require large areas.
- 2 They are infrequent.
- 3 They sometimes create an unusual amount of traffic.
- 4 They are sometimes obnoxious or hazardous.
- 5 They are required for public safety and convenience.

**ARTICLE 4**  
**ADMINISTRATION**

**ZO-4.00.00 Enforcement**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine as reasonable.

**ZO-4.01.00 Permits Required**

It is the purpose of this section to identify and establish the permits that shall be required in order to prevent unsafe or unlawful conditions from developing; these permits are as follows:

**ZO-4.02.00 Zoning Compliance Permit**

Before any building permit may be issued, or before any land or structure is put to any new or different use, or before any land is filled or excavated, a Zoning Compliance Permit (also identified as a Land Use Permit) shall be obtained. Application forms shall be available at the office of the Township Clerk, the Zoning Compliance Permit form shall:

ZO-4.02.01 Show the name and address of the owner (and of the applicant if other than the owner).

ZO-4.02.02 Shall be accompanied by plans and specifications including a scale site plan and, where applicable, an Environmental Impact Statement.

ZO-4.02.03 The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

ZO-4.02.04 The shape, size and location of all structures to be erected, altered, razed or moved on the property as proposed in the application

ZO-4.02.05 Whether the present use is conforming or non-conforming and whether the proposed use is a permitted or special approval use..

ZO-4.02.06 The approval and authorized signature of the Zoning Administrator or other authorized agent.

ZO-4.02.07 Such other information concerning the lot or adjoining lots and structures as may be essential to establish compliance with the provisions of this ordinance.

ZO-4.02.08 No land use permit shall be required for any construction, which does not increase the area of the building in question or for sidewalk construction.

ZO-4.02.09 Requests for outdoor assembly, concerts, revival meetings, circuses and carnivals, special approval shall be accompanied by a statement of the time period requested and shall have detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance bond may be required as a condition of approval.

**ZO-4.03.00 Building Construction Permit**

Any structure or building constructed, altered, moved or demolished shall require a building permit in accordance with the provisions of the State Building Code, issued by the Sanilac County Building and Land Use Department. While residences comply with the residential building code requirements, all other structures shall comply with the State Building Code requirements applicable to the use district in which they are located.



#### **ZO-4.04.00 Building Occupancy Permit**

No buildings structure or additions thereto shall be occupied until an occupancy permit has been issued, by the County Building Inspector.

ZO-4.04.01 The occupancy permit shall indicate that all required building code inspections have been made

ZO-4.04.02 In certain cases the County Inspector may approve a temporary certificate of occupancy for a period not to exceed six months, if authorized by the township planning commission, which may require a cash bond to be posted to insure compliance with the reasons for the time extension.

#### **ZO-4.05.00 Land Removal and/or Land Fill Permit**

Before any land in the Township is stripped, excavated, quarried, removed or stockpiled or before any landfilling operations are conducted, a permit shall be obtained from the Zoning Administrator in accordance with procedures hereinafter provided. Permits will not be required for agricultural practices or operations incidental thereto, nor will land removal or filling permit be required when incidental to a construction project covered by a building permit. It is the intent of this provision to regulate any filling or excavating in the public right of way or on any private lands where the results of such filling or excavating will cause for unsafe conditions, soil erosion or drainage problems. An application for a Land Removal or a Land Fill Permit shall be made to the Zoning Administrator containing the following information:

ZO-4.05.01 Names and Addresses of parties of interest in the property effected, with a statement of each party's interest.

ZO-4.05.02 A description of the property

ZO-4.05.03 Detailed statement of the type of operation, equipment to be used and estimated period of time operation, equipment to be used and estimated period time operation will be in effect.

ZO-4.05.04 A statement of the proposed method of restoring the property when the operation is completed.

ZO-4.05.05 A site plan scaled at no more than 200 feet to the inch of the area of operation (maximum 10 acres) with existing contour lines at not more than 5 foot intervals. Additionally, a drawing shall be submitted showing the proposed contours for the property upon completion.

ZO-4.05.06 A soil erosion permit, where required by Public Act 347 of 1972, shall be obtained from Sanilac County Soil Erosion and Sedimentation Control Agency and a copy thereof filed with the Zoning Administrator before final approval of any land removal or filling permit.

ZO-4.05.07 Such additional information as may be required by the Zoning Administrator

ZO-4.05.08 A permit fee deposit in the amount set annually by resolution, half by which will be used to cover the cost of interim and final inspections when the operation has been completed and the balance of which will be used to cover Township expenses for administrative and engineering review. Any portion of the deposit, except the inspection fee, that is unused will be returned to the applicant. Should expenses exceed the deposit the outstanding balance shall be paid by the applicant.

ZO-4.05.09 In cases where certain operations are to be conducted in the public right of way and a Township Ordinance has been adopted for the purpose of regulation, all provisions of said Ordinance not in conflict with those provisions, shall also apply.

#### **ZO-4.06.00 Final Inspection**

The holder of every building permit for the construction, erection, alteration or moving of any building, structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

#### **ZO-4.07.00 Fees**

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this ordinance.

#### **ZO-4.08.00 Interpretation**

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

#### **ZO-4.09.00 Fees-Petition for Amendment**

Upon presentation of petition for amendment of the zoning ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the general fund to partly defray the expense of said public hearing.

#### **ZO-4.10.00 Rights and Remedies are Cumulative**

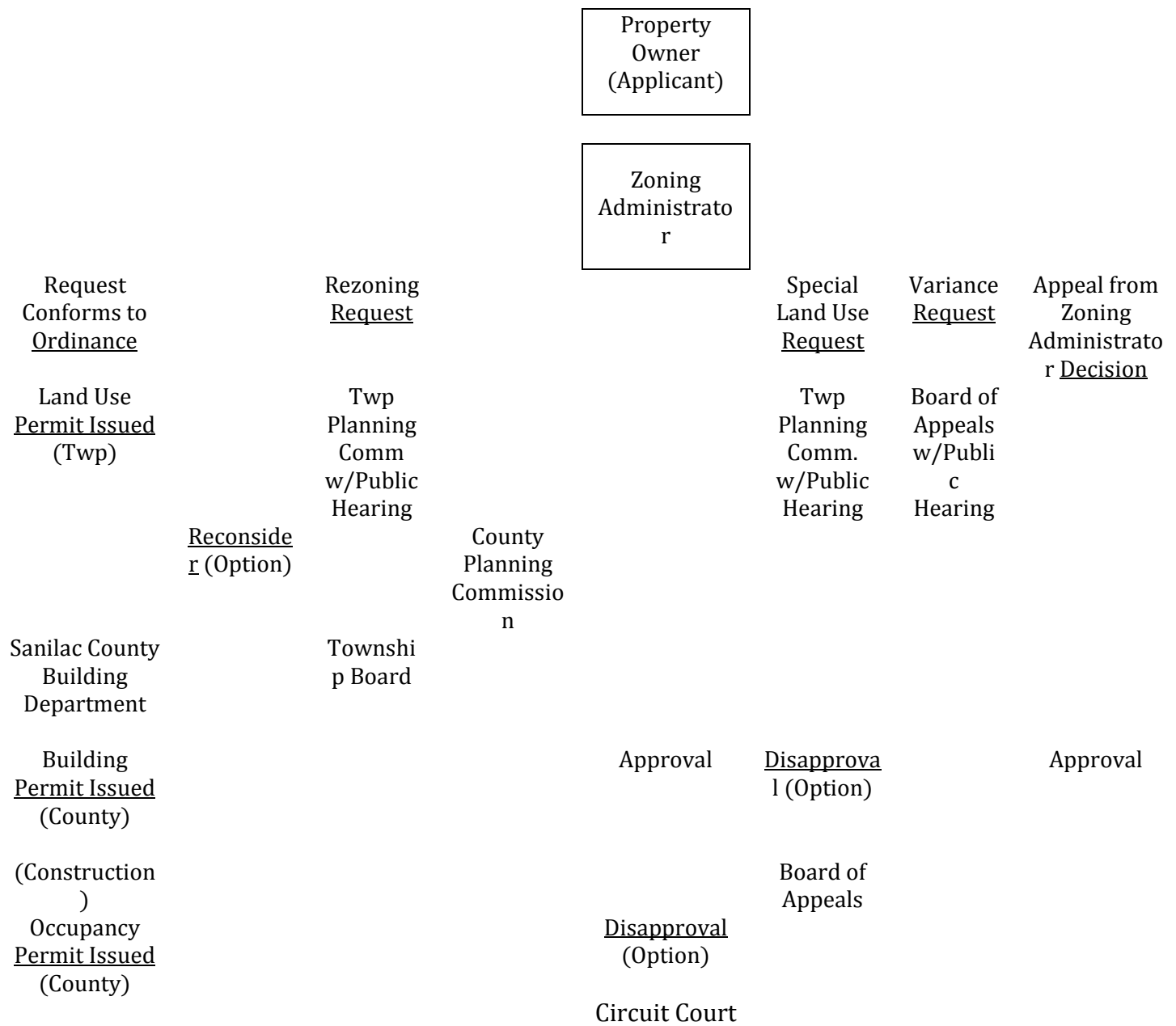
The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

#### **ZO-4.11.00 Reports**

The Zoning Administrator shall submit each month a written summary of the preceding month's activities to the Planning Commission.

#### **ZO-4.12.00 Applicant's Responsibilities**

In all cases, permits and certificates of occupancy approved by the Zoning Administrator and Building Inspector, and inspections made during the course of construction shall in no way relieve the applicant and owner of the ultimate responsibility to comply with all applicable laws of the Township, State, County or Federal Government.



**Diagram 4-1 Administrative Processing**

**ARTICLE 5**  
**ADMINISTRATION AND FEES**

**ZO-5.00.00 Zoning Administration**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator. He/she shall be appointed by the Bridgehampton Township Board upon the recommendation of the Planning Commission for such term and subject to such conditions and at such compensation as the Township Board shall determine as reasonable.

**ZO-5.00.01 The Township Zoning Administrator shall:**

- A) Process applications for land use permits and review related site plans (See Article 3).
- B) Issue permits when requirements are complete and standards are met.
- C) Inspect parcels of land for which permits are requested.
- D) Send written notification of any violation of this Ordinance to the owner(s) and tenant(s) of the property at issue.
- E) Initiate stop-work orders on violating construction project(s).
- F) Provide quarterly reports and copies of notices of violation, land use permits and site plans to the various Township boards on matters of land use.
- G) Maintain the official township zoning map and compile a list of legal descriptions (by use district) of all parcels of real estate rezoned pursuant to actions of the township board.
- H) Testify at any legal proceedings regarding this Ordinance.
- I) Issue and enforce civil Notices of Violation (Citations for infractions).
- J) The Zoning Administrator shall not make changes in this Ordinance or vary its terms, in carrying out his/her duties.
- K) The Township may appoint a Deputy Zoning Administrator empowered to perform all or only specific duties of the Zoning Administrator.
- L) In the absence of the Zoning Administrator and Deputy Zoning Administrator (if one has been appointed and authorized), the Township Supervisor, or a designated member of the Planning Commission shall have the authority and power to process applications for land use permits and to issue such permits, if the application meets ordinance requirements.

**ZO-5.01.00 Fees**

The Bridgehampton Township Board shall, by annual resolution, set all fees concerned with administration and enforcement of this Ordinance.

**ARTICLE 6**  
**PLANNING COMMISSION**

**ZO-6.00.00      Creation** (amd Ord 12-1)

The Bridgehampton Township Planning Commission shall perform all zoning board duties and exercise the powers as provided by the Michigan Planning Enabling Act, PA 33 of 2008 MCL 125.3801, et seq., and Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006 , MCL 125.3101, et seq., as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed, public safety, health, morals and general welfare secured and substantial justice done.

**ZO-6.01.00      Membership**

**ZO-6.01.01      Five Members** (amd Ord 12-1)(Amended January 2021)

The Planning Commission shall consist of Five (5) (amd Jan 2021)qualified electors and property owners of the township, under the authority of and subject to the powers, duties, and limitations provided in the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006 and further subject to the terms and conditions of the within resolution and any amendments thereto, which might hereafter be adopted.

ZO-6.01.01(a) The members of the township planning commission shall be appointed by the supervisor of the township, with the approval of the township board for terms of three (3) years each except that of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. Successors shall be appointed not more than one month after the term of the proceeding commission member has expired. Vacancies shall be filled for the remainder of the term by action of the township board.

ZO-6.01.01(b) After appointment, said planning commission shall meet to elect a chairman, vice-chairman, and secretary from its members and create and fill such other offices or committees as it may deem advisable. It may appoint advisory committees outside of its membership.

ZO-6.01.01(c) The members first appointed to the township planning commission shall be appointed not sooner than sixty (60) days following the publication of the within resolution and shall be representative of major interests as they exist in the township, such as agriculture, public health, recreation, education, government, commerce, transportation and industry. One (1) member of the township board shall be appointed to the planning commission whose term of office shall be commensurate with his/her term on the township board.

**ZO-6.02.00      Compensation**

The members of the township planning commission shall receive as compensation for their services such sum or sums as shall be determined from time to time by resolution of the township board.

**ZO-6.03.00      Terms of Officers**

ZO-6.03.01 The terms of all officers shall be one year.

**ZO-6.04.00      Meetings**

The Planning Commission shall hold not less than four regular open meetings a year, at which meetings any person having interests in the township shall be heard relative to any matters that should properly come before the Commission. Additional meetings will be posted in compliance with the Open Meetings Act (1976 PA 267). The Planning Commission shall not conduct business unless at least four (4) members are present.

**ZO-6.05.00 Duties and Powers of Planning Commission** (amd Ord 12-1)

In accordance with said Michigan Planning Enabling Act, PA 33 of 2008 MCL 125.3801, et seq., and Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006 , MCL 125.3101, et seq., as amended, as amended, said planning commission shall make and adopt a basic plan as a guide for the development of unincorporated portions of the township, and conduct the necessary public hearings in connection herewith. It shall further make recommendations concerning new plats and other land development matters referred to it by the township board.

**ZO-6.06.00 Final Decisions**

All final decisions of said planning commission other than those involving the election of its own officers and adoption of its rules of procedure shall be subject to the approval of the township board before the same shall become effective.

**ZO-6.07.00 Amendments** (amd Ord 12-1)

Any amendments, which may hereafter, be made to said Michigan Planning Enabling Act, PA 33 of 2008 MCL 125.3801, et seq., and Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006 , MCL 125.3101, et seq., as amended shall hereby be declared to automatically control the activities and function of the township planning commission created hereunder.

**ARTICLE 7**  
**BOARD OF ZONING APPEALS**

**ZO-7.00.00 Creation** (amd Ord 12-1)

There is hereby created a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed, public safety, health, morals and general welfare secured and substantial justice done.

**ZO-7.01.00 Membership**

**ZO-7.01.01 Three Members**

The Board of Appeals shall consist of three (3) members:

ZO-7.01.01(1) The Chairman of the Township Planning Commission;

ZO-7.01.01(2) A member of the Township Board; and

ZO-7.01.01(3) One person appointed by the Township Board from among the electors residing in the township.

**ZO-7.01.02 Exclusion of Township Officers and Employees**

No elected officer of the township, nor any employee or contractor thereof, shall serve as a member or as an employee of the Board of Appeals, with the exception of the Township Board member.

**ZO-7.01.03 Qualifications**

The members shall be representative of the population distribution and the various interests present in the Township.

**ZO-7.01.04 Officers**

The member of the Board of Appeals who has been appointed by the Township Board from the electors at large shall serve as chairperson. The Board of Appeals shall elect from its membership a secretary or such other officers or committees deemed necessary. However, neither the chairperson of the Planning Commission nor the Township Board Member may serve as chairperson of the Board of Appeals.

**ZO-7.01.05 Removal**

Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. 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.

**ZO-7.02.00 Terms of Members and Officers**

**ZO-7.02.01 Three Year Terms**

The members shall be appointed for a term of three (3) years, except for members serving because of their membership on the zoning board, planning commission, or township board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them.

**ZO-7.02.02 Staggered Terms**

When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms.

**ZO-7.02.03 Succession**

A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

**ZO-7.02.04 Compensation**

The total amount allowed the Board of Zoning Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the township board.

**ZO-7.03.00 Jurisdiction**

ZO-7.03.01 The Board of Appeals shall not alter or amend the Zoning District Map and Classifications or the provisions of this ordinance. The Board of Appeals:

ZO-7.03.01(1) Shall maintain a separate taped or stenographic record and issue written opinions on all actions taken.

ZO-7.03.01(2) Shall hear and decide appeals where it is alleged by the appellant that:

ZO-7.03.01(2)(a) There is error in any requirement relative to issuance or refusal to issue a land use compliance permit by the Building Inspector or Zoning Administrator, or

ZO-7.03.01(2)(b) The Planning Commission erred in allowing or disallowing a special land use request.

ZO-7.03.01(3) May permit modification of off-street parking and off-street loading requirements only insofar as area and number of spaces are concerned and where it can be clearly demonstrated that no useful purpose would be served or that land requirement cannot be obtained.

ZO-7.03.01(4) May permit variances to the area, height, and setback requirements where practical difficulties exist because of topography or where there are exceptional circumstances that would deprive the owner of substantial rights enjoyed by other property owners in the same zone and vicinity provided such rights are of conforming nature.

ZO-7.03.01(5) May vary or modify any of its rules or provisions relating to the construction or structural changes in, equipment or alteration of buildings or structures or the use of land only where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance.

ZO-7.03.01(6) Shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the presentation of records and other evidence pertaining to matters being considered.

**ZO-7.04.00 Meetings and Hearings** (amd Ord 12-1)

**ZO-7.04.01 Meetings**

ZO-7.04.01(1) All meetings shall be posted in compliance with the Open Meetings Act (1976 PA 267).

ZO-7.04.01(2) The chairperson of the Board of Appeals, or any two (2) board members may call a meeting for election of officers, to act on questions in administration or interpretation of the zoning ordinance and to act on such other matters as outlined by this Ordinance and the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006 , MCL 125.3101, et seq., as amended.

ZO-7.04.01(3) The Board of Appeals shall not conduct business unless at least two (2) members of the Board are present.



ZO-7.04.01(4) Public notice of a hearing on any appeal or other hearing held shall be published at least once in a newspaper in general circulation within the Township not less than fifteen (15) days before the hearing.

ZO-7.04.01(5) Written notice by personal delivery or by first class mail at least fifteen (15) days in advance to all property owners reflected by the current tax roles as owning property located within three hundred (300) feet of any point of the property on which the appeal is based.

ZO-7.04.01(6) The notice shall contain a brief description of the location of the property, the basis of the appeal and the time and place where the hearing will be conducted.

ZO-7.04.01(7) The premises under consideration shall be posted at least fifteen (15) days before the hearing.

#### ZO-7.04.02 Hearings By Board of Zoning Appeals

The Board of Appeals shall hold public hearings at the call of the Chairperson and as often as required to hear appeals made from decisions of the Zoning Administrator and Zoning Board or requests for variances as set forth in this ordinance in Section ZO-8.00.00 "*Pre-Existing Non-Conforming Uses*".

### ZO-7.05.00 **Appeals**

ZO-7.05.01 An appeal may be taken to the Board of Appeals by:

ZO-7.05.01(1) Any person seeking clarification or interpretation of this Ordinance, or

ZO-7.05.01(2) Any person seeking or opposing a special land use as provided for by this Ordinance, or

ZO-7.05.01(3) Any person affected by a decision of the Building Inspector or Zoning Administrator pursuant to or in conjunction with a compliance, building permit, or land removal and filling permit, or

ZO-7.05.02 Any person seeking a variance.

ZO-7.05.03 All appeals shall be submitted in writing to the Township Clerk and accompanied by a non-refundable filing fee set by Township Board Annual Fee Resolution.

ZO-7.05.04 Upon receipt of a proper application, the Board of Appeals shall set a reasonable time and place for a hearing on the appeal and give proper notice thereof to the public and all affected parties, and render a decision without unreasonable delay.

ZO-7.05.05 Appeals made from a determination of the Building Inspector or Zoning Administrator shall be made within thirty (30) days following such determination. Appeals from any other determination shall be made within sixty (60) days of such determination.

ZO-7.05.06 The Board of Appeals may grant a "variance" from the strict interpretation of this ordinance when such variance is deemed necessary for the preservation of a substantial property right belonging to other property in the same district, when it finds unique circumstances or hardship controlling and when the granting of such a variance will not be materially detrimental to the public welfare not injurious to the property or improvements in the vicinity or district in which the property of the applicant is located. The Board of Appeals shall follow the preliminary procedures outlined in Section ZO-8.00.00 "*Pre-Existing Non-Conforming Uses*".

#### **ZO-7.06.00 Exercising Authority**

ZO-7.06.01 In exercising the authority granted to it by this Ordinance, the Board of Appeals may reverse or affirm wholly or partly or modify requirements appealed from and may make such determination and attach such conditions as needed to be made.

ZO-7.06.02 The Board of Appeals shall reduce its findings of fact to writing which determination shall:

ZO-7.06.02(1) Comply with the constitution and laws of this state,

ZO-7.06.02(2) Recite the procedure followed,

ZO-7.06.02(3) Recite sufficient competent material and substantial evidence in its support, and

ZO-7.06.02(4) Represent the reasonable exercise of discretion.

ZO-7.06.03 An approval determination made by the Board of Appeals shall become null and void one (1) year after being filed with the Township Clerk if a building permit has not been issued and construction is not being actively pursued or if other applicable action has not been taken by the applicant. Determinations once voided shall become the subject of a new appeal, and an application subject to all the requirements of the original application, including a new filing fee, must be resubmitted.

ZO-7.06.04 No appeal rejected by the Board of Appeals may be resubmitted unless it can be demonstrated that new evidence bearing on the matter can be presented within a period of six (6) months following such rejection,.

#### **ZO-7.07.00 Guidelines and Factors**

As with hearings for Special Land Use permits requiring the approval of the Planning Commission, the Board of Appeals shall be guided by the same considerations as for other appeals and by Article 8 and the Sections thereof, and considerations such as outlined by Section 10.03.00 of this Ordinance.

#### **ZO-7.08.00 Deliberation**

After hearing all persons concerned with a particular appeal, the Board of Appeals may immediately grant or deny the request or it may table the appeal for a further hearing or investigation. Whenever the Board of Appeals does not give an immediate decision or postpones the hearing until a later date, the decision of the Board of Appeals shall be communicated to all interested persons who request the same in writing.

#### **ZO-7.09.00 Decision Final**

The decision of the Board of Appeals shall be final. A record of the proceedings shall be kept on all appeals to establish the Board's compliance with:

ZO-7.09.01 Constitution and laws of this State,

ZO-7.09.02 Appropriate procedure,

ZO-7.09.03 Requirement of competent material and substantial evidence,

ZO-7.09.04 Requirement of reasonable exercise of discretion.

**ARTICLE 8**  
**GENERAL EXCEPTIONS AND RESTRICTIONS**

**ZO-8.00.00 Pre-Existing Non-Conforming Uses**

**ZO-8.01.00 Non-Conforming Uses Buildings and Structures**

**ZO-8.01.01 Prior Lawful Use**

The lawful use of any land, buildings or structures existing on the date of enactment of this Ordinance may be continued at the option of the owner thereof, although such use does not conform with the provisions of this Ordinance.

**ZO-8.01.02 Discontinuance of Non-Conforming Uses**

If the non-conforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operation or otherwise for a continuous period of one (1) year, then any further use thereof shall conform to the provisions of this Ordinance.

**ZO-8.01.03 Completion of Non-Conforming Buildings and Structures**

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, if construction has been diligently pursued within ten (10) days of the passage of this Zoning Ordinance and a land use permit application has been filed with the Zoning Administrator within thirty (30) days following the effective date of this Ordinance.

**ZO-8.01.04 Structural Alterations (amd Ord 12-1)**

Structural alterations made in a non-conforming building shall not during its life exceed fifty percent (50%) of the assessed value, nor shall the building be enlarged except as provided for in Section ZO-8.01.03 of this Ordinance unless the use therein is changed to a conforming use. However, a non-conforming building damaged by fire, explosion, tornado, earthquake or similar uncontrollable cause may be repaired or rebuilt within original footprint and within one (1) year of the date of such damage, but not thereafter.

**ZO-8.01.05 Extension of Non-Conforming Uses**

Extension of any non-conforming use within a building, or in adding to any building, for the purpose of extending a non-conforming use shall be permitted only upon variance approval of the Board of Appeals after a public hearing.

**ZO-8.02.00 Special Land Uses**

**ZO-8.02.01 Types of Special Land Uses**

Activities which require review and approval of the Township Planning Commission before the use is permissible, are of two (2) types:

A) Specifically defined

Those uses which are unique because of peculiar characteristics which require detailed study in order to determine their effect on the public welfare and possible injury to adjacent property, even though the use will take place in an otherwise appropriately zoned district. Examples include, but not all inclusive, are listed herein.

B) Similar and compatible

Those uses which, though not of a type designated for the specific district, are not incompatible with the prevalent activities or local environment of the district in which the activity is to be located.

ZO-8.02.02 **Authority of Planning Commission**

The Planning Commission, as hereinafter provided, shall have the authority to grant Special Land Use permits subject to such conditions of design, operation, safeguards and any other conditions and/or contingencies it deems necessary.

ZO-8.02.03 **Special Land Use Application and Fee**

Application for a Special Land Use permit shall be made to the Planning Commission and shall be accompanied by the fee as set forth in the Annual Fee Resolution established by the Bridgehampton Township Board.

A) Application Contents

An application for a Special Land Use permit shall at a minimum contain:

- 1) A statement that the applicant(s) is the owner(s) of the property involved, or is acting in the owner's behalf with the owner's written authorization.
- 2) A legal description of the property involved.
- 3) A site plan (An accurate dimensioned diagram of said property showing the existing and proposed location of all buildings, structures, water sources and waste disposal provisions.)
- 4) The design and uses of the existing and proposed buildings and structures.
- 5) A statement in support of the request for the Special Land Use permit regarding the special land use guidelines and any other relevant factors.

ZO-8.02.04 **Special Land Use hearing and notice.**

When scheduling a Public Hearing to review an application for a special land use, the Township shall provide notice in accordance with the Michigan Zoning Enabling Act or its successor. In addition, for any project which is projected to be in excess of a total estimated cost of over \$5 Million dollars, all land owners in the entire township of Bridgehampton shall be mailed a copy of the notification of the public hearing by first-class mail at least 15 days prior to the public hearing.

ZO-8.02.05 **Special Land Use Guidelines**

The Planning Commission shall review the particular circumstances and facts of the proposed Special Land Use in the light of the provisions of this Ordinance, health and sanitation, common welfare and safety of the community, as well as the uses prevalent in the area. Factors which must be considered in relation to the intent and purpose of this Ordinance include: conditions of operation, design, site plan, equipment employed, performance standards, size and frequency of use, traffic volume and flow, population density, parking processes, environmental impact, drainage, service to and compatibility with the community, as well as the considerations outlined by Section 10.03.00 of this ordinance.

ZO-8.02.06 **Examples of Special Land Uses** (Requiring Approval of the Planning Commission after a public hearing)

In addition to other uses requiring approval of the Planning Commission, as set forth in this Ordinance, the following uses also shall require approval of the Planning Commission after a public hearing:

- A) Reservoirs, catch basins, aeration fields, ponds used for the dumping of wastes or any other materials or liquids from any commercial or industrial enterprise.
- B) Fertilizer manufacturing plants.
- C) Slaughter houses, transfer stations and rendering plants.

- D) Private airports or aircraft launching and landing pads or strips.
- E) Fish smoking or curing.
- F) Food processing plants.
- G) Migrant workers camps.
- H) Sewage disposal plants.
- I) Campgrounds.
- J) Marinas or boat liveries.
- K) Junkyards.
- L) Open storage yards whether principal or accessory use.
- M) Gravel pits, sand mines and open pit mines.
- N) Landfills.
- O) Theaters.
- P) Stadiums or arenas.
- Q) Adult book stores.
- R) Recreational facilities (e.g.. pool halls, video arcades, games of skill, etc.) utilizing 4 or more devices.
- S) Open air markets (e.g.. flea markets, farmer's markets, etc.)
- T) Amusement and recreation parks
- U) Churches
- V) Public and community assembly buildings
- W) Schools
- X) Hospitals, clinics and sanitariums
- Y) Cemeteries
- Z) Funeral homes and mortuaries
- AA) Hotels and motels
- BB) Tourist homes and rooming houses
- CC) New and used automobile sales lots
- DD) Motor vehicle repair shops
- EE) Multi-family dwellings
- FF) Boat sales, repair or storage yards
- GG) Playgrounds
- HH) Gasoline and oil service stations
- II) Combustible or toxic material storage structure or yards
- JJ) Bars and taverns
- LL) Certain roadside stands
- MM) Open air assembly of more than 300 people
- NN). Commercial dragstrips and racetracks
- OO) Wind Energy Conversion Facility (See Article 9.08 for standards and regulations.)
- PP) Wind Energy System Site Assessment for Wind Energy Conversion System (Article 9.08 for standards and regulations.)
- QQ) Any use not specifically set forth in this ordinance

**ZO-8.02.07 Decision of Planning Commission**

The Planning Commission may approve, approve with conditions, or deny, a request for a Special Land Use. The Planning Commission shall issue a statement describing the decision, the basis for the decision and any conditions imposed on the Special Land Use. An application for a Special Land Use Permit that has been denied may not be resubmitted until one (1) year after the date of denial has passed.

**ZO-8.02.08 Appeal from Decision of Planning Commission**

The allowance or disallowance of a specific land use request by the Planning Commission may be appealed to the Board of Zoning Appeals by the applicant or a Bridgehampton

Township land owner if such appeal is filed within sixty (60) days of the Planning Commission decision.

#### ZO-8.03.00 **Variations**

The Board of Appeals is exclusively responsible for determination of Variations as outlined by Article 7 and defined by Section ZO-07.05.00

THE CRUCIAL POINTS OF A VARIANCE ARE PRACTICAL DIFFICULTY, UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED ONLY BY THE BOARD OF APPEALS. THE DECISION OF THE BOARD OF APPEALS SHALL BE FINAL.

#### ZO-8.03.01 **Variance Application and Fee**

Application for a Variance shall be made to the Zoning Board of Appeals and shall be accompanied by the fee as set forth in the Annual Fee Resolution established by the Bridgehampton Township Board.

##### A) Variance Application Contents

An application for a Variance shall at a minimum contain:

- 1) A statement that the applicant(s) is the owner(s) of the property involved, or is acting in the owner's behalf with the owner's written authorization.
- 2) A legal description of the property involved.
- 3) A Site Plan (An accurate diagram of said property showing the existing and proposed location of all buildings and structures thereon.)
- 4) A statement regarding design and uses of the existing and proposed buildings and structures.
- 5) A statement in support of the request for the Variance regarding the specifics of the "undue hardship" or "unique circumstances" which are the basis of the request.

#### ZO-8.03.02 **Variance Hearing and Notice**

Upon receipt of an application for a variance, in not less than fifteen (15) days before the hearing:

- A) Notice that such a request has been received shall be published in a newspaper which circulates in the Township, and
- B) Notice shall be posted, sent by mail or delivered personally as follows:
  - 1) To the owners of property for which the Variance is being considered, and
  - 2) To all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and
  - 3) To the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - 4) Posted on the property at least fifteen (15) days before public hearing.

##### C) **Variance Application Notice Contents**

The notice shall:

- 1) Identify and describe the property which is the subject of the Variance request.

- 2) Describe the nature of the Variance request.
- 3) State the date, time and place that the Variance request will be considered at a public hearing.
- 4) Indicate the date, time and place that written comments will be received concerning the request.

**ZO-8.04.00 Decision of Board of Appeals Decision Final**

The decision of the Board of Appeals shall be final. A record of the proceedings shall be kept on all appeals to establish the Board's compliance with:

1. Constitution and laws of this State,
2. Appropriate procedure.
3. Requirement of competent material and substantial evidence.
4. Requirement of reasonable exercise of discretion.

*The Zoning Board of Appeals may by written opinion, approve, approve with conditions or deny a request for a Variance under the provisions of Section ZO-7.05.00 et*

**ZO-8.05.00 Public Utilities Buildings**

The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building, or a municipal or public service corporation for municipal or public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a municipal or public utility building, structure reasonably necessary for the public convenience and service.

**ARTICLE 9**  
**ESTABLISHMENT OF DISTRICTS**

**ZO-9.00.00 TYPES OF DISTRICTS**

The unincorporated area of the Township of Bridgehampton Sanilac County, Michigan, is hereby divided into five (5) districts designated:

A-R	Agricultural	ZO-9.03.00
R	Residential	ZO-9.04.00
MHS	Manufactured Home Subdivision/Land Leased	ZO-9.05.00
C	Community	ZO-9.06.00
I	Commercial	ZO-9.07.00
	Industrial	

**ZO-9.01.00 MAPS**

The boundaries of districts or zones are shown upon the Official Zoning Map (located in the Township office) and maps attached hereto and designated as zoning maps. Zoning maps and all notations, references and other information appearing thereon are hereby declared to be a part of this ordinance and of the same force and effect as if the Districts were fully set forth by metes and bounds description.

**ZO-9.02.00 BOUNDARIES OF ZONED DISTRICTS**

For determination of the boundaries of districts shown on the zoning maps, the following rules shall apply:

- A) Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley centerlines shall be construed to be the boundaries.
- B) Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- C) The Board of Appeals shall, upon application or upon its own motion determine the location of boundaries in cases where uncertainty exists.

**ZO-9.03.00 AGRICULTURAL DISTRICTS (A)**

The following shall apply to all agricultural districts:

**9.03.01 Use Types**

- A) Permitted Uses (amd Ord 12-1)
  - 1) Farms, farm buildings and farm structures
  - 2) Mobile homes, subject to the provisions of this Ordinance.
  - 3) Municipal and public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity, subject to the area, yard, height and parking regulations of this Ordinance.
  - 4) Buildings for the processing and storage of agricultural products.
  - 5) Parks and grounds for outdoor recreation.
  - 6) Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
  - 7) One-family and two-family dwellings.



- 8) Home occupations, including handicrafts and the sale of articles produced on the premises by such handicrafts; and the office of a physician, dentist, teacher, architect, engineer, lawyer, magistrate, and other professional occupations, provided that such occupation shall be situated entirely within the dwelling on the premises and occupy no more than thirty-three and one-third (**33 1/3**) percent of the total floor area of the dwelling. There shall be no externally visible display of stock, goods or facilities relating to the occupation, and no more than one (**1**) name-plate not exceeding thirty two (**32**) square feet in area, placed at least one foot back of the road right-of-way and containing the name of the person and occupation displayed. And, further, that such name-plate may be illuminated, but shall be non-blinking. Barber shops, beauty parlors, boarding homes and similar enterprises shall be deemed a home occupation.
- 9) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 10) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

**B) Special Land Uses**

1) *Requirements*

The following uses may be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.

2) *Conditions*

Special Land Uses shall be subject to at least the following conditions:

- a)
- b) The business shall be incidental and accessory to the primary use of the premises as the landowners' residence.
- c) The business shall not employ more than three (**3**) (motor vehicle repair shop) or twelve (**12**) (all other small businesses) full and/or part-time employees on the premises at any one time.
- d) A detailed site plan including setbacks, greenbelts, driveways, parking, storage, fences and view obstructions, signs, floor area, designated route to premises from nearest paved road, etc.
- e) The use shall not alter the appearance of the premises from the agricultural/residential nature of the area.
- f) Defined hours of operation.
- g) Whether entire operation must be inside buildings and the nature, type and extent of operations (if any are allowed) which may be conducted outside of buildings.
- h) Such other conditions as may assure minimal effect on adjacent property owners.
- i) Require Performance Bond of not less than \$500.00.

3) *Special Land Uses*

- a) Multi-family dwellings, meaning dwellings with more than two basic living units (e.g. apartment house).
- b) Churches, schools, libraries, cemeteries, hospitals, clinics, sanitariums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
- c) Roadside stands and greenhouses which do not comply with permitted use requirements. Signs shall conform to the provisions of this ordinance.
- d) Parks and grounds for outdoor activities and recreation, airplane landing strips and helicopter land pads, provided that all such activities be noncommercial and not operated for profit.
- e) Migrant worker camps.
- f) Gravel pits of a commercial nature (i.e. mining of 1000 or more cubic yards of gravel per year.
- g) Juvenile detention facilities as defined in Article 2 or foster homes, provided that not more than ten **(10)** children reside and/or receive services on the premises and five **(5)** or more of the juveniles receiving services are residents of Sanilac County and placed in the facility at the direction of the Sanilac County Probate Court.
- h) Foster Care facilities for more than six **(6)** patients/clients.
- i) Campgrounds, recreation' parks and playgrounds.
- j) In order to assist residents under distressed economic conditions, small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods and motor vehicle repair shops either of which shall be specifically subject to the following conditions:
  - i) Small businesses (not more than twelve **(12)** full and part-time employees) engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
  - ii) Motor vehicle repair shops having not more than three **(3)** full and part-time employees.
- k) Dog Kennels housing more than eight **(8)** dogs owned or licensed by the owner and/or occupant of the premises; or one **(1)** or more dogs not owned or licensed by the owner and/or resident of the premises.
- l) Private waste water treatment lagoons and facilities whether human or animal waste, other than septic tanks and seepage beds which are permitted, for treatment of septage emanating from the subject property only.
- m) Wind Energy Conversion Facilities
- n) Wind Energy System Site Assessment For Wind Energy Conversion Systems

C) Prohibited Uses

Adult and/or juvenile detention or correction facilities. Uses not designated in agricultural districts

ZO-9.03.02 **Minimum Lot Area**

Each one or two-family dwelling, occupied or unoccupied, will have a minimum lot area of one (1) acre (43,560 square feet), with a minimum frontage and a minimum width of one hundred sixty five **(165)** feet.

**ZO-9.03.03 Corner Lot**

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as not to interfere with traffic visibility.

**ZO-9.03.04 Driveways and Parking**

**A) Driveways**

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two (2) residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking".

**B) Parking Off Street and Access and Egress Therefrom**

- 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

**PARKING SPACE TABLE**

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments	1	Per 350 feet of floor area of that portion of the bldg.
	Manufactured Establishments	1	Patronized by the public
f.		1	Per every two persons regularly employed on any shift
	Restaurants (food related estab.)	1	Per every 100 sq. feet of floor area.

**ZO-9.03.05 Yards**

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes.

A) Front Yards

In the case of county maintained road, front yards shall be Seventy Five (75) feet of depth from the centerline of said road. In the case of all state roads, front yards shall be One Hundred Twenty Five (125) feet from the centerline

B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of the dwelling.

C) Rear Yards:

Shall be at least twenty (20) feet from the rear lot line except for accessory structures.

**ZO-9.03.06 Fences and Buffers**

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

**ZO-9.03.07 Signs**

Signs shall be in conformance with Section ZO-3.22.02. All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway.

**ZO-9.03.08 Building Floor Area and Height**

A) Building Floor Area

- 1) Every site-built or manufactured, one story dwelling hereafter erected, constructed, altered or moved upon premises shall contain not less than seven hundred twenty (720) square feet of floor area.
- 2) Every one family two story dwelling, hereafter erected, constructed, altered or moved upon a premises shall contain not less than seven hundred twenty (720) square feet of total floor area and not less than seven hundred twenty (720) square feet of ground floor area.
- 3) Two family dwellings, if permitted, shall contain a minimum combined floor area of one thousand four hundred forty (1440) square feet. Neither unit shall contain less than seven hundred twenty (720) square feet of floor area, with the remaining dwelling unit containing the balance of the required minimum floor area.
- 4) Multiple family dwellings, if permitted, shall contain not less than seven hundred twenty (720) square feet of floor area per unit.
- 5) In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.
- 6) All mobile homes used as a permanent dwelling shall have tie-downs and placed on either piers or a cement slab which shall be a minimum of four inches thick and the width and length of the building or a permanent foundation with a sixteen (16") inch rat wall. Such homes shall Be fully skirted and shall have a lot size of one (1) acre and not less than Seven Hundred Twenty (720) square feet of floor area.

**ZO-9.03.09 Accessory Buildings**

No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is not erected on a corner lot, it shall not be located closer than five (5) feet to a rear or side line. Other buildings shall not be closer than twenty (20) feet from the rear line.

**ZO-9.03.10 Water and Sewage Disposal**

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage

disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

#### **ZO-9.04.00 RESIDENTIAL DISTRICTS (R)**

The following shall apply to all residential districts:

##### **9.04.01 Use Types**

###### **A) Permitted Uses (amd Ord 12-1)**

- 1) Mobile homes, subject to the provisions of this Ordinance.
- 2) Municipal and public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity, subject to the area, yard, height and parking regulations of this Ordinance.
- 3) Parks and grounds for outdoor recreation.
- 4) Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
- 5) One-family and two-family dwellings.
- 6) Home occupations, including handicrafts and the sale of articles produced on the premises by such handicrafts; and the office of a physician, dentist, teacher, architect, engineer, lawyer, magistrate, and other professional occupations, provided that such occupation shall be situated entirely within the dwelling on the premises and occupy no more than thirty-three and one-third (**33-1/3**) percent of the total floor area of the dwelling. There shall be no externally visible display of stock, goods or facilities relating to the occupation, and no more than one (**1**) name-plate not exceeding thirty two (**32**) square feet in area, placed at least one foot back of the road right-of-way and containing the name of the person and occupation displayed. And, further, that such name-plate may be illuminated, but shall be non-blinking. Barber shops, beauty parlors, boarding homes and similar enterprises shall be deemed a home occupation.
- 7) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 8) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

###### **B) Special Land Uses**

###### **1) Requirements**

The following uses may be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.

###### **2) Conditions**

Special Land Uses shall be subject to at least the following conditions:

###### **a)**

- b) The business shall be incidental and accessory to the primary use of the premises as the landowners' residence.

- c) The business shall not employ more than three **(3)** (motor vehicle repair shop) or twelve **(12)** (all other small businesses) full and/or part-time employees on the premises at any one time.
  - d) A detailed site plan including setbacks, greenbelts, driveways, parking, storage, fences and view obstructions, signs, floor area, designated route to premises from nearest paved road, etc.
  - e) The use shall not alter the appearance of the premises from the agricultural/residential nature of the area.
  - f) Defined hours of operation.
  - g) Whether entire operation must be inside buildings and the nature, type and extent of operations (if any are allowed) which may be conducted outside of buildings.
  - h) Such other conditions as may assure minimal effect on adjacent property owners.
  - i) Require Performance Bond of not less than \$500.00.
- 3) Special Land Use Examples
- a) Multi-family dwellings, meaning dwellings with more than two basic living units (e.g. apartment house).
  - b) Churches, schools, libraries, cemeteries, hospitals, clinics, sanitariums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
  - c) Parks and grounds for outdoor activities and recreation

C) Prohibited Uses

Uses not designated in Residential Districts

**ZO-9.04.02 Minimum Lot Area**

Each one or two-family dwelling, occupied or unoccupied, will have a minimum lot area of one **(1)** acre (43,560 square feet), with a minimum frontage and a minimum width of one hundred sixty five **(165)** feet.

**ZO-9.04.03 Corner Lot**

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three **(3)** feet in height above the level of the road grade within twenty **(20)** feet of any corner so as not to interfere with traffic visibility.

**ZO-9.04.04 Driveways and Parking**

A) Driveways

Driveways shall be not less than ten **(10)** feet wide and at least three **(3)** feet from the lot line. No driveway common to two **(2)** residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking"

B) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space.

Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

**ZO-9.04.05 Yards**

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes.

A) Front Yards

In the case of county maintained road, front yards shall be Seventy Five (75) feet of depth from the centerline of said road. In the case of all state roads, front yards shall be One Hundred Twenty Five (125) feet from the centerline.

B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of the dwelling.

C) Rear Yards:

Shall be at least five (5) feet from the rear lot line except for accessory structures.

**ZO-9.04.06 Fences and Buffers**

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

**ZO-9.04.07 Signs**

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line Of any highway.

**ZO-9.04.08 Building Floor Area and Height**

**A) Building Floor Area**

- 1) Every site-built or manufactured, one story dwelling hereafter erected, constructed, altered or moved upon premises shall contain not less than seven hundred twenty (720) square feet of floor area.
- 2) Every one family two story dwelling, hereafter erected, constructed, altered or moved upon a premises shall contain not less than seven hundred twenty (720) square feet of total floor area and not less than seven hundred twenty (720) square feet of ground floor area.
- 3) Two family dwellings, if permitted, shall contain a minimum combined floor area of one thousand four hundred forty (1440) square feet. Neither unit shall contain less than seven hundred twenty (720) square feet of floor area, with the remaining dwelling unit containing the balance of the required minimum floor area.
- 4) Multiple family dwellings, if permitted, shall contain not less than seven hundred twenty (720) square feet of floor area per unit.
- 5) In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.
- 6) All mobile homes used as a permanent dwelling shall have tie-downs and placed on either piers or a cement slab which shall be a minimum of four inches thick and the width and length of the building or a permanent foundation with a sixteen (16") inch rat wall. Such homes shall be fully skirted and shall have not less than Seven Hundred Twenty (720) square feet of floor area.

**ZO-9.04.09 Accessory Buildings**

- A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is not erected on a corner lot, it shall not be located closer than twenty five (25) feet to a rear or side line. Other buildings shall not be closer than twenty (20) feet from the rear line.

#### **ZO-9.04.10 Water and Sewage Disposal**

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

#### **ZO-9.05.00 MANUFACTURED HOME SUBDIVISION (MHS) OR LAND LEASED COMMUNITY DISTRICT (LLC)**

The following provisions shall apply to all Manufactured Home Subdivisions (wherein lots are individually platted and sold as private manufactured home sites) or Land Leased Communities (wherein more than 2 manufactured home sites are owned and managed by a lessor, licensed by the Michigan Department Of Commerce).

##### **ZO-9.05.01 New Land Leased Communities and Platted Subdivisions** (requiring a zoning district change)

- A) An applicant who wishes to create a new Manufactured Home Subdivision or Land Leased Community shall apply to the Planning Commission to establish a Manufactured Home District, when a change in zoning is required.
- B) An Application for a Manufactured Home Community shall have the preliminary plan approved by the County Road Commission, County Drain Commissioner and the County Health Department before it will be considered by the Township Planning Commission. In considering application for a new community, the Planning Commission shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other Commission rules as apply.
- C) Persons wishing to create a new Manufactured Home Subdivision shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the Planning Commission shall consider creating such a new district. Further, the Planning Commission shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this Ordinance, including yards, buffers, fences, screening, lot size, roadways, driveways, parking, etc. as restrictions on lot titles.
- D) The Planning Commission shall follow the requirements of Article 10 in recommending rezoning of any real estate to Manufactured Home Subdivision, as well as the requirements of Article 8 for Special Land Uses. (Public hearings and notices being required.)

##### **ZO-9.05.02 Use Types**

###### **A) Permitted Uses**

Land in Manufactured Home Subdivision (MHS) or Land Leased Community (LLC) Districts shall be used only for the following purposes:

- 1) Single-family mobile home residential dwellings with not more than one (1) such dwelling per lot.
- 2) One (1) garage and/or accessory building or structure such as, for example garages, temporary storage buildings, satellite antennae, etc. that are incidental to the principal use. No accessory buildings or structures (other than attached garages) shall be in side or front yards.
- 3) Community or Subdivision grounds maintenance buildings.



B) Special Land Uses (Requiring Approval of the Planning Commission after a Public Hearing). No building, structure or mobile home shall be erected, altered or moved upon any premises until the owner of the premises has made written application on forms to be provided by the Zoning Administrator for a permit authorizing such building, alteration, or moving such structure. If the Zoning Administrator finds from the application that the provisions of the Ordinance and other legal requirements are met including provisions for a safe water supply and safe drainage disposal then a permit shall be issued, otherwise be denied. The fee to accompany such application shall be set by the Township Board and shall be set forth in the Annual Fee Resolution.

- 1) Commercial operations ancillary to the operation of a land leased community home park (but not subdivision).
- 2) Playgrounds and recreational facilities.
- 3) Public and community assembly buildings.

C) Prohibited Uses

- 1) Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
- 2) Keeping or maintaining more than two (2) dogs per dwelling.
- 3) More than one (1) dwelling on a parcel of land, unless a variance is granted by the Board of Appeals after a public hearing.
- 4) Uses inconsistent with the provisions of this Ordinance.
- 5) Camps, adult and/or juvenile detention facilities or correction facilities.
- 6) Foster care facilities for more than six (6) patients/clients.

**ZO-9.05.03 Minimum Lot Area**

Minimum lot area shall be no less than sixty (60) feet in width and one hundred fifty (150) feet in length with a minimum area of nine thousand (9000) square feet.

**ZO-9.05.04 Corner Lot**

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to not interfere with traffic visibility.

**ZO-9.05.05 Driveways and Parking**

- A) Land Leased Community off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules.
- B) In Manufactured Home Subdivisions, driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two (2) lots shall be permitted. Parking, access and egress shall be provided according to the requirements of Section ZO-3.16.00 "Parking" of this Ordinance.
- C) Parking Off-Street, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking".
  - 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

**PARKING SPACE TABLE**

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments Manufactured Establishments	1	Per 350 feet of floor area of that portion of the bldg. Patronized by the public
f.	Restaurants (food related estab.)	1	Per every two persons regularly employed on any shift Per every 100 sq. feet of floor area.

**ZO-9.05.06 Yards**

Manufactured Home Subdivisions (excepting communities) shall provide yards with no less than the following minimum sizes:

- A) Front Yards - Twenty-five (25) feet from the front lot line.
- B) Side Yards - Ten (10) feet in width on each side.
- C) Rear Yards - Ten (10) feet from the rear lot line.

**ZO-9.05.07 Fences and Buffers**

- A) Land Leased Communities and Manufactured Home Subdivisions shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six (6) feet above the road grade level.
- B) Land Leased Communities and Manufactured Home Subdivisions shall have open buffer areas at least ten (10) feet wide at all side and rear property lines.
- C) Fences, walls and shrubs of more than three (3) feet in height above the road grade level are not allowed on an interior lot within ten (10) feet of the front property line where they will interfere with the traffic visibility from a drive.

**ZO-9.05.08 Signs**

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

**ZO-9.05.09 Building Floor Area and Height**

A) Building Floor Area

Every mobile home in a Land Leased Community or Manufactured Home Subdivision shall contain not less than: Seven Hundred Twenty (720) square feet of floor area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half

(2 ½ ) stories or thirty-five (35) feet. However, public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

ZO-9.05.10 **Accessory Buildings**

A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines.

B) Garages shall not exceed fifteen (15) feet in height.

ZO-9.05.11 **Water and Sewage Disposal**

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

**ZO-9.06.00 COMMERCIAL DISTRICTS**

A) In Commercial Districts (C) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this Ordinance.

B) All uses shall comply with the performance standards listed in Section ZO-3.17.00 "*Performance Standards*" of this Ordinance.

C) Other than dwellings, structures shall comply with all State and Local Commercial Building Codes.

ZO-9.06.01 **Use Types**

A) Permitted Uses (amd Ord 12-1)

No building or structure shall hereafter be erected, altered, or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

1 All uses permitted in Article 3 of this Ordinance.

2. Stores and shops for the conduct of generally recognized retail businesses when conducted within buildings having a roof and four (4) walls.

3. Personal service shops, such as barber shops, beauty parlors, shoe and tire repair shops.

4. Professional offices; show rooms; motels; cabin parks; mobile home parks.

5. Eating establishments; photographic shops; public utility buildings; publicly owned buildings.

6. Community clubs, fraternal organizations and similar civic and social organizations.

7. Establishments located within buildings for repair, alteration, finishing, assembling, fabricating, or storage of goods primarily for local or retail sale, provided, however, that there is not therewith the operation of any activity or the storage or display of goods in such a manner as to be obnoxious by reason of odors, fumes, dust, smoke, vibration or noise and provided, further, that no such establishment employ more than twenty-five (25) persons for the repair, alteration, finishing, assembling, fabrication or storage of goods.

8. Recreation and amusement places.

9. Gasoline and oil service stations; garages, used-car lots; but not storage processing or sale of used auto parts, or other items commonly referred to as junk.

10. Mobile home parks.
11. Sale and servicing of agricultural machinery.
12. Sale of alcoholic beverages as provided by law.
13. Any other use similar in character to the above when approved by the Township Planning Commission and when in conformity with the Preamble.
14. Outdoor advertising signs, provided, however, that in the event such sign shall exceed thirty two (32) square feet in area the location thereof shall be approved by the Township Planning Commission.
15. Accessory used, buildings and structures customarily incidental to any of the above permitted or approved uses.
16. Funeral homes
17. Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
18. Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Uses

1) *Requirements*

Commercial District Special Land Use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall it be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this Ordinance.

2) *Examples*

The following Special Land Uses may be permitted upon approval of the Planning Commission after a public hearing:

- a) Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
- b) Gasoline and motor vehicle service stations.
- c) New and used car lots.
- d) Motor vehicle repair shops.
- e) Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain licenses from the State of Michigan and the Township of Bridgehampton.
- f) Recreation and amusement facilities (eg. pool halls, video arcades, games of skill, etc) utilizing four (4) or more devices.
- g) Food processing plants.
- h) Campgrounds.
- i) Open storage yards, whether principal or accessory use.
- j) Theaters, stadiums or arenas.
- k) Adult bookstores.

- l) Open air markets (eg. flea markets, farmers' markets, etc.).
- m) Amusement and recreation parks and playgrounds.
- n) Churches, schools, public and community assembly buildings.
- o) Hospitals, clinics and sanatoriums.
- p) Funeral homes, mortuaries and cemeteries.
- q) Hotels, motels, tourist homes and rooming houses.
- r) Multifamily dwellings.
- s) Bars and taverns.
- t) Combustible or toxic material storage structures or yards.
- u) Private airports, aircraft landing pads or strips.
- v) Signs not in compliance with 3.22.00.
- w) Gravel pits of a commercial nature (ie. mining of 1000 or more cubic yards of gravel).
- x) Any commercial or business use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

C) Prohibited Uses

- 1) Livestock yards and slaughter houses are prohibited in commercial districts.
- 2) Adult and/or juvenile camps, detention or correction facilities.
- 3) Topless and bottomless dancing or nude dancing of any kind.

ZO-9.06.02 **Minimum Lot Area**

Minimum lot area shall be one **(1)** acre (43,560 square feet) with a minimum frontage and minimum width, on at least ninety percent **(90%)** of the length of the property, of two hundred **(200)** feet in all newly created parcels of property.

ZO-9.06.03 **Corner Lot**

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three **(3)** feet in height above the level of the road grade within twenty **(20)** feet of any corner so as not to interfere with traffic visibility.

ZO-9.06.04 **Driveways and Parking**

A) Driveways

Shall be not less than fourteen **(14)** feet wide and at least three **(3)** feet from the lot line. Off-street vehicle parking, access and egress shall be provided in Section ZO-3.16.00, Parking.

B) Parking

Off-street parking, access and egress shall be provided as shown in Section ZO 3.16.00, Parking

- 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

**PARKING SPACE TABLE**

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments	1	Per 350 feet of floor area of that portion of the bldg.
	Manufactured Establishments	1	Patronized by the public
f.		1	Per every two persons regularly employed on any shift
	Restaurants (food related estab.)	1	Per every 100 sq. feet of floor area.

**ZO-9.06.05 Yards**

Every building hereafter erected, altered or moved upon commercial premises shall be provided with yards having no less than the following minimum sizes:

A) **Front Yards:**

Front yards shall include an open area of not less than seventy five (75) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (50) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped as a green belt between the principal structure and the right-of-way.

B) **Side Yards:**

Twenty five (25) feet in width on each side, provided, however, that no side yard shall be required when the walls of a building abutting on an interior lot are wholly without windows or other openings. Provided further, that any building erected adjacent to a parcel or lot occupied by or zoned for dwellings shall provide a side yard abutting such parcel not less than fifteen (15) feet in width.

C) **Rear Yards:**

No less than forty (40) feet of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

**ZO-9.06.06 Fences and Buffers**

A) All outdoor storage areas shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six (6) feet above the road grade level. Exceptions may be made by the Planning Commission (for Special Land Uses) and the Board of Appeals (for variances).

B) Occupants and owners shall also comply with Sections ZO-3.29.00 "Unsightly Ventures" and "Greenbelts" of this Ordinance.

#### ZO-9.06.07 Signs

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

#### ZO-9.06.08 Building Floor Area and Height

##### A) Building Floor Area

Every building hereafter erected, altered or moved upon Commercial premises shall contain not less than one thousand (1000) square feet of ground area floor area at the first floor level.

##### B) Building Height

No buildings shall hereby be erected, altered or moved upon any premises exceeding a height of forty (40) feet or two and one-half (2-1/2) stories unless a variance for a greater height is approved by the Board of Appeals after a public hearing and taking into consideration the fire fighting capabilities in the Township or available neighboring fire fighting facilities.

#### ZO-9.06.09 Water and Sewage Disposal

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

### ZO-9.07.00 INDUSTRIAL DISTRICTS (I)

A) Land may be used or buildings or other structures may be erected, altered or moved on and used, in whole or in part, for any of the following specified uses, except as otherwise provided in this Ordinance:

B) All uses in Industrial District shall:

- 1) File environmental impact statements fully describing the nature and extent of industrial operation and providing for remediation of potential industrial damage to the ecological balance.
- 2) Comply with the Performance Standards listed in Section ZO-3.17.00 of this Ordinance.
- 3) Comply with all state and local industrial building codes.

#### ZO-9.07.01 Use Types

##### A) Permitted Uses

Industrial users which comply with each and all of the following requirements shall be permitted to operate in industrial districts without need for special approval:

- 1) Property located on (and accessed via) Class A or Class B road.
- 2) Employ ten (10) or fewer personnel.
- 3) No residences located on the industrial parcel or within 125 feet of the actual industrial use.
- 4) Equipment does not exceed ten (10) tons per operational unit.
- 5) Fire prevention and control inspected and approved by Fire Department.
- 6) File fire protection bond of \$2,500 or more as recommended by the servicing Fire Department.
- 7) File performance bond in appropriate amount where required for USEPA, MiDNR, County or Township approval
- 8) All utilities licensed and routinely inspected by agencies of the State or Federal Government.
- 9) Outdoor advertising signs in conformance with Section ZO-3.22.00 "Signs" of this Ordinance and Act 42 of 1972.

- 10) Any lawful use of land or buildings may be carried on and any building erected and used for any purpose whatsoever, (except dwellings, motels and similar buildings designed for sleeping or living purposes) provided, however, that no such use shall produce or cause the emission of obnoxious, offensive, unhealthful or harmful odors, dust, smoke, fumes, glare, noise, vibrations or radiation beyond the boundaries of the parcel of land on which located provided, further, that no such use shall be carried on under conditions that are dangerous or hazardous to surrounding properties, and provided, further, that all substances causing dust or fumes, or attractive to rodents or insects and stored in the open be kept in closed containers.
- 11) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 12) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Use (Requiring Planning Commission approval after a public hearing)

No building, structure or mobile home shall be erected, altered or moved upon any premises until the owner of the premises has made written application on forms to be provided by the Zoning Administrator for a permit authorizing such building, alteration, or moving such structure. If the Zoning Administrator finds from the application that the provisions of the Ordinance and other legal requirements are met including provisions for a safe water supply and safe drainage disposal then a permit shall be issued, otherwise be denied. The fee to accompany such application shall be set by the Township Board and shall be set forth in the Annual Fee Resolution.

- 1) An industrial purpose as defined in Article 2, which does not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which the use is located.
- 2) An industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which the use is located, but only so long as the Performance Standards (as outlined in Section 3.17.00) are not exceeded.
- 3) Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other commercial or industrial enterprise.
- 4) Signs not conforming with Section ZO-3.22.00.
- 5) Fertilizer and other chemical plants.
- 6) Slaughter houses, transfer stations and rendering plants.
- 7) Airports or aircraft launching and landing strips.
- 8) Open storage yards as principal or accessory use.
- 9) Truck terminals.
- 10) Gravel pits, sand mines and open pit mines, of a commercial or noncommercial nature.
- 11) Combustible or toxic material storage structures or yards.
- 12) Food processing plants.



- 13) Junkyards. No land or premises shall be used for the erection or alteration of a junk yard. Exception - written approval of the Township Planning Commission. The owner of the land shall file with the Township Planning Commission the following:
  - a) The approval of surrounding owners of real estate, within five hundred (500) feet of the perimeter of the parcel of land upon which such erection is intended.
  - b) A statement giving the exact location and size of the premises and all buildings and structures to be erected or moved thereon.
  - c) The Township Planning Commission shall hold a public hearing upon the application. If it shall appear that the location or use is contrary to Section ZO-1.01.00 "Purpose" of this Ordinance, approval shall be denied. If it shall appear that the location or use is not contrary to Section ZO-1.01.00 "Purpose" of this Ordinance, tentative approval shall be granted but approval shall not be issued until the applicant has constructed a solid board fence of the height of seven (7) feet completely surrounding the land to be operated and maintained as a junk yard.
- 14) Schools, churches, public and community assembly buildings.
- 15) An industrial use of land or buildings not specifically mentioned in this Section, but compatible with the location, may be conditionally permitted upon approval of the Planning Commission after a public hearing.
- 16) A commercial use or business use that is permitted in Commercial Districts.

C) Prohibited Uses

- 1) Landfills and Dumps which do not comply with Township, County and Regional Solid Waste Management Plans.
- 2) Toxic, nuclear or other hazardous substance use or waste disposal facilities, including (but not limited to) deep well injection processes or facilities.
- 3) Camps, adult and/or juvenile detention or correction facilities.
- 4) Foster care facilities for more than six (6) patients/clients.

**ZO-9.07.02 Minimum Lot Area**

A lot site or parcel of land shall consist of not less than ten (10) acres with a minimum frontage and minimum width, on at least ninety (90%) percent of the length of the property, of not less than two hundred (200) feet.

**ZO-9.07.03 Corner Lot**

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level or the road grade within twenty (20) feet of any corner so as not to interfere with traffic visibility.

**ZO-9.07.04 Driveways and Parking**

A) Driveways

Driveways shall be not less than fourteen (14) feet wide and located at least three (3) feet from the side lot lines.

B) Parking

Off-street vehicle parking and loading space shall comply with the provisions of Section ZO-3.16.00 "Parking" of this ordinance. However, vehicle parking shall be allowed only in side or rear yards of industrial zoned property.

- 1) Off-street parking, access and egress shall be provided as shown in Section ZO-3.16.00.
- 2) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and

including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 3) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

**PARKING SPACE TABLE**

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments Manufactured Establishments	1	Per 350 feet of floor area of that portion of the bldg. Patronized by the public
f.	Restaurants (food related estab.)	1 1	Per every two persons regularly employed on any shift Per every 100 sq. feet of floor area.

**ZO-9.07.05 Yards**

Every building hereafter erected, altered or moved upon industrial zoned premises shall be provided with yards having no less than the following minimum sizes:

A) Front Yard

Front yards shall include an open area of not less than one hundred twenty-five (125) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (50) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped.

B) Side Yard

There shall be two (2) side yards, each of which shall not be less than one hundred (100) feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line.

C) Rear Yard

There shall be a rear yard of not less than forty (40) feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.

**ZO-9.07.06 Fences and Buffers**

Where industrial property abuts any other use district, the abutting unoccupied open space (i.e., side yard) shall:

A) Be at least seventy-five (75) feet in width; and

B) Shall include a green strip at least fifteen (15) feet wide; and

- C) Shall include an isolation barrier at least eight (8) feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm. If the barrier consists of ornamental foliage or coniferous trees, the Zoning Administrator may allow nursery stock which will achieve eight (8) feet in five (5) years. (See Sections *ZO-3.29.00 "Unsightly Ventures and Greenbelts"*)

**ZO-9.07.07 Signs**

Signs shall be in conformance with Section *ZO-3.22.00*. All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

**ZO-9.07.08 Building Floor Area and Height**

A) Building Floor Area

Every principal structure hereafter constructed, erected, altered or moved upon industrial premises shall contain not less than two thousand (2000) feet of ground floor area.

B) Building Height

No building shall hereafter be erected, altered or moved upon any premises exceeding a height of forty (40) feet unless approved by the Township Board as within the fire fighting facilities of the township, upon written application of the owner of the premises.

**ZO-9.07.09 Accessory Buildings**

Accessory buildings shall comply with all set back (yard) requirements.

**ZO-9.07.10 Water and Sewage Disposal**

In areas -where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

## ZO 9.08.00 SPECIAL USE PERMIT FOR WIND ENERGY FACILITIES

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for utility scale wind development in Bridgehampton Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Wind energy facilities shall include any mechanical device such as a wind charger, windmill or wind turbine which is designed and used to convert wind energy into a form of useful energy for sale. Except for 9.08.05 (f) Setbacks, these provisions shall not apply to any wind energy facility consisting of less than two wind turbines, any wind energy facility not in commercial use, nor any wind energy facility consisting entirely of wind turbines with a total height that does not exceed 100 feet and nameplate capacity that does not exceed 100 kilowatts.

### ZO 9.08.01 Conflicting Regulations

Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

### ZO 9.08.02 Definitions

**Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

**ANSI:** American National Standards Institute.

**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.

**Decibel:** The unit of measure used to express the magnitude of sound pressure and Sound intensity.

**Decommission:** To remove or retire from active service.

**FAA** shall mean the Federal Aviation Administration.

**Height of Structure:** The height of the structure is to the highest point on the tip of a fully vertical rotor blade.

**Hub Height** shall mean the distance from ground level to the center of the turbine hub or horizontal rotor shaft.

**Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

**IEC:** International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

**LAm<sub>ax</sub>:** A-weighted, Maximum, Sound Level

**MET Tower or Meteorological Tower:** A temporary tower used to measure wind speed and direction.

**Michigan Tall Structures Act (Act 259 of 1959)** shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

**Non-Participating Parcel:** A property within that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a wind energy conversion facility.

**On Site Use Wind Energy Systems:** An On Site Use wind energy system is intended to primarily serve the needs of the consumer.

**Participating Parcel:** A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a wind energy conversion facility.

**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.

**SCADA Tower:** A 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.

**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 a dwelling.

**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.

**Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Wind Energy Conversion Facility (WECF) or Wind Energy Facility** shall mean an electricity generating facility consisting of two or more wind turbines under common ownership or operation control, and includes substations, Met Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers(s).

**Wind Energy Facility Site Permit** is a permit issued upon compliance with standards of this Ordinance.

**Wind Energy Facility Site Plan Review** is the process used to review a proposed Wind Energy Facility.

**Wind Turbine** shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Ordinance if it has a total height greater than 100 feet or nameplate capacity of greater than 100 kilowatts, or both.

**ZO 9.08.04 Permitted Zones**

The Planning Commission shall have the power to grant a Special Use to allow a Wind Energy Conversion Facility in the Agricultural District, subject to the restrictions contained in this Ordinance. This special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special land use permit.

**ZO 9.08.05 Commercial Wind Energy Conversion Facility Standards**

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for a Wind Energy Facility.

A. Avian Analysis.

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.

- 1) 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.

2) 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. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

3) 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 follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

B. Shadow Flicker: The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated. All turbines to be equipped with a shadow detection system, such as the Vestas Shadow Detection System (VSDS) or equivalent. Shadow Flicker on non-participating properties shall not be allowed.

C. Environmental Impact:

- 1) 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.
- 2) 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.). The applicant shall be

responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the wind energy conversion facility.

D. Construction Codes, Towers, and Interconnection Standards: Wind energy conversion facilities including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy conversion facilities 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. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Wind energy conversion facilities shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. In addition, the application shall include documentation of any local airports that may have regulations that affect height regulations of proposed turbines.

E. Visual Appearance; Lighting; Power lines.

The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

- 1) Wind turbines shall be mounted on tubular, monopole towers, painted a non-reflective, non-obtrusive color. No lattice towers are allowed. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
- 2) The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment. No bold colors will be allowed.
- 3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- 4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility. No graffiti will be allowed.

5) The electrical collection system shall be placed underground within the interior of each parcel at a depth of no less than eight (8) feet below grade. The collection system may be placed overhead near roadways, substations or points of interconnection to the electric grid or in other areas as necessary. Any new substation shall be located at a distance of no less than one thousand (1,000) feet from the nearest residence, school, hospital, church or public library. A lesser setback may be approved if the intent of this Ordinance would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.

F. Setbacks, Separation and Security.

The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.

- a. Inhabited structures: Each wind turbine shall be set back from any inhabited structure or village or municipal limit, a distance no less than one thousand three hundred twenty (1,320) feet. Notwithstanding the foregoing, a setback of not less than 1.1 times the Height of Structure may be approved, provided the owner of the Participating Parcel provides written acknowledgment and consent. The Written acknowledgment shall be in recordable formant and recorded with the register of deeds.
  - b. Property line setbacks:
    - a) Participating Parcel: A setback for a wind turbine from the property lines of adjacent participating property is not required.
    - b) Non-Participating Parcel: The distance between a wind turbine and the property lines of any adjacent Non-Participating Parcel shall be at least 4.0 times the total Height of Structure.
  - 3) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 2.0 times total Height of Structure as measured from the nearest boundary of the underlying right-of-way for any such public road.
  - 4) Communication, electrical lines, and Gas Pipelines: Each wind turbine shall be set back from the nearest above-ground or underground public electric power line, telephone or Gas Pipeline line a distance no less than 2.0 times the total Height of Structure as measured from the existing power line, telephone line, or Gas Pipeline.
- G. Wind Turbine/Tower Height (Total Height):  
 The applicant shall demonstrate that the Wind Turbines total Height of Structure is 500 feet or less from existing grade prior to the date of the special land use application being submitted and is in compliance with the Michigan Tall Structures Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

H. Noise

- 1) Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed forty (40) dBA, L<sub>Amax</sub> measured at any Property Line. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations of the Wind Energy Facility to demonstrate compliance with this standard.
- 2) In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the standards for audible noise set forth in subparagraph a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
- 3) Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed four point five (4.5) mph at the ambient noise measurement location.



4) Any noise level falling between two whole decibels shall be the higher of the two.

I. Minimum Ground Clearance

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than one hundred (100) feet.

J. Signal Interference

No Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. Notwithstanding the foregoing, an approval may be issued under this Article if Applicant demonstrates an ability to remedy any interference described above with the use of signal repeaters or other proven mitigation measures.

K. Responsibility for Erosion and Flooding

Any erosion or flooding of property as a result of the construction of alternative energy structures or access roads is the responsibility of the developer/owner of the structures.

L. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) Wind Turbine towers shall not be climbable on the exterior.
- 3) All access doors to wind turbine towers and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 4) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information.
- 5) Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- 5) Projects shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- 6) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.

M. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for the applicant to act on a complaint. The process shall not preclude the local government from acting on a complaint. 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. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.

ZO 9.08.06 Application Procedures

A developer/operator of any wind energy conversion facility shall follow the following procedures for application for a special use permit to construct alternative energy structures.

- A. Make application for special land use permit for alternative energy structures to the Planning Commission with the required in section ZO- 9.08.07. The application for

special land use permit for alternative energy structures will be accompanied by the required fees and information as requested in this ordinance.

- B. The Planning Commission will review the application in a public meeting which shall be posted for at least 15 days prior to the meeting in the print media which covers Bridgehampton Township and by posting the same at the township hall.

#### ZO 9.08.07 **Special Use Permit and Site Plan Review Requirements**

- A. An applicant proposing a Wind Energy Facility must submit the following materials with the Special Use Permit Application:
  1. Procedure: The Planning Commission review of a Special Land Use Permit application for a wind energy conversion facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article 8. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Article 3. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
  2. Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a wind energy conversion facility shall also be dated to indicate the date the application is submitted to Bridgehampton Township.
  3. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
  4. Insurance: Proof of the applicant's public liability insurance in an amount acceptable to the Township Board.
  5. Sound Pressure Level: Copy of the pre-construction and post-construction modeling and analysis report.
  6. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
  7. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
  8. Environmental Impact: Copy of the Environmental Impact analysis.
  9. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
  10. Shadow Flicker: Copy of the Shadow Flicker analysis.
  11. 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.
  12. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.

13. Complaint Resolution: Description of the complaint resolution process.
14. Complete detailed Safety Plan including evacuation perimeters in feet for each potential safety issue, such as but not limited to, Fire, Icing, Run Away etc. Also Safety Manuals and Operation and Maintenance Manuals shall be submitted for the specified Turbine Model(s) and Type(s) to be used in said application.
15. Fire suppression plan.
16. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
  - 1) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
  - 2) Water bodies, waterways, wetlands, and drainage channels;
  - 3) Lighting plan;
  - 4) Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
  - 5) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
  - 6) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of six (6) feet;
  - 7) Anticipated construction schedule; and
  - 8) Description of operations, including anticipated regular and unscheduled maintenance.

B. The applicant must also obtain a permit from the Sanilac County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Sanilac County Drain Commission for any culverts or other drainage facilities.

#### ZO 9.08.08 **Application Fee**

An applicant for a Wind Energy Facility shall remit a special use permit application fee, a site plan review fee per turbine, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

An escrow account shall be set up when the applicant applies for a Special Use Permit for a WECF. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the

Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

**ZO 9.08.09 Decommissioning**

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Any tower/turbine left unused or inoperable for over 12 months would be deemed to be inactive. The land must be returned to its original state. Concrete bases must be removed six feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning and removal which shall be effective at all times while the equipment is present on the land. The performance bond shall be in favor of Bridgehampton Township and shall be in the amount equal to a half million dollars (\$500,000.00) per wind turbine with annual increases for the rate of inflation calculated using the Consumer Price Index – All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its equivalent if the BLS ceases publication of that rate of inflation. Failure of the applicant to post or keep the bond at any time shall be a violation of this Ordinance, special use permit and/or site plan. Any charges for decommissioning above the value of the bond or otherwise paid by the applicant, owner, or parent company, shall be the responsibility of the leaseholder.

**ZO 9.08.10 Wind Energy System Site Assessment For Wind Energy Conversion Systems:**

Prior to construction of a wind energy conversion facility, a wind site assessment may be conducted to determine the wind speeds and the feasibility of using the site. SCADA, anemometer towers or “Met Towers,” more than 65 feet in height used to conduct a wind site assessment for possible installation of a wind energy conversion facility shall be a Special Land Use Agricultural Zone.

- A. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- B. Prior to the installation of the tower, an application for a Special Land Use permit application shall be filed with the local government that will include:
  1. applicant identification,
  2. a site plan,
  3. a copy of that portion of the applicant’s lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
  4. proof of the applicant’s public liability insurance.

## ZO 9.09.00 SPECIAL USE PERMIT FOR INDUSTRIAL SOLAR ENERGY FACILITIES

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for industrial solar energy facilities development in Bridgehampton Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Industrial solar energy systems shall be ground mounted arrays of panels and shall be subject to this ordinance.

Private Solar Energy facilities shall be subject to ZO 9.09.09

### ZO 9.09.01 Conflicting Regulations

Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

### ZO 9.09.02 Definitions

**Abandonment:** Any facility that is left in a state where it is no longer producing power.

**Building Integrated Photovoltaics (BIVPs):** A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

**Decommission:** To remove or retire from active service.

**Ground Mounted Private Solar Energy System:** A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

**Height:** The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

**Industrial Solar Energy Facility:** A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

**Industrial Solar Energy Facility Permit:** is a permit issued upon compliance with standards of this Ordinance.

**Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

**IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**ISO:** International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

**Non-Participating Parcel:** A property within that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Industrial Solar Energy facility.

**Participating Parcel:** A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing an Industrial Solar Energy facility.

**Private Solar Energy System:** A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

**Roof or Building Mounted Solar Energy System:** A private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

### ZO 9.09.03 Permitted Zones

The Planning Commission shall have the power to grant a Special Use to allow an Industrial Solar Energy Facility in the Agricultural District, subject to the restrictions contained in this Ordinance. This special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special land use permit.

### ZO 9.09.04 Industrial Solar Energy Facility Standards

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for an Industrial Solar Energy Facility.

#### A. Avian Analysis

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.

1) 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.

2) 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. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

3) 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 follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

#### B. Environmental Impact

1) 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.

2) 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.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the industrial solar energy facility.

C. Setbacks, Separation and Security

The following setbacks and separation requirements shall apply to all Industrial Solar Energy Facilities:

- 1) Furthermore any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
- 2) An Industrial Solar Energy Facility shall be located at least one hundred twenty five (125) feet from any residential dwellings, churches, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence.
- 3) An Industrial Solar Energy Facility shall be located at least one hundred twenty five (125) feet from any non-participating property line.
- 4) All access roads and storage areas shall be established on a 30 foot minimum easement to a public right of way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.
- 5) All Industrial Solar Energy Facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and be at least 4 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees may be trimmed but no lower than a height of 10 feet.
- 6) Each owner, operator or maintainer of the Industrial Solar Energy Facility to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of 12 inches.
- 7) Site Security. Industrial Solar Energy Facilities shall be surrounded by an eight (8) foot tall chain link fence woven with a green opaque material to restrict the view into the facility. Said fence shall be placed at the setback line for the facility. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.
- 8) The manufactures 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 at all the entrances which shall list the name and phone number of the operator of the facility.
- 9) Industrial Solar Energy Facilities shall not be located on parcels of land less than 20 acres in size.
- 10) Total height of the Industrial Solar Energy Facility shall be limited to 15 feet.

D. Responsibility for Erosion and Flooding

Any erosion or flooding of property as a result of the construction of Industrial Solar Energy Facility structures or access roads is the responsibility of the developer/owner of the structures, as per Z0.3.07.00.

E. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) All access doors to the Industrial Solar Energy Facility and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 3) A sign shall be posted near the entrance to the Industrial Solar Energy Facility that will contain emergency contact information.
- 4) The project shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- 5) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.

F. Complaint Resolution

- 1) The Industrial Solar Energy Facility applicant shall submit a detailed, written complaint resolution process developed by the Industrial Solar Energy Facility applicant to resolve complaints from the Township board or the property owners or residents concerning the construction or operation of the Industrial Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
- 2) The township board shall appoint a 3 member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the township property owner or resident and the Industrial Solar Energy Facility owner.
- 3) The complaint resolution committee shall consist of (1) township board member, (1) planning commission member, and (1) qualified elector chosen from the community.
- 4) The township board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.

**ZO 9.09.05 Application Procedures**

A developer/operator of any Industrial Solar Energy Facility shall follow the following procedures for application for a special use permit to construct a industrial solar energy facility.

- A. Make application for special land use permit for alternative energy structures to the Planning Commission as required in section ZO 9.09.06. The application for special land use permit for solar energy structures will be accompanied by the required fees and information as requested in this ordinance.
- B. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*
- C. Procedure: The Planning Commission review of a Special Land Use Permit application for a Industrial Solar Energy Facility will hold a public hearing and decision by the Planning Commission, per the procedures for review in Article 8. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Industrial Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).



#### ZO 9.08.06 Special Use Permit and Site Plan Review Requirements

An applicant proposing an Industrial Solar Energy Facility must submit the following materials with the Special Use Permit Application:

- A. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Industrial Solar Energy Facility shall also be dated to indicate the date the application is submitted to Bridgehampton Township.
- B. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- C. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars to cover the Industrial Solar Energy Facility, the Township, and the Landowner.
- D. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an Industrial Solar Energy Facility on the property prior to construction.
- E. Environmental Impact: Copy of the Environmental Impact analysis.
- F. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- G. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- H. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- I. Complaint Resolution: Description of the complaint resolution process.
- J. Fire suppression plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel. Plans on-site for emergency responders to have access to.
- K. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
  - 1) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
  - 2) Water bodies, waterways, wetlands, and drainage channels;
  - 3) Lighting plan;
  - 4) Plan(s) showing the location of proposed Industrial Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
  - 5) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction;
  - 6) Anticipated construction schedule;

- 7) Description of operations, including anticipated regular and unscheduled maintenance;
- 8) The applicant must also obtain a permit from the Sanilac County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Sanilac County Drain Commission for any culverts or other drainage facilities;
- 9) Proof of approval by the Sanilac County Airport Zoning board of appeals;
- 10) Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the planning commission;
- 11) A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Industrial Solar Energy Facility;
- 12) The Industrial Solar Energy Facility shall not have any on-site battery storage;
- 13) All electrical connection systems and lines from the Industrial Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of 6 feet underground both on the property where the solar energy facility is located and off site;
- 14) An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Industrial Solar Energy Facility;
- 15) A complete description of the proposed technology to include type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
- 16) An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- 17) A complete set of Photos of the entire development area prior to construction.

#### **ZO 9.09.07 Application Fee**

An applicant for a Industrial Solar Energy Facility shall remit a special use permit application fee, a site plan review fee per acre, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

An escrow account shall be set up when the applicant applies for a Special Use Permit for a Industrial Solar Energy Facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

## ZO 9.09.08 Abandonment and Decommissioning

A. Abandonment: An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.

- 1) Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of the facility within 6 months of notice by the Planning Commission or its designee.
- 2) If the responsible party or parties fails to comply, the landowner is then responsible for removal of the facility.
- 3) If the facility is not removed and the land restored to its prior condition within the 6 month time period, the Planning Commission or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
- 4) Some type of metering system approved by the planning commission must be part of the project showing that the system is operational.
- 5) Yearly Inspections by the Township shall be required. Inspection fees and costs as per the Township annual Fee resolution.

B. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to issuance of the zoning permit which shall include:

1. The anticipated life of the project;
2. The estimated decommissioning costs net of salvage value in current dollars;
3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and
4. The anticipated manner in which the project will be decommissioned and the site restored.

### ZO 9.09.09 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, provided that:

1. No part of a Private Solar Energy Systems erected on a roof shall extend beyond the peak of the roof. If the private solar energy system is mounted on a building in an area other than the roof, no part shall extend beyond the wall on which it is mounted.
2. Prior to the installation of a ground mounted Private Solar Energy Systems, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. Setbacks shall conform with the current setback requirements set forth in ZO9.03.05 of the Bridgehampton Township Zoning Ordinance. The site plan must be drawn to scale.
3. A ground mounted Private Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted system exceed twenty five (25) feet above the ground when oriented to maximum tilt.
4. A ground mounted Private Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements of ZO-9.03.05 of the Bridgehampton Township Zoning Ordinance.
5. All power transmission lines, wires or conduits from a ground mounted Private Solar Energy Systems to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Private Solar Energy System, they must be placed in a secured container or enclosure. Signage will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
6. A Township land use permit and building permits shall be required for the installation of any Private Solar Energy System.
7. BIVPs, Ground Mounted or Roof Mounted Private Solar Energy Systems shall conform to applicable County, State, and Federal Regulations, and safety requirements including Michigan Building codes.
8. In the event that a Private Solar Energy System has been abandoned for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.
9. No Glare shall be allowed onto adjacent properties.

Ammended May 9, 2018.

**ARTICLE 10**  
**AMENDMENTS**

**ZO-10.00.00 INITIATION OF AMENDMENTS**

Amendments to this Ordinance may originate through:

ZO-10.00.01 The Township Board, or

ZO-10.00.02 The Township Planning Commission by resolution of the majority of their respective members, or

ZO-10.00.03 Written petitions signed by no less than sixty percent (60%) of the owners of property located in the unincorporated portion of the Township and within fifteen hundred (1500) feet of all boundaries of property to be rezoned, and filed with the Township Clerk. Such petition shall include the address of each signer and the location of his property in the Township; or

ZO-10.00.04 Written petition signed by all owners of property for which rezoning is requested.

- 1) Any petition requesting rezoning of individual parcels of land (by the owners) shall state the specific use or purpose for which rezoning is sought.
- 2) If granted, it shall be illegal to use such parcel for any purpose other than that specifically authorized. (amd Ord 12-1)

**ZO-10.01.00 PROCEDURE**

ZO-10.01.01 Each proposed amendment not originating with the Planning Commission shall be referred to said Board for its consideration and recommendations.

ZO-10.01.02 The Planning Commission shall hold at least one (1) public hearing on its recommendations, as required by the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et. seq., as amended. (amd Ord 12-1)

A) Notice of the Planning Commission hearing on an amendment shall:

1) Contain: (amd Ord 12-1)

i) A summary of the purpose of the hearing.

ii) The date, time and place of the hearing.

iii) The dates, times and places where the tentative text and maps may be examined.

2) Be published in a newspaper in general circulation in the Township not less than fifteen (15) days before the hearing date.

4) Be mailed not less than fifteen (15) days before the hearing to each public utility or railroad that registers its name and address with the Township for the purpose of receiving the notice.

5) Be mailed at least fifteen (15) days before the hearing to the owner(s) of the property to be rezoned and to all owners of property and occupants of dwellings within three hundred (300) feet of the premises to be rezoned (applies only to rezoning).

6) Be posted on the property to be rezoned (applies only to rezoning):

i) For at least thirty (30) days preceding the date of hearing;

ii) With at least one two (2) foot by two (2) foot sign.

7) Be evidenced by an affidavit of mailing to owner(s), occupants, utilities and railroads filed before the hearing (applies only to rezoning).

8) Be evidenced by affidavit(s) of publication.

ZO-10.01.03 During and as a result of the zoning ordinance amendment hearing(s), the Planning Commission shall:

- A) Review the proposed amendment.
- B) Conduct a hearing and summarize comments from the public.
- C) Consider the amendment (and changes thereto).
- D) Submit copies of the summary, text, maps and the Planning Commission's recommendations to the County Planning Commission and file affidavit of mailing.
- E) Submit copies of the summary, affidavits, text, maps and the Planning Commission's recommendations to the Township Board.

ZO-10.01.04 Upon receipt of the summary, text, maps, affidavits and the Planning Commission's recommendations, the Township Board:

- A) Shall wait thirty (30) days after the County Planning Commission's receipt of the amendment(s) for its recommendations. If no response is received in thirty (30) days, then the Board may proceed without the County Planning Commission's recommendations.
- B) May hold additional hearing(s) for comments, if deemed necessary, in which case notice shall be published in a newspaper in circulation in the Township not less than fifteen (15) days before the hearing, indicating date, time, place and purpose of the hearing. (amd Ord. 12-1)
- C) Shall refer the proposed text back to the Planning Commission for a report on any suggested amendments, changes, additions or departures from the text as originally presented.
- D) May adopt the amendment(s) by a vote of a majority of its membership, at a regular meeting (or a special meeting called for the purpose), to be effective upon publication or on any date thereafter.

#### ZO-10.02.00 **FINALITY**

Any decision made by the Planning Commission or the Board of Appeals pertaining to a particular parcel of land prior to the adoption of any amendment to this Ordinance shall be final and not affected by any subsequent amendment unless that parcel of land is the subject of the amendment.

#### ZO-10.03.00 **CONSIDERATION OF AMENDMENTS**

Any amendments to this ordinance (as well as permits for special land uses and variances) shall be made with reasonable consideration, among other things, to:

- A) The character of each district.
- B) Its peculiar suitability for particular purposes.
- C) Conservation of property values.
- D) General trend and character of land, building and population development.
- E) Basic plan for general trend and character of land, building and population development.
- F) Conservation of natural resources and energy.
- G) Prevention of improper uses of land.
- H) Appropriate locations and relations of various uses.
- I) Hazards to life and property.
- J) Population and traffic density.
- K) Environmental impact.
- L) County Planning Commission recommendations.
- M) Effect of amendment upon adjacent municipalities.

**ARTICLE 11**  
**ENFORCEMENT**

**ZO-11.00.00 Violations**

Any building or structure, which is erected, altered, maintained or used, and any use of land, which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se.

**ZO-11.01.00 Penalties**

The violation of any of the provisions of this ordinance is hereby declared a civil infraction.

ZO-11.01.01 Unless otherwise designated, an offense shall be considered as 1st Degree.

ZO-11.01.02 Each and every day during which an illegal construction, alteration, maintenance or use continues shall be deemed a separate offense. However, correction of the violation and payment of a civil infraction citation within 7 days of issuance shall be considered a single day violation. The infraction shall be considered paid when payment is received by the Township Clerk.

ZO-11.01.03 Denial of responsibility or failure to accept responsibility for the civil infraction will result in the civil prosecution.

ZO-11.01.04 Any person, firm, corporation, or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision, shall be responsible for a civil infraction and daily penalties as set for in the annual fee resolution established by the Bridgehampton Township Board.

**ZO-11.02.00 Prosecution**

Prosecution as above noted may be initiated upon a complaint signed by the Zoning Administrator, Township Supervisor, any member of the Township Board or any attorney retained for this purpose by the Township Board.

**ZO-11.03.00 Court Action**

The Township Board, the Board of Appeals, the Planning Commission or the Zoning Administrator may request the Township attorney to institute collection, injunction, mandamus, abatement or any other appropriate action or proceedings to enforce the civil infraction and/or prevent, enjoin, abate, or remove any said unlawful construction, alteration, maintenance or use. The rights and remedies provided, herein are cumulative and in addition to all other remedies provided by law.

**ZO-11.04.00 Costs and Attorney Fees**

The Defendant found culpable in any civil or criminal action shall be responsible for all actual court costs, attorney fees, expert witness fees and any other expenditures incurred by the Township in the prosecution of this Ordinance.

**ARTICLE 12**  
**SEVERANCE AND REPEALOR**

**ZO-12.00.00 Severance**

If any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**ZO-12.01.00 Repealor**

All other previously adopted ordinances or parts of ordinances in conflict with this Ordinance shall, to the extent of such conflict, be considered repealed at such time as this Ordinance becomes legally effective.



**ARTICLE 13**  
**EFFECTIVE DATE**

The provisions of this Ordinance are hereby declared to be necessary for the public welfare, health, peace, safety and morals and shall be in effect thirty (30) days after publication, on the \_\_\_\_ day of \_\_\_\_\_, 2004.

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Dated Adopted: \_\_\_\_\_

\_\_\_\_\_  
*D. Michael Haggerty*, Supervisor

I, Diana Wisinski, Clerk of the Township of Bridgehampton, Sanilac County, Michigan, aver under oath that the statement:

**Township of Bridgehampton**  
**Sanilac County, Michigan**  
**Notice of Adoption**  
**2004 Zoning Ordinance**

(Wording to be inserted)

**Diana Wisinski**, Clerk  
Township of Bridgehampton

was published in the Deckerville Recorder on the \_\_\_\_ day of \_\_\_\_\_, 2004, within fifteen (15) days of adoption.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Diana Wisinski, Clerk