

CUSTER TOWNSHIP

ZONING ORDINANCE

ORDINANCE NO. 200

TOWNSHIP OF CUSTER ZONING ORDINANCE

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ZONING ORDINANCE

TOWNSHIP OF CUSTER

ORDINANCE NO. 100

AN ORDINANCE to regulate the use of land within the Township of Custer, Sanilac County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Pubic Act 110 of the Public Acts of 2006, as amended.

THE TOWNSHIP OF CUSTER ORDAINS: ARTICLE

1

Title

Section 1.01. This Ordinance shall be known and cited as the Custer Township Zoning Ordinance No. 100.

ARTICLE 2

Activities Covered By Ordinance

Section 2.01. No building or structure, or part thereof, shall be erected, constructed, reconstructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

ARTICLE 3

Administration

Section 3.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 3.02. ZONING PERMITS. A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township.

A zoning permit shall not be required for accessory structures containing less than 200 square feet. The term "change in use" shall mean a land use which is a new land use on the property and which is not accessory to an existing land use which conforms to the ordinance.

A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township and shall include a plot plan of the proposed land use.

B. PERMIT ISSUANCE. A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.

E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

ARTICLE 4

Zoning Districts

Section 4.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AR	Agriculture - Residential
R	Single Family Residential
RM	. Medium Density Residential/Manufactured Housing Park
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Custer Township Zoning Map.

Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval".

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

ARTICLE 5

AR Agriculture - Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

A. Farms, farm buildings, and farm uses which are consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.

B. Forestry, conservation areas, game refuges, publicly owned parks, and similar noncommercial uses.

C. Single-family dwellings (subject to Section 12.05).

- D. Farm roadside stands or sales limited to the selling of farm produce raised on that farm.
- E. State licensed family day-care homes for children.
- F. State licensed residential facilities for six or fewer residents.
- G. Medical marijuana facilities and caregivers, subject to the following:
 - 1. Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana.
 - 2. Medical marijuana caregivers shall only be allowed to operate within single family dwellings where they reside. No medical marijuana caregiver shall be allowed to operate in any office building, commercial building, industrial building, apartment building or residential apartment.
 - 3. No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.
 - 4. Any medical marijuana facility shall be at least one thousand (1,000) feet from any school property line and at least five hundred (500) feet from any church, library, or licensed day-care center.
- H. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. SPECIAL LAND USES.

- A. Private parks, recreation facilities and activities, campgrounds, shooting ranges, and golf courses.
 - 1. Minimum site size shall be twenty (20) acres.
 - 2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
 - 3. Activities shall be adequately screened from abutting property.
 - 4. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
 - 5. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

- B. Home Occupations.
 - 1. The home occupation must be conducted entirely within a dwelling or other enclosed building.

2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.
3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.
4. No outdoor storage or display of merchandise or materials shall be allowed.
5. There shall be no more than two (2) employees, other than family members who reside in the home on the property.

C. Dog kennels and the raising of fur bearing animals.

1. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.
2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
4. For purposes of this section, a dog kennel is defined as any property on which five (5) or more dogs over the age of four (4) months are kept or harbored.

D. Quarrying or removal of soil, sand, clay, gravel or similar materials.

1. Planning Commission special approval shall be required for all quarrying or excavation other than the following:
 - a) Excavations for building construction purposes, pursuant to a duly issued zoning and building permits.
 - b) Minor or incidental grading or leveling of the above materials when used during development, provided no soil erosion conditions result.
 - c) Quarrying of less than five thousand (5,000) cubic yards per year on a single parcel of land.
2. Each application for special approval shall contain the following:
 - a) Names and addresses of property owners and proposed operators of the premises.
 - b) Legal description of the premises.
 - c) Aerial photograph of property as it exists.

- d) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
- e) Detailed statement as to the type of deposit or material proposed for extraction.
- f) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

Pursuant to the requirements of Public Act 113 of 2011, a proposal which complies with all the requirements of the Zoning Ordinance shall be approved if the applicant can demonstrate the following:

- a) There are valuable natural resources to be extracted. Under the statute, valuable natural resources are defined by whether the operator can receive revenue and can reasonably expect to operate at a profit and that there is a need for the natural resources by the applicant or on the open market.
- b) There are not any very serious consequences which would result from the extraction of the natural resources. In determining whether very serious consequences would result, the following factors may be considered:
 1. The relationship of extraction and associated activities with existing land uses.
 2. The impact on existing land uses in the vicinity of the property.
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the Township.
 6. The overall public interest in the extraction of the specific natural resources on the property.

Operational Requirements for Operations.

- a) Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.
- b) The operator shall acquire a haul permit from the Road Commission.
- c) The use of explosives is prohibited.
- d) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs and greenbelts where appropriate.

- e) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.
- f) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
- g) No cut, excavation or stockpiling of material shall be allowed closer than two hundred (200) feet from the centerline of the nearest road right-of- way nor closer than one hundred and fifty (150) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.
- h) The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.

- E. State licensed residential facilities for seven or more residents.
- F. State licensed group child day-care homes.
- G. Governmental buildings, structures, airports and other facilities.
- H. Schools, churches, and cemeteries.
- I. Bed and breakfast establishments.
- J. Communications and wind generation towers (subject to Section 12.12).
- K. Two family dwellings subject to Section 12.05.
- L. Veterinary clinics.
- M. Solar farms subject to Section 12.19.
- N. Utility grid wind energy systems subject to Section 12.12.D.

ARTICLE 6

R Single Family Residential

Section 6.01. PRINCIPAL USES PERMITTED

- A. Single family dwellings (subject to Section 12.05).
- B. Crop production.
- C. State licensed family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.

- E. Home occupations with dwellings (subject to the requirements of 5.01.F.)
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

- A. Single-family detached condominium developments, subject to the following requirements:
 - 1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
 - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
 - b) Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements.
Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
 - 2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 16 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
 - a) A survey of the condominium subdivision site.
 - b) A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
 - c) The location size, shape, area and width of all condominium units, and the location of all proposed streets.
 - d) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
 - e) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
 - f) A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.

- g) A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
 - 3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
 - 4. Streets. All streets for a site condominium project shall conform to the Sanilac County Road Commission standards for subdivision streets and shall be dedicated as a public road.
 - 5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and stormwater retention areas.
 - 6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.
- B. Platted subdivisions in compliance with the Michigan Land Division Act.

ARTICLE 7

RM Medium Density Residential/Manufactured Housing Park Section

7.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
 - 1. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
 - 2. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- B. Single family or two family dwellings (subject to Section 12.05).
- C. Crop production.
- D. State licensed family day-care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses. Section 7.02.

SPECIAL LAND USES.

- A. Multiple family dwellings on parcels at least five (5) acres in size.
 - 1. There shall be no more than six (6) dwelling units per acre unless the units are served by a municipal sewer system.
 - 2. Each dwelling unit shall contain the minimum number of square feet specified in Section 9.02.
- B. Hospitals, convalescent homes, and assisted living facilities.
- C. Site condominium developments in compliance with the requirements of Section 6.02.A.
- D. Bed and breakfast establishments.
- E. Platted subdivisions in compliance with the Michigan Land Division Act.
- F. State licensed residential facilities for seven or more residents.
- G. State licensed group child day-care homes.

ARTICLE 8

C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building, except those uses specified in Section 8.02.
- B. Personal service establishments which operate within a completely enclosed building such as restaurants (without drive-through services or alcoholic beverages), laundromats, barber shops, beauty shops, photographic studios, bowling alleys, theaters, and dry cleaning establishments.
- C. Repair or service shops for consumer items such as watches, shoes, furniture, and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Mini-storage facilities which provide storage space for personal use.
- H. Schools, churches, and publicly-owned buildings or facilities.
- I. Single-family dwellings (subject to Section 12.05).
- J. Crop production.
- K. Medical, dental or veterinary clinics.

- L. Facilities for electricians, plumbers and similar trades within a completely enclosed building.
- M. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 8.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, building supply operations, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, washing, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Recycling facilities (not including junk yards).
- D. Communications and wind generation towers (pursuant to Section 12.12).
- E. Taverns, bars, clubs, or other facilities serving alcoholic beverages.
- F. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.
 - 1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.
 - 2. No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
 - 3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.
 - 4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".
 - 5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
 - 6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
- G. Drive-Through Restaurants.

1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
 2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.
- H. Wholesale business operations.
- I. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments which do not serve alcoholic beverages.

ARTICLE 9

I Industrial District

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial or commercial production.
- B. Truck terminals.
- C. Public utility service yards.
- D. Repair facilities.
- E. Laboratories.
- F. Warehousing, storage, or wholesale facilities.
- G. Building material sales operations.
- H. Crop production.
- I. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Junk or recycling yards.
 1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
 2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
 3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.

4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.
- B. Recycling facilities.
 - C. Slaughter houses and meat processing facilities.
 - D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
 - E. Communications or wind generation towers (pursuant to Section 12.12).
 - F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
 - G. Airports.
 - H. Solar farms pursuant to Section 12.19

ARTICLE 10

Area, Setback and Height

Section 10.01. COMPLIANCE.

All lots, structures and ponds shall comply with the area, setback, and height requirements of Section 10.02, unless different requirements are specified as a condition for a special land use approval or pursuant to a variance.

Section 10.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area	Minimum Lot Width (In feet) (0)	Minimum Front Setback (In feet) (2)	Minimum Yard Side (In Setback feet)	Minimum Yard Rear (In Setback feet)	Minimum Yard Floor Area (In Dwelling (In Sq. ft.) (6)	Maximum Per Building Height (In feet)
AR	1 acre	150	90	15	15	1000	35(7)
R	1 acre(3)	100(3)	90	15(3)	15(3)	1000	35
RM	(5)	100	90	20	25	1000 (4)	35
C	1 acre	100	90	20	25		35
I	5 acres	330	90	25	30		50

- (1) Measured at minimum front yard setback line.
- (2) Measured from the center of the road right of way. Properties on M-46 shall have a minimum front yard setback of 110 feet from the center of the M-46 right of way.
- (3) The minimums are reduced to 20,000 square feet lot area and 75 feet lot width if served by a central sewer system or if located within a platted subdivision or a condominium subdivision, providing that all Health Department requirements for sewage systems are complied with. The minimum side yard and rear yard setbacks are reduced to 10 feet on such lots.

- (4) The minimum floor space for multiple-family dwelling units unit shall be:

Efficiency	350 Square Feet
One-Bedroom Apartment	500 Square Feet
Two-Bedroom Apartment	700 Square Feet
Three-Bedroom Apartment	800 Square Feet
Four-Bedroom Apartment	900 Square Feet

- (5) **Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. The minimum site size of a manufactured housing park shall be 20 acres. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 10.02 for the AR zoning district.**
- (6) **In no event shall the total floor area of all buildings on a lot or parcel exceed 20% of the total land area of the lot.**
- (7) **Agricultural structures shall be exempt.**

ARTICLE 11

Parking and Loading Requirements

Section 11.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas.

I. HARD SURFACING. All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.

Section 11.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, and Theaters		Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for Four seats based upon maximum seating capacity.
B. Churches	1	Each gasoline pump and lubrication stall plus one space for each employee.
C. Automobile Service Stations of Doctors, Lawyers, Architects, Engineers, or other similar professions		Two hundred (200) square feet of usable floor area plus one space for each employee.
E. Barber Shops and Beauty		Each barber or beauty operator plus one space for each employee.
F. Drive-In Restaurants	1	Twenty-five square feet of usable floor area, plus one space for each employee, with a spaces.
G. Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of four parking spaces per hole on the golf course.
H. Industrial Establishments	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
I. Residential dwellings	2	Each dwelling unit.

J. Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	One for each two persons at maximum seating capacity, plus one space for each employee.
K. Retail stores and service establishments other than those specified herein	Three hundred square feet of usable floor area, plus one space for each employee. There shall be a minimum of four parking spaces.
L. Sanitariums, convalescent homes and hospitals	Two beds plus one space for each employee.
M. Hotels, motels and similar establishments	Each sleeping unit, plus one space for each employee.
N. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
O. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	Three hundred square feet of usable floor area plus one space for each employee. There shall be a minimum of four parking spaces.

For purposes of this section, the term “usable floor area” shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms. Also for purposes of this section, references to “each employee” shall mean the maximum number of employees on the premises at any one time.

Section 11.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 12 feet by 40 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0-2,000	None
2,000-20,000	One space
Over 20,000	One space for each 20,000 square feet.

ARTICLE 12

General Provisions

Section 12.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other ordinance, regulation or statute, the provisions of this Ordinance shall govern.

Section 12.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road.

Section 12.03. DEPTH TO WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

Section 12.04. RESIDENTIAL OCCUPANCY IN BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, bams, pole bams, accessory buildings, basements or other structures shall not be occupied as dwellings unless the requirements of Section 12.05 are complied with. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 12.09.

Section 12.05. SINGLE-FAMILY AND TWO-FAMILY DWELLING REQUIREMENTS. Any single-family or two-family dwelling shall comply with the following minimum standards:

- A. MINIMUM SIZE. Each dwelling unit shall contain the minimum number of square feet specified in Section 10.02, prior to any alterations or additions. Replacement of existing mobile homes shall be allowed pursuant to Section 13.02.C.
- B. MINIMUM WIDTH. Each dwelling shall be no less than twenty-four (24) feet in width in all directions, prior to any additions or alterations.
- C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. ROOF. Each dwelling unit shall have a roof with no less than a 4-12 pitch.
- E. UNIT AGE. In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.

- F. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least two hundred (200) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling.
- G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 12.06. SIGNS. All signs shall comply with the requirements of this section.

- A. The following signs specified in items 1-7 may be erected in the Township without Planning Commission site plan approval, provided the other requirements of this section are complied with and provided (in the case of signs specified in items 1-5) that the signs are located on the property being advertised:
 - 1. Signs advertising real estate for sale or rent. Such signs may not exceed sixteen (16) square feet in sign area.
 - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed sixteen (16) square feet in sign area.
 - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed sixteen (16) square feet in sign area.
 - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed sixteen (16) square feet in sign area.
 - 5. Signs stating the name and/or address of a property owner. Homeowner and farm owner signs shall not exceed sixteen (16) square feet in sign area.
 - 6. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
 - 7. Temporary signs advertising non-commercial public events for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event. This shall include events for churches, charitable organizations, and community service groups such as 4H, Kiwanis, Chamber of Commerce, etc.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays or digital signs.

- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.
- G. All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and shall not encroach on any road rights of way.
- H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
- I. DIGITAL SIGNS. Digital signs shall be permitted, but shall be limited to electronic message boards and time/temperature signs and shall be subject to the following restrictions:
 - 1. An electronic message board may comprise up to twenty-five (25) percent of the sign area.
 - 2. Only one (1) electronic message board sign shall be permitted on a lot or parcel and only one (1) such sign shall be allowed for any business.
 - 3. Messages displayed on electronic message boards shall have a minimum duration of ten (10) seconds.
 - 4. All electronic messages shall be static and the transition between messages shall be instantaneous with no more than three-tenths (0.3) of a second between messages. The use of special effects such as, but not limited to, scrolling, fading, wiping, flashing, changing colors or exploding is prohibited.
 - 5. No electronic message board shall create glare or have characteristics that impair the vision of motorists or create a nuisance for surrounding properties.
 - 6. The electronic message board shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls.
 - 7. The electronic message board shall have automatic capabilities that adjust the brightness of the sign to changes in the ambient light levels at all times of the day and night.
- J. ON-SITE SIGNS FOR COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL USES.
 - 1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
 - 2. Principal on-site signs shall not exceed one hundred twenty (120) square feet in sign area.
 - 3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.

4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.

K. OFF-SITE SIGNS. No off-site signs, including billboards, shall be erected within the Township, except for signs that are thirty-two (32) square feet or less in sign area. Such signs shall not require site plan approval but shall be limited to no more than two (2) such signs for the same enterprise anywhere within the Township.

Section 12.07. PONDS. Ponds shall comply with the setback requirements of Section 10.02.

Section 12.08. GREENBELTS AND BERMS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained. The Planning Commission may approve a fence or berm in lieu of a greenbelt.
- C. Detailed landscaping plans for all greenbelts for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt for institutional, commercial or industrial land uses.
- E. All berms shall be contoured so as to blend into the surrounding landscape. Berms shall be planted with grass, shrubs, or other vegetation which shall cover all bare earth and prevent erosion.

Section 12.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 12.05. A temporary dwelling permit may be issued if the following requirements are complied with:
 1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
 2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
 3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must

guarantee that the improvements which make the structure usable as a dwelling unit will be removed.

4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
 5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.
- B. Variances to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section 12.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 17. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to old age or poor health. Any manufactured home approved under this section may not be over ten (10) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons. An Affidavit to that effect shall be provided to the Township as detailed in Section 12.09.A.3.

Section 12.10. ONE DWELLING PER PARCEL. No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. If a variance is granted for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

Section 12.11. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 12.05 or 12.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 12.12. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

A. Public Utilities. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article 15. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.

B. Exempt Antennas and Windmills. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers, homeowners, or business owners,

and used for onsite purposes only shall be exempt from the requirements of this section and shall be allowed as a permitted use in all zoning districts, providing that the antenna, windmill or related facilities do not exceed eighty (80) feet in height. Any towers, windmills, or related facilities shall be set back from any property lines, right of ways for power lines, or road right of ways no less than a distance equal to one hundred (100%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade, whichever is taller.

Commercial Communication Towers. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 15, subject to the following requirements:

1. An applicant shall submit a site plan and a written application, which shall include an explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. The application shall be reviewed by the Zoning Administrator, who shall notify the applicant within fourteen (14) days if there is any additional information needed to make the application complete. If no notice is sent to the applicant within the fourteen (14) day period, the application shall be deemed to be complete.
2. The Planning Commission must act on an application for special approval for a communication tower which does not involve co-location within ninety (90) days of receipt of a completed application.
3. The tower or antenna shall not be unreasonably injurious to the safety or market value of nearby properties. The minimum setback from all property lines, road rights of way, or utility rights of way shall be equal to the height of the tower.
4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be designed to prevent unauthorized access. The applicant may propose fencing or alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be “feasible” for the purposes of this section, where all of the following are met:
 - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.

- (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
 9. No communication tower shall be located within three (3) miles of an existing tower.
 10. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
 11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more.
Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top eight (8) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
 12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

Utility-Grid Wind Energy Systems. A Utility-Grid Wind Energy System and related accessory uses, such as electrical substations and Operations and Maintenance buildings and facilities, may be constructed on land that is zoned Agriculture-Residential. (AR) and which has been granted a special use approval by the Planning Commission pursuant to Article 16 of this Ordinance.

The following regulations shall apply to all Utility-Grid Wind Energy System facilities and accessory uses hereinafter constructed or developed within the Township. As used in this Subsection, the term "operator" refers to the person or entity that operates a Utility-

Grid Wind Energy System and the term “owner” refers to the person or entity who owns a Utility-Grid Wind Energy System.

1. Application for a Utility-Grid Wind Energy System shall be submitted to the Township Zoning Administrator with the following information:
 - a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.
 - b. The name, address, legal corporate status and telephone number of the owner of the proposed Utility-Grid Wind Energy System.
 - c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the Utility Grid Wind Energy System(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes, if applicable. The FAA will issue a signed statement when the precise location has been determined. Construction permits will not be issued prior to receiving all signed statements, but a use permit may be granted.
 - d. A description of the number and kind of Utility-Grid Wind Energy System(s) to be installed.
 - e. A description of the Utility-Grid Wind Energy System(s) height and design, including a cross section, elevation, and diagram of how the wind energy system will be anchored to the ground.
 - f. A site plan, drawn to scale of up to 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, support facilities, access, proposed landscaping or fencing.
 - g. Photo exhibits visualizing the proposed Utility-Grid Wind Energy' System.
 - h. A statement from the applicant that all Utility-Grid Wind Energy System(s) will be installed in compliance with manufacturer’s specifications, and a copy of those manufacturer’s specifications.
 - i. A copy of the lease, easement, or recorded document, with the landowner if the applicant does not own the land for the proposed Utility-Grid Wind Energy System.
 - j. A copy of any applicable Waiver Agreements.
 - k. A copy of Shadow Flicker Analysis, if requested by the Township.
 1. A copy of avian impact, if requested by the Township.

- m. A copy of Noise study, if requested by the Township.
 - n. A statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored.
 - o. A statement indicating how the Utility-Grid Wind Energy System will be lit, if applicable. Lighting as required by the FAA and the Michigan Tall Structures Act shall be provided.
 - p. An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the Township Board. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required those costs shall be borne by the applicant and paid in full prior to approval of any applications or permits being granted or approved.
2. Application for a permit for MET tower(s) and/or SCADA tower(s) shall be submitted to the Township Zoning Administrator with the following information:
- a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.
 - b. The name, address, legal corporate status and telephone number of the owner of the proposed MET tower(s) and/or SCADA tower(s).
 - c. A signed statement indicating that the applicant has legal authority to construct and operate the MET tower(s) and/or SCADA tower(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location has been determined.
 - d. A description of the number and kind of MET tower(s) and/or SCADA tower(s) that will be installed.
 - e. A description of the MET tower's and/or SCADA tower's height and design, including a cross section, elevation, and diagram of how the MET tower(s) and/or SCADA tower(s) will be anchored to the ground.
 - f. A site plan, drawn to a scale of up to 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, support facilities, and access.
 - g. A statement from the applicant that all MET tower(s) and/or SCADA tower(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

- h. A copy of the lease, or recorded document, with the landowner if the applicant does not own the land for the MET tower(s) and/or SCADA tower(s).
- i. A copy of any applicable Waiver Agreements.
- j. A statement indicating how the MET tower(s) and/or SCADA tower(s) will be lit, if applicable. Lighting as required by the FAA and as required by the Michigan Tall Structures Act.
- k. An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the Township Board. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required those costs shall be borne by the applicant and paid in full prior to approval of any applications or permits being granted or approved.

A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a land use permit for a Utility-Grid Wind Energy System. At the Township's direction, these plans may be reviewed by the Township's engineering firm. The cost of the review will be the responsibility of the Owner of the Utility- Grid Wind Energy System, and paid in full prior to approval of any applications or permits being granted or approved.

The applicant shall acquire all other applicable permits, including permits for work done in right-of-ways prior to construction.

Utility-Grid Wind Energy Systems, MET tower(s) and/or SCADA tower(s) may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.

An applicant may submit one use permit application for an entire Utility- Grid Wind Energy System project covering multiple parcels of land located in the Township, provided that a detailed map identifying parcel locations for all proposed wind turbines is provided to the Township at the time a use application is submitted.

A certificate of insurance with a minimum of \$1,000,000 liability coverage per wind turbine tower and per occurrence. Utility-Grid Wind Energy Systems with more than one wind turbine tower may provide a single insurance certificate covering multiple wind turbine towers. Each renewal period will require a copy of certificate of insurance be provided to the Township. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit at any time. In lieu of a certificate of insurance, an applicant or owner may be self-insured, provided that it has a secured bond rating of at least BBB+ from Standard and Poors, or its equivalent.

Within a reasonable time after the applicant submits an application, and in

good faith, the Township Planning Commission will determine whether the application is complete and advise the applicant accordingly.

Within ninety (90) days after an application is determined to be complete, the Planning Commission will hold a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project.

Within a reasonable time, and in good faith, the Planning Commission will make a decision whether to issue or deny the permit application.

Throughout the permit process, the Applicant shall promptly notify the Planning Commission in a written statement of any changes to the information contained in the permit application.

Changes to the pending application that do not materially alter the initial site plan may be adopted without renewed public hearing.

A Utility-Grid Wind Energy System use permit shall expire unless construction is started within twenty-four (24) months of use permit issuance and completed within thirty-six (36) months of use permit issuance, or in accordance with a timeline approved by the Township Planning Commission. Upon written request of an applicant, and for good cause, the Township Planning Commission may grant an extension of time.

The Township Planning Commission reserves the right to review any use permits granted under this ordinance from time to time as the Commission deems appropriate to ensure that all conditions of the permit are being followed.

If a Utility-Grid Wind Energy System ownership changes, the new owner/operator must meet with the Township Board to review the conditions of the current use permit within sixty (60) days of the change in ownership.

Design and Installation Standards:

- a. Wind turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
- b. To the extent possible applicants shall use measures to reduce the visual impact of the Utility-Grid Wind Energy System (wind turbines with similar appearance; reasonable uniformity in overall size and geometry).
- c. At Utility-Grid Wind Energy System sites, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the Utility-Grid Wind Energy System to the natural setting and existing environment.
- d. Utility-Grid Wind Energy Systems shall not be artificially lighted, except to the extent required by the FAA and the Michigan Tall

Structures Act.

- e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer, operator or owner of the Utility-Grid Wind Energy System.
- f. All wind turbines shall comply with the International Electrotechnical Commission (IEC), or successor organization, standards.
- g. To the extent applicable, the Utility-Grid Wind Energy System shall comply with all applicable building codes and standards.
- h. Electrical controls, control wiring, and power lines shall be wireless or to the maximum extent practicable, be placed underground.
- i. All electrical components of the Utility-Grid Wind Energy System shall conform to relevant and applicable local, state, and national codes, or relevant and applicable international standards.
- j. The owner of a Utility-Grid Wind Energy System shall defend, indemnify, and hold harmless the Township and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the Utility- Grid Wind Energy System or arising out of the issuance of the use permit hereunder. The owner shall provide a written and signed affirmation of this obligation to the Township.
- k. Prior to beginning construction, the applicant shall enter into a road use agreement with the County Road Commission containing the following conditions:
 - Responsibility for making repairs to any public roads that experienced damages during the construction of the Utility-Grid Wind Energy System or damages experienced after the construction that related to the operation of the system.
 - A description of the routes to be used by construction and delivery vehicles.
 - Any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries.
 - An agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Grid Wind Energy System. The agreement or bond guarantee shall be an amount stipulated by the County Road Commission, to pay for repair or damage to public roads.
 - Failure of the applicant to comply with the road use agreement in any material respect may result in the termination of the use permit.
- l. Where Utility-Grid Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected or other remedial measures performed to properly drain the site to the satisfaction of the landowner if a private drain, or if a public drain, the County Drain Commissioner.

also permit the Township access to the easement for purposes of inspection or decommission with 24 hour advance notice to the property owners and Utility-Grid Wind Energy System owner.

- n. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve (12) months shall be considered abandoned and shall be removed in accord with the removal and decommissioning provisions of subsection 26 of this ordinance. Upon a showing of good cause, the Planning Commission may grant the owner/operator an additional twelve (12) month period of non-production.
- o. The Utility-Grid Wind Energy System owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information will be supplied to the Township Clerk.

Setbacks for Utility-Grid Wind Energy Systems, MET Towers and SCADA Towers: All setbacks herein shall be measured from the center point of the wind turbine or MET tower.

a. Inhabited Structures.

- i. Each Utility-Grid Wind Energy System wind turbine, MET tower and/or SCADA tower shall be set back from the nearest inhabited structure a distance of no less than two (2) times the total height of the tower or turbine, but in no case less than one thousand three hundred twenty (1,320) feet.
- ii. The Township Planning Commission may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback, provided the following provisions have been accomplished.
 - 1. The affected Property Owner signs a Waiver Agreement setting forth the applicable setback provisions and the proposed changes.
 - 2. The Waiver Agreement shall notify the affected Property Owner of the setback required by this Ordinance, describe how the proposed Utility-Grid Wind Energy System, MET tower(s) and/or SCADA tower(s) are not in compliance, and state that consent is granted for the Utility-Grid Wind Energy System, MET tower(s) and/or SCADA tower(s) to not be set back as required by this Ordinance.

b. Non Participating Property Lines.

- i. Each wind turbine, MET tower and/or SCADA tower shall be set back from the nearest non-participating property line a distance no less than one and one-half (1 1/2) times the total height of the tower or turbine, but in no case less than five hundred (500) feet.

- ii. The Township Planning Commission may grant a waiver to this requirement for a non-participating landowner to decrease the setback, provided the following provisions have been accomplished.
 - 1. The affected Non-Participating Property Owner signs a Waiver Agreement setting forth the applicable setback provisions and the proposed changes.
 - 2. The Waiver Agreement shall notify the affected Non-Participating Property Owner of the setback required by this Ordinance, describe how the proposed Utility-Grid Wind Energy System, MET tower(s) and/or SCADA tower(s) are not in compliance, and state that consent is granted for the Utility-Grid Wind Energy System, MET tower(s) and/or SCADA tower(s) to not be set back as required by this Ordinance.
- c. Participating Property Lines. There shall be no setback requirement from the property lines between Participating Property parcels.
- d. Public Road Setbacks. Each wind turbine, MET tower and SCADA tower shall be set back from the nearest public road right-of-way a distance no less than a distance equal to one and one-half (1 1/2) times the total height of the tower, but in no case less than five hundred (500) feet.
- e. City Limits. Where wind turbines, MET tower(s) and/or SCADA tower(s) are located in the vicinity of a city, a setback of two (2) times its total height from the city limits shall be required, but in no case less than one thousand (1,000) feet.

Noise and Vibration.

- a. The sound pressure level generated by a wind turbine shall not exceed the greater of 50 dB(A) equivalent sound level (“Leq”) or the ambient Leq sound pressure level plus 5 dB(A) for more than 6 minutes in any hour (10% of any hour) at any inhabited structure existing on the date of approval. The Leq is determined according to the Acoustical Society of America, American National Standard ANSI S12.18-1994. Sound pressure level monitoring to demonstrate compliance with this requirement shall use a ANSI Type 1 sound level analyzer (as defined by the Acoustical Society of America, American National Standard ANSI S1.4-1983) which has been calibrated according to a National Institute of Standards and Technology acoustic standard within the previous 12 months and shall be field-calibrated with an ANSI Type 1 calibrator. Measurements shall exclude invalid samples that are contaminated by extraneous noise sources other than the wind turbines. Monitoring shall not be done during precipitation events or extreme weather conditions. Compliance shall be demonstrated by taking forty (40) valid 15-second Leq sound level readings, excluding the two highest 15-second readings (5% of the monitoring period), and forming the arithmetic average

of the remaining 15-second Leq sound readings. In the event of high, steady background sound levels, including wind background noise, the background Leq sound level (without wind turbine sound) shall be established either by monitoring with the nearby wind turbines turned off, or by sound level monitoring of Leq at a similar location unaffected by the wind turbine sound, and that background level shall then be subtracted (on an energy basis) from the measurement of the wind turbine to obtain the wind turbine only sound pressure level.

After installation of the Utility-Grid Wind Energy System, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI SI 2.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI SI.4 specifications for a Type II sound meter.

A test plan for documentation of the sound pressure level measurements shall be provided to the Planning Commission within 60 days after construction is complete on the wind energy project. Post-construction sound testing shall be performed within 90 days after delivery of the test plan provided the environmental conditions will allow for appropriate sound measurements.

Certifications and Compliance:

1. The Planning Commission must be notified within thirty (30) days of closing of a change in ownership of a Utility- Grid Wind Energy System. This notification will include the name and address of a contact person related to the new ownership.
2. The Township reserves the right to inspect the Utility-Grid Wind Energy System annually in order to ensure compliance with the Zoning Ordinance. The reasonable cost of the inspections shall be paid by the owner/operator of the Utility-Grid Wind Energy System.
3. In addition to the Certification & Compliance requirements listed previously, the Utility-Grid Wind Energy System shall also be subject to the following:
 - i. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations, as set forth in the post-construction test plan submitted pursuant to subsection (c)(5) above, to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within thirty (30) days after completion of the post-construction sound testing. Sound shall be measured by a third-party, qualified professional.
 - ii. The Utility-Wind Energy System Owner(s) or Operator(s) shall provide the Zoning Administrator

with access to review the facility's yearly maintenance inspection records.

- e. If audible noise exceeds the limits set forth in (a.) above, the owner/operator must take action to mitigate the noise levels for the offending turbine, and if unable to satisfactorily mitigate the noise levels, then the offending wind turbine must not be operated until repairs are completed, or a waiver agreement is obtained from affected property owners.
 - f. In the event the noise levels resulting from the Utility-Grid Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the Township Board provided that written consent from the affected property owners has been obtained stating that they are aware of the Utility-Grid Wind Energy System and noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed.
19. Blade Clearance. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
20. Signal Interference. The applicant shall mitigate any interference with electromagnetic communications, such as, but not limited to, radio, telephone, or television signals, including any public agency radio systems, caused by any Utility-Grid Wind Energy System, MET tower(s) and/or SCADA tower(s). The mitigation requirement shall include all emergency services communications such as radio, pagers, and cellular service as well. Emergency services shall be defined by the Township Board, but includes, and is not limited to, such things as police, fire, and ambulance services.
21. Shadow Flicker. The applicant shall conduct an analysis on potential shadow flicker at occupied structures and public roads and rights of way. The owner or applicant shall take reasonable measures to minimize or mitigate all actual impacts identified from the operation of a Utility-Grid Wind Energy System. Shadow flicker on a habitable structure on Non- Leased Property shall not exceed thirty (30) hours per year.
22. Avian and Wildlife Risk.
- a. The Utility-Grid Wind Energy System owner/operator shall make reasonable efforts to minimize avian mortality from the operation of a Utility-Grid Wind Energy System.
 - b. The Township Planning Commission may require an avian risk study prior to issuance of a use permit for a Utility-Grid Wind Energy System. The owner/operator of the Utility-Grid Wind Energy System may submit an Avian Risk Study from another community in the state as long as the avian populations are similar and the similarity of the avian population can be substantiated to the Planning Commission's satisfaction.
 - c. Wind energy systems should be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity,

including but not limited to bird and bat species.

23. Groundwater and Environmental Impact. The Utility-Grid Wind Energy System owner/operator shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion during construction phase of the wind energy system.
24. Waste Management.
 - a. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.
 - b. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.
25. Safety.
 - a. All electrical wires and lines connecting each turbine to the next turbine shall be installed at least eight (8) feet underground, to the maximum extent practicable.
 - b. Wind turbine tower exteriors shall not be climbable up to fifteen (15) feet above ground level and shall be accessible from the interior only.
 - c. All access doors to wind turbine towers and electrical equipment shall be locked when unattended.
 - d. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and Utility-Grid Wind Energy System entrances.
 - e. The owner/operator of the Utility-Grid Wind Energy System shall post and maintain at each facility a 24 hour a day manned telephone number in case of an emergency.
 - f. The owner/operator of the Utility-Grid Wind Energy System shall provide a company representative to accompany the local Fire Department Chief/Inspector during site visits. The owner/operator of the Utility-Grid Wind Energy System shall comply with all applicable laws regarding those inspections.
26. Surety Bond and Decommissioning Requirements.
 - a. The applicant shall submit a plan describing the intended disposition of the Utility Grid Wind Energy System at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Prior to the start of construction, a surety bond or equivalent financial instrument (“Surety Bond”) shall be posted and maintained as set forth in subsection (f) below.

The Utility Grid Wind Energy System owner shall complete decommissioning within twenty-four (24) months after the end of the useful life of the Utility Grid wind energy system or within twenty-four (24) months of not correcting a default or other event of noncompliance. Upon request of the owner(s) or the assignee of the Utility Grid Wind Energy System, and for good cause, the Township Board may grant a reasonable extension of time in which to accomplish decommissioning. The Utility Grid Wind Energy System will be presumed to be at the end of its useful life if no more than 10% of its cumulative nameplate capacity in commercially viable electricity is available for generation for a continuous period of twelve (12) months. All decommissioning expenses shall be the responsibility of the owner(s).

Decommissioning shall include the removal of each wind turbine, all electrical components, and associated facilities (such as MET towers) within the footprint of the wind turbine foundation to a depth of eight (8) feet below original grade. Any foundation shall be removed to a minimum depth of eight (8) feet below original grade, or to the level of bedrock if less than eight (8) feet below original grade, provided, however, that the land owner may submit a request allowing concrete foundations to be left for other uses, subject to the approval of the Township Zoning Administrator. Following removal, the location of any remaining turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.

All access roads to the Utility Grid Wind Energy System shall be removed, cleared and graded by the facility owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.

The site and any disturbed earth shall be stabilized, graded and cleared of any debris by the owner of the Utility Grid Wind Energy System or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activity, unless the property owner(s) requests in writing that the land surface areas not be restored.

In addition to the requirements listed previously, the Utility Grid Wind Energy System shall also be subject to the following:

1. If the Utility Grid wind energy system owner fails to complete decommissioning within the period prescribed above including any extensions, the Township may designate a contractor to complete decommissioning with the expense thereof to be charged against the decommissioning Surety Bond.
2. An independent and certified professional engineer shall be retained by the Owner(s) to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("Net Decommission Cost"). These estimates shall be submitted to the Township Zoning Administrator prior to the start of construction and every fifth year thereafter and the Surety Bond amount shall be adjusted

accordingly.

3. Prior to the start of construction of the Utility Grid wind energy system, the applicant shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs, as determined by the certified professional engineer pursuant to subsection 2 above.
4. Decommissioning Funds shall be in the form of a performance surety bond or equivalent financial instrument made out to the Township and determined to be acceptable by the Township Board.
5. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator thirty (30) days prior to its expiration or termination.
6. Failure to keep the Surety Bond in effect while Utility Grid Wind Energy System is in place shall constitute a violation of the permit. If a lapse of the Surety Bond occurs, the Township may take action up to and including requiring cessation of operation of the Utility Grid wind energy system until the Surety Bond is restored.
7. The surety company shall pay over to the Township the decommissioning funds when the Township has demonstrated that decommissioning has not been satisfactorily completed as required herein.
8. The Surety Bond shall be terminated when the owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed in accordance with the plan submitted under subsection (a) above.

Complaint Resolution. Should an aggrieved property owner allege that the Utility-Grid Wind Energy System is not in compliance with either the noise or the shadow flicker requirements of this Zoning Ordinance, the procedure shall be as follows:

- a. Noise Complaint.
 - i. Both the Utility-Grid Wind Energy System Owner(s) and the Township Planning Commission shall be notified in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Planning Commission shall notify the Utility-Grid Wind Energy System Owner(s) and shall make a recommendation that the Board of Trustees will require the aggrieved property owner to deposit a fee of \$250.00 to pay for a noise level test conducted by an independent qualified acoustic technician approved by the Township to determine compliance with the requirements of this Zoning Ordinance. Such testing shall be performed in accordance with the requirements of Subsection 18 herein and advance notice

of such testing will be provided to the Owner(s). Nothing in this subsection shall be construed as prohibiting the Owner(s) from performing its own noise level tests as part of its investigation into said noise complaint.

- iii. If the test indicates that the noise level is within Zoning Ordinance noise requirements, the Board of Trustees will use the deposit to pay for the test.
- iv. If the test indicates that the Utility-Grid Wind Energy System Owner(s) is in violation of the Zoning Ordinance noise requirements, the Owner(s) shall be provided with a copy of the test results and be allowed to perform their own noise level test prior to reimbursing the Board of Trustees for the noise level test. The Owner(s) may present their findings to the Planning Commission for a final determination of compliance or violation. If the Planning Commission finally determines that a violation exists then the Owner(s) shall take immediate action to bring the violating turbine(s) within the Utility-Grid Wind Energy System into compliance which may include ceasing operation of said turbine(s) until Zoning Ordinance violations are corrected or the impact has been mitigated to the complainant's satisfaction. The Board of Trustees will refund the deposit to the aggrieved property owner upon the final determination of violation.

b. Shadow Flicker Complaint.

- i. Both the Utility-Grid Wind Energy System Owner(s) and the Township Planning Commission shall be notified in writing regarding concerns about the amount of shadow flicker.
- ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Planning Commission shall notify the Utility-Grid Wind Energy System Owner(s) and shall make a recommendation that the Board of Trustees require the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance with the requirements of this Zoning Ordinance.
- iii. If the Utility-Grid Wind Energy System Owner(s) is in violation of the Zoning Ordinance shadow flicker requirements, the Owner(s) shall take immediate action to bring the turbine into compliance which may include ceasing operation of said turbine until the Zoning Ordinance violations are corrected or the impact has been mitigated to the complainant's satisfaction.

Section 12.13. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty-

four (24) hours after the completion of the yard sale.

- D. For purposes of this Ordinance, the term Ayard sale© shall mean any offering for sale of personal property in an area zoned in the AR, R or RM districts. The term Ayard sale® shall include sales commonly known as A garage sales®, A porch sales®, A basement sales®, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a Ayard sale.® Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be Ayard sales® covered by this Ordinance.

Section 12.14. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.
- E. If any building, manufactured home or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 12.15. OUTDOOR STORAGE OF RECREATIONAL VEHICLES.

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 12.05. Mobile homes and manufactured homes are not included in the definition of recreational vehicles.
- B. Motor homes or campers (not including mobile homes) may be stored outside on property containing an occupied single-family dwelling, provided that there are not more than two (2) such units on the property. Any such recreational vehicle may be occupied for a maximum of one hundred eighty (180) days in any calendar year.

- C. On properties which do not have an occupied single family dwelling, a maximum of two (2) recreational vehicles may be stored or used. Such storage or use shall not exceed one hundred eighty (180) days during any calendar year.

Section 12.16. SWIMMING POOLS. All swimming pools constructed in the township shall comply with the requirements of the county building codes and shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.

Section 12.17. MEDICAL MARIJUANA FACILITIES AND CAREGIVERS.

1. Any medical marijuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marijuana.
2. Medical marijuana caregivers shall only be allowed to operate in the AR zoning district within single family dwellings where they reside. No medical marijuana caregiver shall be allowed to operate in any office building, commercial building, industrial building, apartment building or residential apartment.
3. No more than one (1) caregiver shall operate out of any single location. In no event shall more than one caregiver conduct operations on a single parcel of land.
4. Any medical marijuana facility shall be at least one thousand (1,000) feet from any school property line and at least five hundred (500) feet from any church, library, or licensed day-care center.

Section 12.18. EXOTIC ANIMALS. No exotic animal as defined in this ordinance shall be brought into the Township or kept, harbored or allowed to remain on any premises within the Township. Any person who keeps or harbors an exotic animal shall be responsible and financially liable for any acts committed by said animal.

Section 12.19. SOLAR ENERGY SYSTEMS.

- A. GENERAL REQUIREMENTS.** All solar energy systems, whether ground mounted or roof mounted, are subject to the following general requirements:
1. A solar energy system must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
 2. Solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- B. ROOF MOUNTED SOLAR ENERGY SYSTEMS.** Category I or Category II roof mounted solar energy systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
1. Solar panels erected on a building shall not extend beyond the peak of the roof.
 2. Roof mounted panels must be installed with a minimum of a three (3) foot setback from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.

C. GROUND MOUNTED SOLAR ENERGY SYSTEMS

Ground mounted solar energy system shall be considered an accessory use in all zoning districts, subject to the following requirements:

1. Prior to the installation of a ground mounted solar energy system, the property owner shall submit a descriptive site drawing to the Zoning Administrator. This drawing shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. This site drawing must be drawn to scale.
2. A ground mounted solar energy system shall not exceed the maximum building height for adjacent accessory buildings, but in any case the top of the system shall not be more that twenty-five (25) feet above the ground.
3. A ground mounted or free-standing solar energy system shall not be installed in the front yard.
4. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and 6 feet deep for class II & III solar systems. Warning signs to identify the presence of underground transmission lines must be placed.
5. There shall be a greenbelt screening any ground mounted solar energy systems and equipment associated with the system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence may be used.
6. A category II or III ground mounted solar energy system must be fenced in with at least a (6) foot chain link fence, have a minimum setback from all property lines of one hundred twenty five (125) feet

7. In the event that a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one (1) year), the system shall be removed by the property owner within six (6) months from the date of abandonment.

D. SOLAR FARMS. Solar farms shall only be allowed in the AR Agricultural/Residential District or the I Industrial District as special uses approved by the Planning Commission. Solar farms shall be subject to the following requirements:

1. The owner of a solar farm shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
2. Prior to the installation, the property owner shall submit a descriptive site plan to the Planning Commission which includes where and how the solar farm will connect to the power grid. This requirement is in addition to the requirements set forth in Article 15.
3. No solar farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property owner to install an interconnected customer-owned generator to the grid.

4. To ensure proper removal of a solar farm energy system when it is abandoned, any application for approval of a new solar farm energy system shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be: 1) a cash bond; 2) an irrevocable bank letter of credit; or 3) a performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township.
5. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The applicant shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.
6. Ground mounted solar energy farm systems shall conform to Article 12.19. C 1-7

ARTICLE 13

Non-conforming Lots, Uses, and Structures

Section 13.01. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record shown on the tax roll at the effective date of adoption of this Ordinance, provided that at least one-half the setback distances required by Section 10.02 can be maintained and provided that septic and well approvals are granted by the County Health Department. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 13.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than sixty (60%) percent of the physical structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 13.03. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.

- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted.

ARTICLE 14

Planning Commission

Section 14.01. ESTABLISHED. The Custer Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Custer Township Planning Commission Ordinance.

Section 14.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article 15 of this Ordinance, to hear and decide requests for special land uses pursuant to Article 16 of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Articles 18 and 19 of this Ordinance.

ARTICLE 15

Site Plan Review Requirements

Section 15.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings or uses which are accessory to singlefamily residences or farms.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1) inch equals one hundred (100) feet.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article 11).

- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 12.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 12.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 15.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 15.05. DEPOSIT. A cash deposit, performance bond, or bank letter of credit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the deposit shall be released. The amount of the deposit shall be five (5%) percent of the project cost, but in no case less than One Thousand (\$1,000.00) Dollars.

Section 15.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

ARTICLE 16

Procedures For Special Land Use Approval By Planning Commission

Section 16.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different

from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 16.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of one thousand five hundred (1,500) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within one thousand five hundred (1,500) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 16.03. STANDARDS. Requests for special land uses shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, lighting, or other causes.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 16.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

ARTICLE 17

Zoning Board Of Appeals

Section 17.01. MEMBERSHIP. There is hereby established a Zoning Board Of Appeals. The Zoning Board Of Appeals shall consist of three (3) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining member shall be an elector who is not an employee or contractor of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board Of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 17.02. APPEALS. An appeal may be taken to the Zoning Board Of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission. The Zoning Board Of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board Of Appeals shall give notice of the hearing to the parties involved. The Zoning Board Of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of one thousand five hundred (1,500) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within one thousand five hundred (1,500) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 17.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board Of Appeals shall have the authority to grant only non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties or unnecessary hardships imposed in carrying out the strict letter of the Ordinance. In considering variance requests, the ZBA shall make the following findings:

- A. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- B. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
- C. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- D. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
- E. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

F. That the variance requested is the minimum amount necessary to mitigate the hardship.

Section 17.04. DECISIONS. The Zoning Board Of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board Of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board Of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board Of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board Of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 17.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 17.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE 18

Amendments and Rezoning

Section 18.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 18.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within one thousand five hundred (1,500) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within one thousand five hundred (1,500) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 18.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Sanilac County Planning Commission for review and recommendation.

Section 18.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission and the County Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment. If no recommendation is received from the County Planning Commission within thirty (30) days after it received the proposed rezoning or amendment, the Township Board shall conclusively presume that the County has waived its right for review and recommendation. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

ARTICLE 19

Voluntary Rezoning Agreements

Section 19.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in the Michigan Zoning Enabling Act.

Section 19.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article 18, shall be complied with.

Section 19.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 19.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.

C. The proposed land use must be consistent with the goals and policies of the Township.

Section 19.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 16. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 19.07. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

ARTICLE 20

Violations

Section 20.01. ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Custer Township Civil Infraction Ordinance.

Section 20.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

ARTICLE 21

Definitions

Section 21.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to ASpecified Sexual Activities® or ASpecified Anatomical Areas®, or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to ASpecified Sexual Activities® or ASpecified Anatomical Areas® for observation by patrons.

ALTERATION S. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

AMBIENT SOUND LEVEL. The amount of background noise at a given location prior to the installation of a wind energy system which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

ANSI. American National Standards Institute.

BED AND BREAKFAST ESTABLISHMENTS. A structure which was constructed for singlefamily residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Custer.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

CABARET. An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.

CONDOMINIUM. SITE. A condominium development which includes only detached singlefamily residences located on individual sites.

CONDOMINIUM. UNIT. That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any Acondominium unit@ consisting of vacant land shall be equivalent to the term Alot0 for the purposes of determining compliance with minimum lot size or lot width.

DAY-CARE HOME. FAMILY. A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY-CARE HOME. GROUP. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

dB(A). The equivalent sound pressure level (Leq) in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

DIGITAL SIGN. A sign that uses digital display technology such as liquid crystal displays ("LCDs"), plasma or light emitting diodes ("LEDs") to communicate a message with a target audience.

DWELLING. DUPLEX OR TWO-FAMILY. A building used or designed as a residence for two (2) families.

DWELLING. MULTIPLE-FAMILY. A building used or designed as a residence for three (3) or more families.

DWELLING. SINGLE-FAMILY. A building used or designed exclusively as a residence for one (1) family.

DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

EXOTIC ANIMAL. The term "exotic animal" shall include mammals such as lions, tigers, panthers, cougars, ocelots, wolves, foxes, bears or other mammals which are ordinarily found in the wild or in zoos. The term "exotic animal" shall also include poisonous snakes.

FAMILY. One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, stables, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (2) of the basement height is above the finished lot grade.

FORESTRY. Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.

HUB HEIGHT. When referring to a Wind Energy System, the distance measured from ground level to the center of a wind turbine hub.

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

INSTITUTIONAL FACILITY. Any church, school, governmental building or facility, lodge hall, veterans organization building, or similar non-profit facility.

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

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL. Any property on which five (5) or more dogs, or similar animals, four (4) months of age or older, are kept either permanently or temporarily.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Sanilac County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

MEDICAL MARIJUANA. Marijuana, as defined in Section 7106 of the Michigan Public Health Code (MCL 333.7106), which complies with all requirements of the Michigan Medical Marijuana Act (Initiated Law 1 of 2008).

MEDICAL MARIJUANA CAREGIVER. A person authorized under the Michigan Medical Marijuana Act who is at least 21 years old and who has agreed to assist with a patient=s medical use of marijuana and who has never been convicted of a felony involving illegal drugs.

MEDICAL MARIJUANA FACILITY. Any location at which medical marijuana is grown or distributed.

MET TOWER: A meteorological tower used for the measurement of wind speed and other data.

NACELLE. The protective casing of a wind turbine, covering the gearbox, generator, blade hub, and other parts.

NON-PARTICIPATING PROPERTY OR NON-LEASED PROPERTY. Any parcel of property that is not included in a proposed Utility-Grid Wind Energy System, or has no wind energy system or related facilities on it, or is not under easement or lease to the applicant or owner.

NON-USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PARTICIPATING PROPERTY OR LEASED PROPERTY. Any parcel of property that has a signed lease or easement with the owner of the proposed Utility-Grid Wind Energy System, or has a wind energy system or related facilities on it, or is under easement or lease to the applicant or owner.

PLANNING COMMISSION. The duly appointed Planning Commission of Custer Township.

PLOT PLAN. A scale drawing showing property lines, driveways and roads, location and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams or drains. A plot plan may be prepared by the owner and need not be prepared by a surveyor or engineer.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

RECYCLING FACILITY. A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.

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.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

SHADOW FLICKER. The moving shadow, created by the sun shining through the rotating blades of a wind energy system. The amount of shadow flicker created by a wind energy system is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

SIGN. Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

SIGN AREA. The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

SIGN. OFF-SITE (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

SIGN. PRINCIPAL ON-SITE. A sign advertising the name of a facility located on the same parcel of land as the sign.

SIGN. SECONDARY ON-SITE. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SOLAR ENERGY SYSTEM. Any method of converting sunlight into electrical energy.

SOLAR ENERGY SYSTEM CATEGORIES. A Solar Energy System is categorized by the amount of kilowatts that it can produce:

Category I:	0-20 Kilowatts
Category II:	21 -100 Kilowatts
Category III:	101 Kilowatts or larger

SOLAR FARM. Any Category III solar energy system constructed for the purpose of generating electricity for sale or distribution beyond the property to which the solar energy system is located.

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 Leq sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SPECIFIED ANATOMICAL AREAS:

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

TOTAL HEIGHT. When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point. When referring to a MET Tower or SCADA Tower, the distance measured from ground level to the highest point of the tower's structure.

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Custer.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

UTILITY-GRID WIND ENERGY SYSTEM. A wind energy system that is designed and built to provide electricity to the electric utility grid, inclusive of wind turbines, underground electrical lines, any sub-stations, lay down and storage yards, and any operations and maintenance buildings.

VARIANCE. NON-USE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

VARIANCE. USE. Any variance which allows a land use which is not included in the principal uses permitted or the special land uses permitted within the zoning district.

WAIVER AGREEMENT. A signed statement between the owner and Non Participating Property Owner or Participating Property Owner releasing rights of this ordinance relating to, but not limited to, Noise Restrictions, Setbacks and Shadow Flicker restrictions.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

ARTICLE 22

Severability and Repeal

Section 22.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 22.02. REPEAL. The former Custer Township Zoning Ordinance No. 100, adopted on the 11¹ day of June, 1984, and all amendments thereto, are hereby repealed in their entirety.

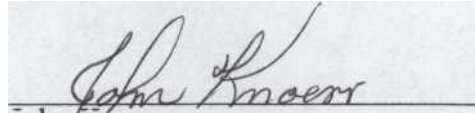
ARTICLE 23

Enactment

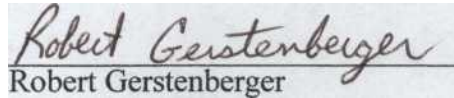
Section 23.01. ORDINANCE ENACTED. The provisions of this Zoning Ordinance No. 100 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Custer.

Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 23.03, pursuant to the Michigan Zoning Enabling Act.

Section 23.03. CERTIFICATION. The undersigned Supervisor and Clerk of the Township of Custer hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Custer Township Board, at a meeting held on the 3rd day of March, 2014 and further certifies that a notice of adoption of this Ordinance was duly published in the Tribune Recorder on the 13th day of March, 2014, pursuant to the Michigan Zoning Enabling Act.



Jomy Knoerr
Cutter Township Supervisor



Robert Gerstenberger
Custer Township Clerk