

**TOWNSHIP OF MAPLE VALLEY  
ZONING ORDINANCE AMENDMENT  
SOLAR ENERGY FACILITIES  
ORDINANCE NO. \_\_\_\_\_**

An ordinance to amend the Maple Valley Township Zoning Ordinance, being Ordinance No. 100, to provide regulation for the operation and maintenance of exempt solar panels and solar energy facilities in the Township.

**THE TOWNSHIP OF MAPLE VALLEY ORDAINS:**

*The following Section of the Maple Valley Township Zoning Ordinance is hereby amended to add following definitions:*

Section 2.01 Definitions

**INHABITED STRUCTURE**. A legally permitted structure intended for frequent human use and, for the purpose of this ordinance, shall be limited to a residential dwelling, studio, business, church, school, family or group child day-care home, bed and breakfast establishment, rooming house, residential facility, and any other residence.

**NON-COMMERCIAL SOLAR ENERGY**. Solar energy systems and associated accessories located on the premises of a farm, home, or business which do not produce more electricity per year than is consumed by said farm, home, or business and do not primarily involve the sale of electricity off the premises.

**PUBLIC ROAD**. Any road or highway which is now or hereafter designated and maintained by the Sanilac County Road Commission and/or the Michigan Department of Transportation (MDOT), whether primary or secondary, hard surfaced or other dependable road.

**SOLAR ENERGY FACILITY**. An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity which is sold for use off site and which includes, but is not limited to, the use of one or more solar energy systems.

*The following Sections of the Maple Valley Township Zoning Ordinance are hereby amended to add following uses:*

**Section 6.01. PRINCIPAL USES PERMITTED.**

I. Non-Commercial Solar Energy.

**Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.**

N. Solar Energy Facilities (subject to Section 10.17).

Section 7.01. PRINCIPAL USES PERMITTED.

H. Non-Commercial Solar Energy

Section 8 .01. PRINCIPAL USES PERMITTED.

K. Non-Commercial Solar Energy.

Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

G. Solar Energy Facilities (subject to Section 10.17).

Section 9.01. PRINCIPAL USES PERMITTED.

H. Non-Commercial Solar Energy.

Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.

H. Solar Energy Facilities (subject to Section 10.17).

*Article 10 of the Maple Valley Township Zoning Ordinance is hereby amended to add the following Section:*

Section 10.17. SOLAR ENERGY.

- A. Exempt Solar Energy. Non-Commercial Solar Energy per Section 2.01 must adhere to all Sanilac County Construction Codes. Non-Commercial Solar Energy per Section 2.01 is exempt from the remainder of Section 10.17.
- B. Procedure. The Planning Commission will decide whether to issue a Special Land Use Permit per the procedures of Article 15, Article 16, and Section 10.17 of this Ordinance. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed solar energy facilities, underground electrical lines, sub-station(s),

junction boxes, laydown yard(s), concrete batch plant(s), and any operations / maintenance building(s).

- C. Additional Site Plan Requirements. The applicant shall submit a site plan in full compliance with Article 15 of this ordinance for the Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy site plan are as follows:
1. **APPLICANT IDENTIFICATION.** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Maple Valley Township;
  2. **PROJECT DESCRIPTION.** A construction schedule along with a general description of the proposed project including the following:
    - (a) the project area boundaries,
    - (b) the location, height, and dimensions of all existing and proposed structures and fencing,
    - (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest public road,
    - (d) existing topography,
    - (e) water bodies, waterways, wetlands, drainage channels, and drain easements, and
    - (f) all new infrastructure, both above and below ground, related to the project.
  3. **INSURANCE.** Proof of the applicant's public liability insurance with at least \$2,000,000.00 to cover the Solar Energy Facility, the Township, and the landowner;
  4. **CERTIFICATION.** Certifications that applicant has complied with or will comply with all applicable county, state, and federal laws, regulations, and ordinances. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a Solar Energy Facility on the property prior to construction;

5. MANUFACTURER'S MATERIAL SAFETY DATA SHEETS. Documentation shall include the type and quantity of all material used in the operation of all equipment located at the site and used during the operation of the Solar Energy Facility.
6. DECOMMISSIONING. A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
  - a. the design life of the project;
  - b. the estimated decommissioning costs net of salvage value in current US Dollars;
  - c. the method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
    - i. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
    - ii. Complete restoration of property to condition prior to development of the Solar Energy Facility;
  - d. the manner in which the project will be decommissioned and the site restored;
  - f. The timeframe for completion of decommissioning activities.
7. SURETY BOND. 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 Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Facility which will be posted at the time of receiving a Special Land Use permit for the Facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township;
8. COMPLAINT RESOLUTION. Description of the complaint resolution process;
9. FIRE SUPPRESSION PLAN. A plan describing the fire suppression process and procedure;
10. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission;

11. A notarized affidavit as proof of an agreement between the parcel owner and the facility's owner or operator confirming the facility owner or operator has permission of the parcel owner to apply for the necessary permits for construction and operation of the solar energy facility;
12. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation;
13. APPLICATION FEE. An applicant shall remit an application fee, in an escrow deposit, in the amount specified by the Planning Commission. 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 with his consent;
14. SGHAT reports for all airports and flight paths within five (5) nautical miles from the center of the proposed Solar Energy Facility along with proof that the SGHAT report and intent to construct a Solar Energy Facility have been sent to the FAA and/or airport manager(s) per 10.17.E;
15. A SGHART report showing the solar glare impact to vehicular traffic on all public roads located within 1 statute mile from the any boundary of the proposed Solar Energy Facility;
16. A structural analysis report of the proposed Solar Energy Facility that proves that the Solar Energy Facility is capable of with standing sustained winds per 10.17.D.15. The report shall be certified by a Professional Engineer contracted by the applicant or by the manufacturer of the solar panels and the manufacturer of the solar panel support structures.
17. If the solar panels will be installed onto an existing structure, the applicant shall provide a structural analysis report demonstrating that the existing structure is capable of withstanding all dead and live loads, including, but not limited to, wind load, snow load, and the installed weight of the solar energy equipment. The report shall be certified by a Professional Engineer contracted by the applicant.
18. Any other relevant studies, reports, certificates, and approvals as may be reasonably required by Planning Commission.

D. Additional Special Land Use Requirements. Solar Energy Facilities shall only be allowed as a special land use in the AR Agricultural-Residential District, the C Commercial District, and the I Industrial District, pursuant to Article 16 as to Special Land Use approvals and the following requirements :

1. All solar energy facilities must comply with the requirements established in the Maple Valley Township Zoning Ordinance.

2. All fences and improved areas located on the site shall comply with applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be located at least 30 feet from a fence line.
3. Solar Energy Facilities shall be located at least 500 feet from any Inhabited Structure, unless there is a written agreement between the Solar Energy Facility owner/operator and the owner of the Inhabited Structure.
4. All access roads and storage areas shall be established on a 40 foot minimum easement to a public right of way.
5. All solar energy facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet.
  - a. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscape buffer shall be maintained by the facility operator not to exceed twelve inches in height
6. Site Security.
  - a. Solar Energy Facilities may be surrounded by a chain link fence not to exceed eight (8) feet in height. The fence may be designed to restrict unauthorized access.
  - b. Security lights shall incorporate “cutoff” shielding to minimize glare and horizontal stray light. Security lights shall only be installed at the Solar Energy Facility or substations if there is clear documented evidence of vandalism or theft, or a serious safety concern. Security lights shall utilize motion activation where ever possible. Installation of security lights at the Solar Energy Facility or substations shall be approved by the Planning Commission
7. The manufacturer’s or installer’s identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore,

an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.

8. All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of four (4) feet underground (both on the property where the Solar Energy Facility will be located and off-site). The Planning Commission may waive the requirements that distribution lines for the Solar Energy Facility which are located off-site (i.e., are not located on or above the property where the Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
9. The design of Solar Energy Facility buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
10. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure that all local, state and federal requirements regulating outdoor battery storage have been met.
11. The applicant must obtain a driveway permit from the Sanilac County Road Commission or MDOT, as applicable.
12. The design, construction, and operation of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.
13. The design, construction, and operation of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with vehicular driver vision for any vehicle being operated on a public road.
14. The design, construction, and operation of solar energy facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.
15. The design, construction, and operation of solar energy facilities shall not produce electrical emissions that would interfere with residential or commercial communications systems, including, but not limited to broadcast television, AM/FM/SW broadcast radio, internet service, cordless phones, business radio, citizen band radio, amateur radio, FRS, and GMRS.

16. The Solar Energy Facility operator/owner shall submit an annual report to the Maple Valley Township Planning Commission. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours (MW-hr). The annual report shall also list all complaints received regarding the Solar Energy Facility along with the status of the compliant resolutions and the actions taken to mitigate the complaints. The report shall list any and all maintenance activities performed during the reporting period along with any and all maintenance activities planned for the next reporting period. The report shall also provide an updated cost estimate for decommissioning along with proof that the surety bond posted at the time of application is still valid. The reporting period shall be from the first day in April of a given year to the thirty first day of March of the following year. Annual reports shall be submitted on or before the thirtieth day of April each year.
17. The Solar Energy Facility shall be engineered to ensure that the Solar Energy Facility can withstand sustained winds of 120 miles per hour without structural damage that would result in the release of debris.
18. The height of the solar panels and of the solar panel support structure shall not exceed ten (10) feet as measured from the ground.
19. All underground wiring and equipment must be registered with Miss Dig.
20. The construction, operation, and decommissioning shall not disrupt any farm tile or drainage systems within the Township which exist at the time of the Special Land Use permit application without a written agreement between the owner of the tile or drainage system and Solar Energy Facility owner or operator.
20. All aspects of the Solar Energy Facility shall adhere to the Sanilac County Construction Code.

E. AVIATION NOTIFICATION.

1. For consideration of potential impacts to civilian flight paths for Solar Energy Facilities located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a Solar Energy facility shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) office with oversight of the Michigan Department of Transportation (MDOT). Notification shall include location of Solar Energy Facility (i.e. map coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.



2. For consideration of potential impacts to civilian flight paths for Solar Energy Facilities located within five (5) nautical miles from an airport not-listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a Solar Energy Facility shall be sent to the airport manager or designated official. Notification shall include location of Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
3. The applicant for the Solar Energy Facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT) , per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to the site plan approval. Proof of delivery of notification and the date of delivery shall be submitted with the permit application
  - a. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed Solar Energy Facility: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration (FAA).
  - b. Airport operations at an airport not in the NPIAS within 5 nautical miles of the center of proposed Solar Energy Facility: provide required SGHAT analysis information to the management of the airport for non-military airports.
4. Any applicable Solar Energy Facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified above in 3.a. and 3.b. for accurate records of the as-built system.

#### F. ABANDONMENT AND DECOMMISSIONING

1. Abandonment: A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility.

- a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six (6) months of notice by the Planning Commission or its designee.
  - b. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a non-hazardous pre-development condition.
2. Decommissioning: The Owner/Operator of the Solar Energy Facility shall give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning shall be required. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

G. COMPLAINT RESOLUTION.

- a. The Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process developed by the Solar Energy Facility Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
- b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township, property owner, or resident and the Solar Energy Facility Applicant.
- c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.
- d. The Solar Energy Facility owner/operator shall provide the opportunity for the Complaint Resolution Committee to attend any and all complaint resolution discussions and meetings and shall provide not less than five (5) business days notice to the Complaint Resolution Committee of any such discussions or meetings.
- e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee

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

The undersigned Supervisor and Clerk of the Township of Maple Valley hereby certify that this Zoning Ordinance Amendment was duly adopted by the Maple Valley Township Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 and was published in the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2017. This Zoning Ordinance Amendment was made effective seven (7) days after said date of publication.

---

Rick Mitchell  
Maple Valley Township Supervisor

---

Janice Bartle  
Maple Valley Township Clerk

# **MAPLE VALLEY TOWNSHIP**

## **ZONING ORDINANCE**

No. 100

Originally adopted January 7, 1988, as amended by ZOA No. 106-97 on July 8, 1988, ZOA No. 108-00 on August 15, 2000, ZOA No 110-02 on July 9, 2002, ZOA No. 113-11 on March 8, 2011, and ZOA No. 116-14 on December 9, 2014.

ZONING ORDINANCE  
TOWNSHIP OF MAPLE VALLEY  
SANILAC COUNTY, MICHIGAN

Ordinance No. 100

AN ORDINANCE to regulate the use of land and buildings by dividing the Township into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, agriculture, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of housing; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., as amended, and the Michigan Planning Enabling Act (MPEA), P.A. 33 of 2008, MCL 125.3801, et. seq., as amended.

THE TOWNSHIP OF MAPLE VALLEY ORDAINS:

ARTICLE I

Short Title

Section 1.01. This ordinance shall be known and cited as the Maple Valley Township Zoning Ordinance.

ARTICLE II

Definitions

Section 2.01. 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.

AGRICULTURAL LAND. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

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

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

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum set back requirements of this Ordinance have been complied with.

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

COLLECTION LINE. All structures, equipment, and real property necessary to transfer electricity at system bulk supply voltage of less than 100 kilovolts.

DWELLING, DUPLEX. A building used or designed as a residence for two (2) families.

DWELLING MULTIPLE. 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, mobile 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.

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, and similar enterprises involving agricultural production.

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 (1/2) of the basement height is above the finished lot grade.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals 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 lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hooved animals. Also includes poultry, rabbits and fur bearing animals other than dogs.

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.

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

MOBILE HOME PARK. Any parcel of land which has been designed, improved or used for the placement of three or more mobile homes for dwelling purposes.

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 nine and one—half (9-1/2) 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.

PLANNING COMMISSION. The duly appointed Planning Commission of Maple Valley Township, as authorized by the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., as amended, and the Michigan Planning Enabling Act (MPEA), P.A. 33 of 2008, MCL 125.3801, et seq., as amended.

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.

SETBACK. The distance between a building and a road centerline or a property line.

SIGN. Any device designed to inform, advertise or attract attention.

SIGN AREA. The total of the surface of one side of a sign, computed in square feet. The total shall be determined by multiplying the total height of the sign surface by the total width of the sign surface area.

SIGN, PERMANENT. Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

SIGN, TEMPORARY. Any sign designed or intended to be placed on a parcel of land for less than six months. Also any sign which is not permanently attached to real estate in accordance with the construction requirements of the building code.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre—manufactured units, modular units, truck or bus bodies, and similar structures. 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.

SWIMMING POOL. The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty—four (24) inches. Ponds shall not be deemed to be swimming pools.



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

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 or tents (used for recreation, camping or travel use) for overnight accommodations.

UNDEVELOPED STATE. A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

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.

USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

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 III

#### Scope

Section 3.01. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, 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 IV

## Administration

Section 4.01. ZONING ADMINISTRATOR. The provisions of this ordinance shall be administered 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 4.02. ZONING COMPLIANCE PERMITS. A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change in the use of any land, structure, or building is undertaken within the Township.

A. APPLICATION. A zoning compliance permit shall be applied for in writing on an application form provided by the Township.

B. ISSUANCE. A zoning compliance permit shall be issued 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. PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.

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

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

## ARTICLE V

### Zoning Districts

Section 5.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AR	Agricultural Residential
R	Residential
C	Commercial
I	Industrial

Section 5.02. DISTRICT BOUNDARIES AND MAP. -The boundaries of the zoning districts are drawn upon the map attached to this ordinance and made

a part hereof. The map shall be designated as the Maple Valley Township Zoning Map.

Section 5.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "principal uses permitted" are prohibited in that district, unless they are listed as "uses permitted after special approval in the district".

Section 5.04. USES PERMITTED AFTER SPECIAL APPROVAL. All uses of land or structures listed as "uses permitted after special approval" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article XVI.

Section 5.05. DISTRICT REGULATIONS.

- A. Each district, as created in this article, shall be subject to the regulations contained in this Ordinance. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited. Waiver uses, because of their nature, require special restrictions and some measure of individual attention in order to determine whether or not such uses will be compatible with uses permitted by right in the district and with the purposes of this Ordinance. Waiver uses are therefore prohibited unless a waiver of such prohibition is reviewed and findings submitted by the Township Planning Commission as provided in this Ordinance and approved by the Township Board.
- B. All Ordinances or part of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.
- C. Should any portion of this Ordinance be held invalid for any reason, such holdings shall not be construed as affecting the validity of any of the remaining portions of this Ordinance.

## ARTICLE VI

### AR Agricultural Residential District

Section 6.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses.
- B. Single family dwellings (subject to Section 10.06).

- C. Keeping of livestock.
- D. Township government buildings and uses.
- E. Communications Towers (which are exempt under Section 10.13).
- F. Wind Energy Facilities (which are exempt under Section 10.14).
- G. Meteorological Towers (which are exempt under Section 10.16).
- H. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Parks, recreation areas, campgrounds, golf courses, riding stables, and similar recreational facilities, either privately or publicly owned.
  - 1. Minimum site size of ten (10) 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 two hundred (200) feet from property lines and roads.
  - 3. All activities shall be adequately screened from abutting property as required by the Planning Commission.
  - 4. 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. Dog kennels.
  - 1. All animals shall be adequately housed, fenced and maintained so as not to create a nuisance.
  - 2. All pens and runaways shall be screened from view from any residences or roads by the building or greenbelt plantings. Kennels shall also have restrictive fencing at least six (6) feet in height.
  - 3. Kennels shall be set back a minimum of 50 feet from each property line and 150 feet from the road.
- C. Quarrying or removal of soil, sand, clay, gravel or similar materials.

It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to stockpile, strip any top soil, sand, clay, gravel, stone or similar material; to tunnel, shaft mine or quarry the mining of metals, coal and lignite, minerals, non-metallic minerals or earth resources; to use lands for filling or to expand an existing operation in the AR Zoning District without first submitting an application and securing approval from the Planning Commission and issuance of a permit by the Zoning Administrator.

1. No permits will be required for 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.
3. 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 hard topping 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 sub-lateral support to surrounding property where soil or geologic conditions warrant it.
- h) Surety Bond.
  - (i) The Planning Commission shall, to insure 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.
  - (ii) In fixing the amount of such surety bond the Planning Commission shall take into account the size and scope of the proposed quarry, probable cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by Court decree, and such other factors and conditions as might be relevant.

D. Home Occupations.

1. The home occupation must be conducted entirely within a building.
2. The home occupation shall involve no employees who reside off the premises.
3. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
4. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.

E. Duplex Dwellings.

1. Any dwelling proposed for use as a duplex must have been constructed for and occupied as a single family dwelling prior to the adoption of this Ordinance.
2. The remodeled dwelling must contain the minimum number of square feet for such dwelling unit as specified in Section 7.02.A.1.

F. Schools, Churches and Cemeteries. A minimum site size of five acres shall be required and the site must be located on a state highway or paved County road.

G. Roadside Stands. The facility must be used for the merchandising of produce grown on the premises.

H. Airplane Landing Strips. The airport must be used for agricultural or personal use only.

I. Governmental buildings and facilities, other than township buildings and uses.

J. Communications Towers (subject to Section 10.13).

K. Wind Energy Facilities (subject to Section 10.14).

L. Collection Lines and Collection Line Systems (subject to Section 10.15).

M. Meteorological Towers (subject to Section 10.16).

## ARTICLE VII

### Residential District

Section 7.01. PRINCIPAL USES PERMITTED.

- A. Single family dwellings (subject to Section 10.06).
- B. Crop production.
- C. Township buildings and uses.
- D. Communications Towers (which are exempt under Section 10.13).
- E. Wind Energy Facilities (which are exempt under Section 10.14).
- F. Meteorological Towers (which are exempt under Section 10.16).
- G. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Duplex dwellings and multiple family dwellings.
  - 1. Minimum floor area per dwelling unit shall be 500 square feet with an additional 100 square feet of area for each bedroom.
  - 2. No more than one apartment shall be constructed for each 6,000 square feet of land area.
- B. Rooming houses, boarding houses, and tourist homes.
- C. Hospitals and convalescent homes.
- D. Nursery schools and day care centers.
- E. Private clubs or lodges.
- F. State—licensed residential facilities for six or more residents.
- G. Mobile home parks.
- H. Recreational facilities as regulated by Section 6.02.A.
- I. Schools.
- J. Churches.
- K. Cemeteries. -



- L. Governmental buildings and facilities, other than Township buildings and uses.
- M. Communications Towers (subject to Section 10.13).
- N. Collection Lines and Collection Line Systems (subject to Section 10.15).

## ARTICLE VIII

### C Commercial District

#### Section 8.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes, mortuaries, and cemeteries.
- G. Indoor recreation establishments.
- H. Hotels, motels, lodge halls, private clubs, and auditoriums.
- I. Schools, churches, and publicly owned buildings or facilities.
- J. Buildings, structures and uses which are accessory to any of the above permitted uses.

#### Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Open—air businesses such as drive—in theaters, race tracks, used car sales, farm machinery sales, fruit markets, recreational facilities, or any

retail business activities which are conducted outside of an enclosed building.

- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Residences.
- D. Communications Towers (subject to Section 10.13).
- E. Collection Lines and Collection Line Systems (subject to Section 10.15).
- F. Meteorological Towers (subject to Section 10.16).

#### ARTICLE IX

#### I Industrial District

##### Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Removal, quarrying, or processing of sand, gravel, or similar materials under the conditions required by Section 6.02(C).
- F. Automobile or machinery repair facilities.
- G. Buildings, structures, and uses which are accessory to any of the above permitted uses.

##### Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Junk yards completely enclosed by an obscuring wall or fence.
- B. Sanitary landfills, garbage incineration plants, or sewage treatment plants.
  - 1. Must comply with regulations of the State of Michigan.
  - 2. Must be completely enclosed by an obscuring wall, fence, or dense greenbelt.

3. No excavation may occur within 200 feet of the center of any road nor within 50 feet of any property line.
- C. Slaughter houses.
  - D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
  - E. Communications Towers (subject to Section 10.13).
  - F. Collection Lines and Collection Line Systems (subject to Section 10.15).
  - G. Meteorological Towers (subject to Section 10.16).

## ARTICLE X

### GENERAL PROVISIONS

Section 10.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 10.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a lot or parcel which shall front upon a public road or upon a private road constructed to the standards of the Township Private Road Ordinance. Each lot or parcel to be used as a dwelling site shall not have less road frontage than the minimum lot width required by Section 13.02 of this ordinance, as amended by Ordinance No 106 adopted on July 8, 1997.

Section 10.03. MOVING OF BUILDINGS OR STRUCTURES. Any building or structure shall not be moved upon any premises in the Township until a zoning compliance permit shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. No building or structure shall be moved to any site within the Township until the owner has posted a cash deposit in an amount specified by the Township Board, guaranteeing full compliance with the Township ordinances. The site from which a building or structure has been moved shall be graded level and all debris shall be cleared away.

Section 10.04. PUBLIC UTILITIES. Facilities provided by any public utility company or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewers, mains, pumping stations, sub—stations, towers, poles, and related equipment. Any buildings erected shall be subject to the site plan review

requirements. Any office, warehouse, manufacturing, or sales buildings must be located in a zoning district permitting that use.

Section 10.05. OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings. No commercial or industrial buildings shall be occupied for dwelling purposes.

Section 10.06. SINGLE FAMILY DWELLING REQUIREMENTS. Any single family dwelling shall comply with the following minimum standards:

- A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in Section 13.02, prior to any alterations or additions.
- B. Minimum Width. Each dwelling shall be no less than fourteen (14) feet in width in all directions.
- C. Roof. Each dwelling shall have a shingled roof with at least a 3—12 pitch.
- D. Foundation. Each dwelling shall be provided with adequate foundation support in the form of a perimeter cement foundation, cement slab or cement pillars as required by the building inspector. Each dwelling shall be securely anchored to the foundation.
- E. Storage Facilities. Each dwelling shall have either a basement, garage or storage building containing at least 100 square feet of storage area constructed at the same time as the dwelling.
- F. Skirting. Skirting consisting of brick, concrete blocks, treated wood, aluminum, or other non—corrosive metal of at least 26 gauge shall be constructed completely around the lower edge of the dwelling so as to be capable of preventing the entry of rodents.
- G. Construction Code. Each dwelling and dwelling addition shall comply with current building code requirements.

Section 10.07. RECREATIONAL VEHICLE OCCUPANCY. The owner or lessee of any premises may permit the temporary occupancy of one recreational vehicle for guests or visitors for a period not to exceed three (3) months in any calendar year. Recreational vehicles shall be deemed to include travel trailers, motor homes, truck campers and similar vehicles, but shall not include mobile homes.

Section 10.08. SIGNS. All outdoor signs shall be regulated as follows:

- A. No sign shall overhang or encroach upon any public road right-of-way or obstruct the vision of motor vehicle operators. All free standing signs shall be set back at least five (5) feet from all public or private road right-of-way lines and from all property lines.
- B. Temporary signs promoting political candidates or election issues shall be permitted in all districts, provided that such sign shall not exceed thirty-two (32) square feet in area. All such signs shall be removed within ten (10) days after the election.
- C. Signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than sixteen (16) square feet in area.
- D. Signs are permitted in all districts which advertise for sale either agricultural produce grown on the premises or personal property owned by a resident of said premises; provided such produce or personal property was not purchased for the purpose of resale. Such signs shall not exceed sixteen (16) square feet in area.
- E. Signs advertising authorized home occupations shall be permitted, providing said signs are not illuminated and do not exceed sixteen (16) square feet.
- F. Signs advertising commercial, industrial, or other facilities located on the same parcel of land as the facility advertised may be permitted after site plan review and issuance of a building permit, subject to the following conditions:
  - 1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
  - 2. No more than one permanent sign shall be permitted for each business.
  - 3. Permanent signs shall not exceed one hundred (100) square feet in sign area unless flush with the side of a building.
  - 4. Permanent signs which are flush with the side of a building may be as large as the side of the building. Such signs may not extend above or beyond the wall on which they are located. No roof signs shall be permitted.
  - 5. No more than two (2) temporary signs shall be permitted at any one time for any business.
  - 6. Temporary signs shall not exceed sixteen (16) square feet in area.

G. Signs located on parcels of land separate from the commercial, industrial, or other facilities advertised on the signs may be permitted by the Planning Commission after site plan review and issuance of a building permit, subject to the following conditions:

1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
2. No such sign shall be permitted within six hundred and sixty (660) feet of any other sign or of any sign permitted pursuant to paragraph F of this section.
3. No such sign shall exceed one hundred (100) square feet in sign area.

Section 10.09. SWIMMING POOL FENCING. All swimming pools shall be completely enclosed by a fence at least four (4) feet high. 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 10.10. GREENBELTS.

- 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 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 10 feet in width along said borders shall be planted and maintained.
- C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No site plan shall be considered as having been complied with until the landscaping features have been completed.
- D. The planning commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 10 .11. TEMPORARY MOBILE HOMES.

A. The zoning administrator may issue a permit for a temporary mobile home which does not comply with the single family dwelling requirements of Section 10.06 to be occupied during the time that a permanent dwelling is being constructed. A temporary mobile home permit may be issued or renewed for a one year period if the following requirements are complied with:

1. A building permit for the permanent dwelling must be acquired before the temporary mobile home is placed on the premises.
2. The permanent dwelling must be completed and the temporary mobile home removed from the property before the expiration of the temporary mobile home permit.
3. The applicant must post a cash deposit of \$100.00 with the township treasurer and execute an affidavit guaranteeing that the temporary mobile home will be removed from the premises at the expiration of the permit period.
4. A temporary mobile home permit may be renewed only if reasonable progress has been made on the construction of the permanent dwelling.

B. Variances to permit the occupancy of mobile homes within the township may also be guaranteed by the Board of Zoning Appeals pursuant to the procedures contained in Article XVII. Such variances for mobile home occupancy may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health or indigency. Any mobile 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.

Section 10.12. POND SETBACKS AND GRADE. All ponds shall be located at least 50 feet from all property lines and road right-of-ways lines. All ponds shall be constructed per county and state requirements.

Section 10.13. COMMUNICATION TOWERS. Communication antennas and related facilities belonging to homeowners and used for personal communication shall be exempt from the requirements of this section and shall be allowed as a permitted use in all residential zoning districts, providing that a) the communication tower or related facilities do not exceed one hundred (100) feet in height, b) the communication tower 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 which shall be measured from the ground level to the top of the tower or antenna whichever is taller. All other communication towers, including transmission towers, relay or receiving antennas, and normal

accessory facilities involved in television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts subject to the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, vegetation or property in the area. The applicant shall also submit a written explanation of the design characteristics and 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. Technical documentation of any information regarding these concerns shall also be provided.
- B. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
- C. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
- D. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area.
- E. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers are not allowed, unless absolutely necessary for structural reasons.
- F. All tower bases and related equipment shall be screened from view and shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height.
- G. No tower shall be located within three (3) miles of any existing tower.
- H. 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.
- I. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:



1. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  2. 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.
  3. Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  4. 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.
- J. 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 I-1, 2, and 3 are met.
- K. A condition of every approval of communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for 180 days 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 Building Official.
- L. To insure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash bond; (2) irrevocable bank letter of credit for the term of lease; or (3) an agreement in a form approved by the Township Attorney and recordable at the register of deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

#### Section 10.14. WIND ENERGY FACILITIES.

- A. **PURPOSE AND INTENT.** The purpose and intent of this Section is to establish a process for the approval of suitable locations for Wind Energy Facilities within Maple Valley Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of

the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Wind Energy Facilities shall include any mechanical device such as a wind charger, windmill, or wind turbine which is designed and used to convert wind energy into a form of useful energy for sale. This Article shall not apply to:

1. Any wind energy facility consisting of one wind turbine;
2. Any wind energy facility not in commercial use;
3. Any wind energy facility consisting entirely of wind turbines with a total height that does not exceed one hundred (100) feet and nameplate capacity that does not exceed one hundred (100) kilowatts.

B. **CONFLICTING REGULATIONS.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restriction, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. In particular.

C. **SPECIAL DEFINITIONS.**

FAA shall mean the Federal Aviation Administration

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

Total Height shall be the distance from the ground to the tip of the turbine blade at its highest point.

Inhabited Structure shall mean a legally permitted structure intended for frequent human use and, for the purpose of this Section, shall be limited to a residence, studio, business office, school, hospital, church, or public library.

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

Non-Participating Parcel shall mean any parcel, the owner of which has not entered into any contract or agreement with a Wind Energy Facility Owner or Wind Energy Facility Operator.

Participating Parcel shall mean a parcel, the owner of which has entered into a written contract with a Wind Energy Facility Owner or Wind Energy Facility Operator, which allows the Wind Energy Facility Owner

or Operator to place property above ground or underground on the parcel, build roads or structures on the parcel, or place an easement on the parcel.

Project Area shall be defined as the total land area, including all parcels, for which the Special Land Use permit is being sought by the Applicant.

Shadow Flicker shall be defined as the casting of a shadow which is moving or varying in intensity as the result of the moving blades of a wind turbine intercepting the path of direct or diffuse sunlight.

Wind Energy Conversion Facility or Wind Energy Facility shall mean any electricity generating facility consisting of two or more wind turbines under common ownership or operation control, and includes substations, Met Towers, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. A Wind Energy Facility shall not include cables/wires, underground and/or overhead collection lines or collection line system, or overhead or underground transmission or distribution lines.

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

- D. DEVELOPMENT USES, REQUIREMENTS AND RESTRICTIONS. All listed non-discretionary permitted uses in the underlying zoning district of this wind energy zone are permitted. All listed discretionary uses in the underlying zoning district are subject to special use permit process and review.
  
- E. ADDITIONAL SPECIAL LAND USE REQUIREMENTS. The following criteria shall be included and/or be utilized as additional requirements when preparing, submitting, and reviewing an application for a Special Land Use Permit.
  - 1. Wildlife Impact. The Wind Energy Facility Owner and/or Operator shall reasonably consider and protect avian and bat species, not just those that are endangered or threatened, in the design construction, and operation of the Facility.
  
  - 2. Visual Appearance; Lighting; Power Lines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

- a. Tower.
  - 1) Wind turbines shall be mounted on tubular, monopole towers, painted a non-reflective, non-obtrusive color;
  - 2) No lattice towers are allowed;
  - 3) The appearance of turbines, tower and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.); and
  - 4) A certified registered engineer or authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
  
- b. Structures. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and then existing environment. No bold colors will be allowed.
  
- c. Lighting.
  - 1) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof;
  - 2) Any lighting required by the FAA shall be of the lowest intensity and of the slowest pulse width allowed and shall incorporate shielding to minimize visibility from the ground where allowed by the FAA; and
  - 3) Security lights shall incorporate "cutoff" shielding to minimize glare and horizontal stray light. Security lights shall only be installed on turbine towers and substations if there is clear documented evidence of vandalism or theft, or a serious safety concern. Security lights shall utilize motion activation where ever possible. Installation of security lights on turbine towers or substations shall be approved by the Planning Commission.

- d. Advertising. Wind turbines shall not be used for displaying any advertising except for the reasonable identification of the manufacturer or operator of the Wind Energy Facility. No graffiti will be allowed.
- e. Wires.
  - 1) Over head or underground transmission and distribution lines are required to obtain a separate special land use permit from the Township (subject to Section 10.16);
  - 2) Underground and/or overhead collection lines or collection line systems are required to obtain a separate special land use permit from the Township (subject to Section 10.15);
  - 3) Surface markers shall be placed to indicate the location of the wires and a map shall be placed on the tower indicating same. Placement of surface markers may be limited to right-of-ways, if so requested by the land owner, to avoid interference with other land uses. Membership and participation in the MISS DIG Systems, Inc. of Michigan shall be required. Proof of membership shall be provided upon request; and
  - 4) Any new substation shall be located at a distance of no less than one thousand three hundred twenty (1,320) feet from the nearest inhabited structure. A lesser setback may be approved if the intent of this Ordinance would be better served thereby. A lesser setback shall be considered only with written approval from the owner of the inhabited structure.
- 3. Setbacks, Separation, and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.
  - a. Inhabited structures:
    - 1) Each wind turbine shall be setback from the nearest inhabited structure or municipal limit, a distance no less than the greater of:
      - (i) Two and three quarters (2.75) times its Total Height, or

- (ii) One thousand three hundred and twenty (1,320) feet.
  - 2) A lesser setback may be permitted only with written approval from the owner of the inhabited structure within the lesser setback.
- b. Property line setbacks. Wind turbines shall be subject to the property line setbacks provided below:
- 1) Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
  - 2) Where a proposed turbine location is nearer to a non-participating intra-district property line than one and one tenth (1.1) times the Total Height of the wind turbine, an easement may be established on the abutting (non-participating) parcel(s).
- c. Public Roads. Each wind turbine shall be set back from the nearest public road a distance no less than one and one tenth (1.1) times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.
- d. Communication and Electrical Lines. Each wind turbine shall be set back from the nearest above-ground public utility transmission line a distance no less than one and one quarter (1.25) times its total height, determined from the existing power line or telephone line.
- e. Tower Separation.
- 1) Turbine/tower separation shall be based on:
    - (i) Industry standards,
    - (ii) Manufacturer recommendation, and
    - (iii) The characteristics of the particular site location.
  - 2) At a minimum, there shall be a separation between towers of not less than two (2) times the turbine (rotor)

diameter.

- 3) The Wind Energy Facility shall be designed to minimize disruption to farmland activity.
  - 4) Record documents (i.e. “as-built” drawings) shall be submitted to the Township by the developer/manufacturer confirming specification for turbine/tower separation.
- f. Construction Certification. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Site Plan and Special Land Use Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.
4. Wind Turbine/Tower Height. Generally, the Hub Height shall not exceed one hundred (100) meters (three hundred twenty eight (328) feet) from the existing grade unless modification of this maximum height is approved pursuant to this Article. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended) and FAA guidelines as part of the approval process.
5. Noise.
- a. The sound pressure level from the operation of the Wind Energy Facility shall not exceed forty-five (45) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any sixty (60) minute interval, measured anywhere within a zone extending fifty (50) feet from the exterior walls of any inhabited structure existing on the date of approval of any Wind Energy Facility special use permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.
  - b. In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the standards for sound pressure level set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA.
    - 1) A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band,

including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

- c. Ambient sound pressure levels shall be measured at a building's exterior and fifty (50) feet away from a building's exterior wall of potentially affected existing inhabited structures. Measurements shall be made on the side of a building which is most likely to receive the greatest sound pressure level from the operation of the Wind Energy Facility.
  - 1) Sound pressure level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone.
  - 2) Sound pressure level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed fifteen (15) mph at the ambient noise measurement location.
- d. Any sound pressure level falling between two (2) whole decibels shall be the lower of the two.
- e. In the event the sound pressure levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said level may be approved, provided that the following has been accomplished:
  - 1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed, and
  - 2) If the applicant wishes the waiver apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Sanilac County Register of Deed office that describes the benefited and burdened properties and that advises all subsequent



owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

6. **Shadow Flicker Limits.** Shadow flicker shall be limited to a maximum of fifteen (15) hours per year as measured anywhere within a zone extending fifty (50) feet from the exterior walls of an inhabited structure. If shadow flicker is created by more than one wind turbine, the cumulative total of all shadow flicker shall not exceed fifteen (15) hours per year in said zone. All shadow flicker complaints need to be mitigated by the Wind Energy Facility Developer and/or Wind Energy Facility Owner regardless of shadow flicker duration. In the event the shadow flicker created by the Wind Energy Facility exceeds the criteria listed above, a waiver to said level may be approved, provided that the following has been accomplished:
  - a. Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the shadow flicker limitations imposed by this Article, and that consent is granted to allow shadow flicker levels to exceed the maximum limits otherwise allowed, and
  - b. If the applicant wishes the waiver apply to succeeding owners of the property, a permanent shadow flicker impact easement must be recorded in the Sanilac County Register of Deed office that describes the benefited and burdened properties and that advises all subsequent owners of the burdened property that shadow flicker levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
7. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have a ground clearance of not less than fifty (50) feet.
8. **Signal Interference.**
  - a. No Wind Energy Facility shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna for radio, television, wireless phone, internet, or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
  - b. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave

communications link where its operation is likely to produce electromagnetic interference in the links operation.

- c. Notwithstanding the foregoing, an approval may be issued under this Article if Applicant commits to remedy any interference described above with the use of signal repeaters or other proven mitigation measures.

9. Safety.

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind Turbine towers shall not be climbable on the exterior.
- c. All access doors to wind turbine towers and electrical equipment shall be locked at all times except during servicing.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Energy Facility entrances.
- e. Projects shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- f. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.
- g. The applicant shall notify and provide MSDS (Material Safety Data Sheets) to the local Fire Department for all potentially hazardous chemicals and materials that will be present during construction and operation of the Wind Energy Facility.

- 10. Ground Water Protection. The Wind Energy Facility Owner/Operator shall consult with the Sanilac County Health Department to ensure that the installation or construction of wind turbine foundations or other underground equipment will not contaminate or negatively affect the aquifer, water bearing wells, or drinking wells. The Wind Energy Facility Owner/Operator shall provide the Health Department with the proposed locations of the wind turbines and underground equipment. The Wind Energy Facility Owner/Operator shall work with the Health Department to review Well Logs and determine the locations of wells which may

be affected. The Wind Energy Facility Owner/Operator shall work with the Health Department to develop mitigation plans to address potential impacts to the identified wells. The Wind Energy Facility Owner/Operator must mitigate any temporary negative impact to a water bearing well or drinking well for the duration of the Wind Energy Facility construction using a mitigation method which has been approved by the Sanilac County Health Department. The Wind Energy Facility Owner/Operator shall also use secondary confinement bed liners for any permanent or temporary fuel or chemical storage tanks in accordance with OSHA requirements.

11. Erosion and Flooding. Any erosion or flooding of property resulting from the construction of alternative energy structures or access roads is the responsibility of the developer/owner of the structures.
12. Complaint Resolution. The purpose of this section is to provide the public with a mechanism to file a complaint with the Wind Energy Facility Owner and /or Operator and the Township and receive a timely response from the Wind Energy Facility Owner and /or Operator regarding the complaint. The applicant shall submit procedures which it intends to implement for receiving, acting upon, and resolving complaints.
  - a. The Wind Energy Facility Owner and/or Operator shall submit a detailed, written complaint resolution procedure developed by the applicant to resolve complaints from the Township Board or the Maple Valley Township property owners or residents concerning the construction or operation of the Facility. The complaint resolution procedure must be approved by the Township Board as a condition of approval of the special land use permit application.
  - b. The Wind Energy Facility Owner/Operator shall accept complaints from all property owners within Maple Valley Township.
  - c. The Wind Energy Facility Owner/Operator shall provide a telephone number and mailing address to the Township at which the Owner/Operator can be contacted for purposes of submitting complaints.
  - d. The Wind Energy Facility Owner/Operator shall allow complaints to be submitted in writing or by phone.
  - e. The Wind Energy Facility complaint resolution procedure shall set forth what information must be included in a

complaint.

- f. The Township Board will appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owner or resident and the Wind Energy Facility Owner and/or Operator.
- g. The Complaint Resolution Committee will consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.
- h. The Wind Energy Facility Owner and/or Operator shall maintain a Call Log of any complaints which are reported to the Wind Energy Facility Owner and/or Operator by telephone. A paper and electronic copy of the Call Log shall be delivered to the Complaint Resolution Committee via Mail once each calendar quarter or upon request by the Complaint Resolution Committee. The electronic copy shall be on a CD or other media commonly found on a majority of personal computers at the time of each delivery.
- i. The Wind Energy Facility Owner and/or Operator shall retain original copies of any and all electronic and/or written complaint related correspondence for not less than twelve (12) months after the resolution of the complaint.
- k. The Wind Energy Facility Owner and/or Operator shall acknowledge all complaints in writing to both the complainant and the Complaint Resolution Commission within five (5) business days of receipt of the complaint.
- l. As a condition of the Facility Owner/Operator acting on the complaint, the complainant must allow the wind Facility Owner/Operator or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complainant for further investigation and testing. The Facility Owner/Operator must request permission to enter the property from the property owner prior to entering the property. Such permission shall not be unreasonably withheld. The Facility Owner/Operator shall schedule all access to the property in accordance to Section 10.14(E)(12)(m). The Facility Owner/Operator, designated staff, or authorized personnel shall make all efforts possible not to interfere with the property owner's normal use of the property. The Facility Owner/Operator, designated staff, or

authorized personnel must notify the property owner upon entering the property and upon leaving the property.

- m. The Wind Energy Facility Owner and/or Operator shall provide the opportunity for the Complaint Resolution Committee to attend any and all complaint resolution discussions and meetings and shall provide not less than five (5) business days' notice of any such complaint resolution discussions or meetings to the Complaint Resolution Committee.
- n. The Wind Energy Facility Owner and/or Operator shall investigate and deliver an official response to the complaint in writing to both the complainant and Complaint Resolution Commission within thirty (30) days after receipt of the complaint. The response must detail the corrective action to be taken by the Facility Owner/Operator to resolve the complaint or an official denial of the complaint with substantiating evidence to support the denial, such as sound measurements, photos, engineering data, etc. Any corrective actions must be completed within sixty (60) days of the initial receipt of the complaint.
- o. Any complaint which is not fully resolved within sixty (60) days shall result in a performance review by the Planning Commission as described in Section 10.14(J). Resolution or mitigation of a complaint that involves construction, landscaping, testing or other significant alteration/operational condition that is dependent on seasonal or other conditions, may exceed sixty (60) days if approved by the Planning Commission.
- p. The Township Board shall be kept apprised of all complaints and shall receive a report as outlining the issue, the progress, and the resolution. Such report shall be presented monthly by the Complaint Resolution Committee.
- q. The Wind Energy Facility Owner and/or operator shall not modify the approved complaint resolution procedure without prior approval of the Maple Valley Township Planning Commission and Board.

F. ADDITIONAL SITE PLAN REQUIREMENTS.

- 1. In addition to the requirements listed in Section 15.03, all proposed Site Plan Applications for Wind Energy Facilities must also include the following:

- a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (right-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access. Publically available sources may be used if available. All setbacks must be verified with GPS survey coordinates.
- b. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access roads (including width), substations and accessory structures.
- c. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility.
- d. Engineering data concerning construction of the tower and its base or foundation. Data shall also be provided showing that the foundation design and construction will allow the soil to be restored to a depth of not less than three (3) feet upon removal of said tower.
- e. Anticipated construction schedule.
- f. Description of operations, including anticipated regular and unscheduled maintenance; Complaint resolution policy and procedures manual.
- g. Evidence that the Applicant has consulted the Sanilac County Health Department regarding potential impacts to the aquifer, water bearing wells, and drinking wells along with the resulting mitigation plans.
- h. Evidence of title insurance, evidence of a title company search, and a copy of record of instrument for each participating parcel.
- i. The applicant shall submit a Wind Rose Chart at the time of the application. This is a chart or graph that describes 12 months (or more) of wind data collected from the proposed project area. This graph or chart will demonstrate direction,

duration, and intensity of the wind. These data will be for each height of wind sensor mounted on the meteorological tower.

j. Shadow Flicker Study. A shadow flicker study shall be required, and shall be submitted by the applicant with the application. The purpose of the shadow flicker study is to examine the duration and location of shadow flicker within the Project Area. The model study area shall include all land extending a minimum of 10 rotor diameters in all directions beyond the exterior boundaries the Project Area. The model shall be calculated using the following minimum inputs: turbine locations, shadow flicker receptor locations, existing topography, rotor diameter and hub height, joint wind speed and direction distribution (wind rose table), and hours of sunshine (long term monthly references). The model shall calculate the locations and durations of shadow flicker caused by the proposed wind energy system within the study area, and the total number of hours anticipated per year of shadow flicker. Assumptions regarding the percentage of time that shadow flicker is likely to occur shall be clearly explained and subject to approval of the Planning Commission. The shadow flicker study shall include a map that indicates participating and non-participating parcels, all inhabited structures, and the exterior boundary of the Project Area. Estimates for shadow flicker shall be to the nearest tenth of an hour.

k. Noise Studies.

1) Pre-construction Noise Background Survey. The applicant shall provide a noise background study at the time of application which indicates Leq, L10, and L90 ten-minute sound levels using both A and C weighting. For applications submitted after the effective date of this ordinance, the applicant shall submit proposed measurement locations to the Planning Commission in advance of the survey for review and approval. Measurement procedures should generally follow the most recent versions of ANSI S12.18, and ANSI S12.9, Part 3 (with or without an observer present) guidelines. The selected test locations shall be described with GPS coordinates or some other level of detail such that the location can be used by others to repeat or verify sound measurements. Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level

Meter. The noise background study shall report for the period of monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction. The study shall include a map showing sound measurement locations, proposed wind turbine locations, participating and non-participating parcels, and all inhabited structures. The Pre-construction Noise Background Study may be omitted to reduce costs incurred by the Wind Energy Facility Developer under the following two conditions:

- (i) The Wind Energy Developer performs the Post Construction Sound Survey as described in this Ordinance with measurements taken with the wind turbines in both operational and non-operational status at each measurement location in order to establish both background sound pressure levels and wind turbine generated sound pressure levels.
  - (ii) The Wind Energy Developer shall assume that background L90 sound pressure levels are less than 40 dBA for all analysis involved in the Site Plan Review and Special Land Use Permit Application.
- 2) Sound Modeling Study. A predictive sound study of turbine noise shall accompany an application for a wind energy system to verify that ordinance requirements can be met for dBA sound levels. The applicant shall present the maximum Sound Power Level of the proposed turbine on both the dBA and dBC scales, and will calculate the difference [dBC - dBA] in decibels and compare it to the 20 decibel threshold in IEC 61400-11, Annex A, as an indicator of whether the turbine is likely to produce low-frequency noise that could create annoyance. For assessing potential low frequency or vibration problems, refer to the appropriate section within this ordinance. The sound modeling must follow the most recent version of International Standard, ISO 9613-2 "Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation." The sound modeling study shall use wind turbine sound power levels determined according to the most recent version of IEC 61400 – Part 11. The study shall



include a map showing sound contours at 5 dB intervals for both dBA and dBC weightings, proposed wind turbine locations, participating and non-participating parcels, and all inhabited structures. The predicted values must include sound levels created by all proposed turbines from the applicant's project. The sound study shall extend out to the 30 dBA sound contour line or 1 mile from a wind turbine generator, whichever is closer to the nearest wind turbine.

- 3) Low Frequency Sound and/or Vibration. The applicant shall provide acoustic modeling at the time of application to assess potential low frequency or vibration problems. The modeling study of low frequency sound and vibration shall demonstrate meeting: (1) ANSI S12.9/Part 4 Annex D threshold for minimal annoyance and beginning of rattles from outdoor low frequency noise as summarized in Section 2.2 2 of the March-April, 2011 Noise Control Eng. article by O'Neal, et al. and (2) the ANSI S12.2 sound level limits for moderately perceptible vibration and rattles within homes as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al.. The ANSI S12.2 interior sound level limits for low frequency sound and perceptible vibration within homes, as modified to equivalent outdoor sound limits in Table 2 of the March-April, 2011 Noise Control Eng. Journal article by O'Neal, et al. shall be utilized to determine if outdoor sound levels will create perceptible vibration or low frequency problems indoors. If the post-construction sound survey outdoor octave band sound level measurements reveal that low frequency sound from wind turbines at the exterior of a non-participating inhabited structure may create a vibration or low frequency noise problem, then further studies should be conducted to assess the problem. The further studies shall use the above referenced standards (ANSI S12.2 and ANSI S12.9/Part 4 Annex D). If the further study indicates that the low frequency sound/vibration exceeds acceptable levels, mitigation may be required by the Planning Commission. Mitigation may include operational changes to the turbine, modifications to the subject building or buildings, or other measures as determined by the Planning Commission.

1. At the time of application, the applicant shall submit a wildlife study, completed by a qualified professional, to assess the potential impacts of the proposed wind energy facility upon bird and bat species. The wildlife study shall include the results of an environmental review request from the Michigan Department of Natural Resources, a literature review for threatened and endangered species and for birds and bats, the results of supplemental environmental surveys conducted by the applicant to provide information related to critical flyways, migratory routes, feeding areas, and/or nesting sites for protected species. It is the intent of this ordinance to reasonably consider and protect avian and bat species, not just those that are endangered or threatened. The applicant must identify any plans for post-construction monitoring and studies. The analysis shall also include an explanation of potential impacts and proposed mitigation plans, if necessary. A qualified, third party review of the applicant's wildlife studies and/or environmental surveys may be required by the Planning Commission.
- m. An application shall include a Licensed Microwave Search and Worst Case Fresnel Zone (WCFZ) analysis. The application shall include an electromagnetic interference mitigation plan. All wind turbine generators shall be sited in accordance with the findings of electromagnetic interference mitigation plan and approved by the Planning Commission.
- n. MISS DIG Systems, Inc. of Michigan membership.
- o. Proof of liability insurance prior to the start of construction for all contractors and subcontractors that are to be part of the project.
2. Application Escrow Account. Applicant must deposit \$50,000 into an escrow account held by Maple Valley Township for the purposes of paying for any costs associated with reviewing, processing, or approving of the Special Land Use permit including but not limited to legal fees, sound studies, environmental studies, and engineering reviews. The escrow account must be replenished by the applicant whenever the escrow balance falls below \$25,000. This escrow account must be maintained after project completion to cover any costs incurred by Maple Valley Township as part of conducting Complaint Resolution per Section 10.14(E)(12) and the Performance Review per Section 10.14(J) of this Ordinance.
3. Construction Bond and Permit.

- a. Applicant, construction company, or other acceptable third party shall file a construction performance bond or irrevocable letter of credit in an amount of \$1.5 Million per wind turbine written in favor of Maple Valley Township, to ensure that, in the event that the project is not completed, the project site and other affected private or governmental properties (e.g. Roads, ditches, bridges, etc.) will be restored to pre-construction condition.
  - b. Within six months prior to the effective date of the performance bond or equivalent financial instrument, and every six months thereafter, the developer/applicant shall provide a report as to the estimated cost of terminating the project as of that date. The Township shall review the results and other such information as the Township may gather and shall adjust the amount of the bond or equivalent financial instrument accordingly. Such adjustments shall be at the sole discretion of the Township.
  - c. This bond shall be terminated upon timely completion of construction and activation of the facility.
  - d. Any special land use application to construct a Wind Energy Facility shall require the approval of the Sanilac County Construction Department.
4. Decommissioning Plan and Bond. Applicant shall file a decommissioning plan and agreement that within five (5) years after the permit is granted, a replenishing decommissioning bond shall be posted in favor of Maple Valley Township. (see Section 10.14(K). Decommissioning).
  5. The applicant must also obtain a permit from the Sanilac County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Sanilac County Drain Commission for any culverts or other drainage facilities.
- G. APPLICATION FEE. An applicant for a Wind Energy Facility shall remit an application fee and a fee per megawatt of nameplate capacity to the Township included with all applications in the amount specified in the annual fee ordinance. This fee is based on the cost to the Township of the review which may be adjusted from time to time, and shall include, but not be limited to, such costs as meeting expenses, publication and notification expenses, related attorney fees, and other costs as may be incurred by the Township during the application and review process. The applicant or developer shall also pay any expenses or costs related to

the project that are incurred by the Township throughout the life of the wind energy facility, including but not limited to, attorney fees, meeting costs, and emergency services.

H. APPLICATION PROCEDURES. A developer/operator of any Wind Energy Facility shall make application for special land use permit for a Wind Energy Facility to the Planning Commission as generally required by the zoning ordinance and as specifically required by this Article. The application for a special land use permit for a Wind Energy Facility will be accompanied by the required fees and information as required in this Article.

I. POST-CONSTRUCTION REQUIREMENTS.

1. Construction Certification. Following the completion of construction, the applicant shall have an engineer licensed by the State of Michigan certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security is in place to restrict unauthorized access to Wind Energy Facilities.

2. Post Construction Sound Survey. Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the Wind energy System Owner within 12 months of the commencement of the operation of the project. The post construction study shall be performed at the same locations as the pre-construction study unless additional locations are required by the Planning Commission. The study should generally follow the procedures in the most recent versions of ANSI S12.9 Part 3 (with or without an observer present) and ANSI S12.18. All sound pressure levels shall be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. In addition to measuring A-weighted sound levels, at least one monitoring location shall collect one-third octave band data down to 6.3 Hertz. As part of the study, octave band data must be measured as addressed in 10.13-E(5). The post construction test shall verify that equivalent sound level limits in dBA are in compliance with the standards of this ordinance. The compliance test procedure will use an alternating series of turbine-on and turbine-off 10-minute Leq measurements when wind speeds are fairly constant. Measured levels (turbine-on and turbine-off) for similar hub height wind speeds will be compared to determine the sound level from only the wind turbines. The firm conducting the study shall collect LA90 and LA10 data. The study shall address noise complaints on file with the Township. The Planning

Commission may require additional study locations as it deems necessary. The firm conducting the post construction sound survey shall consult with the Planning Commission, or their representative, prior to conducting the study to agree on the compliance testing locations. The study shall delineate participating and non-participating parcels as well as inhabited structures. Should the sound study indicate a non-compliant measurement, the owner of the wind energy system will be required to obtain compliance through mitigation or other measures.

J. **PERFORMANCE REVIEW.** The Planning Commission shall require a performance review of the special land use on a three-year basis or as it may be required. The three-year time period commences after the first turbine of the wind energy system becomes operational. The Planning Commission shall provide the performance review and the Planning Commission shall perform, where reasonably practicable, investigation regarding a complaint or other matter requiring a performance review. In its sole discretion, the Planning Commission may require the assistance of an independent third party due to the specialized nature of the complaint, conflicting evidence, or other condition. The reasonable cost of an independent third-party consultant shall be at the expense of the wind energy system owner. Failure to maintain compliance with the provisions of this Ordinance shall result in enforcement action which may include the termination of the special land use, or portions of the special land use. The purpose of the performance review is to evaluate the status of:

1. **Compliance with Special Land Use.** Compliance with the conditions set forth by the special land use, such as specific mitigation measures or operation procedures.
2. **Ownership Change.** Changes in ownership or operation of the wind energy system.
3. **Avian or Bat Mortality.** A significant avian or bat mortality event that exceeds projected impacts described in the Wildlife Study as required in this ordinance.
4. **Other.** Other matters as determined by the Planning Commission.
5. **Unresolved and/or Repeated Complaints.** A complaint taking longer than sixty (60) days to resolve may require a performance review unless otherwise specified in the ordinance. If after the performance review and further investigation, the Planning Commission verifies that alleged ordinance violations are the result of the operation or condition of the wind energy system, the

owner/operator shall eliminate the non-compliance by mitigation or other measures which may include temporary operational changes. The Planning Commission shall establish the effective date of the mitigation measure based on the nature of the mitigation.

6. As a condition of the Planning Commission conducting a performance review, the complainant shall be required to allow Township Officials, the wind energy system owner or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complainant for further investigation and testing.
7. Actions taken by the Planning Commission to terminate or modify the Special Land Use, portions of the Special Land Use, or the conditions of the Special Land Use shall require a public hearing and notification to the wind energy system owner pursuant to the conditions of the original permit and in accordance with this ordinance.

K. DECOMMISSIONING.

1. The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease.
2. Any tower/turbine left unused or inoperable for over twenty four (24) months would be deemed abandoned, to be disposed of by the developer/applicant.
3. The land must be returned to its original state.
4. Concrete bases must be removed three (3) feet below ground level with appropriate drainage and filled with like soil that was removed.
5. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in the favor of Maple Valley Township and shall be in an amount of at least one hundred thousand dollars (\$100,000) per turbine and shall contain a replenishment obligation. Evidence of decommissioning bond may be in the form of escrow account, surety performance bond, guaranty decommissioning of an abandoned site.
6. Within six months prior to the effective date of the performance

bond or equivalent financial instrument the developer/applicant shall provide a report as to the estimated cost of decommissioning the project as of that date. The Township shall review the results and other such information as the Township may gather and shall adjust the initial amount of the bond or equivalent financial instrument accordingly. Such adjustments shall be at the sole discretion of the Township.

7. Every two (2) years after the Effective Date of the bond or equivalent financial instrument the developer/applicant shall provide a report as to the estimated cost of decommissioning the project as of that date. The Township shall review the results and other such information as the Township may gather and shall adjust the amount of the bond or equivalent instrument accordingly. Such adjustments shall be at the sole discretion of the Township.
8. Should the developer/applicant fail to decommission the project following abandonment, the Township shall have the authority to decommission the project, to sell the scrap, and to use the salvage value to defray costs of decommissioning the project.

Section 10.15. COLLECTION LINES OR COLLECTION LINE SYSTEM.

- A. All electric collection lines, whether underground and/or overhead, or collection line system which shall include any electric utility collection lines, whether underground and/or overhead, and related facilities, shall at all times remain in compliance with all applicable Federal, State, and local laws.
- B. All underground and/or overhead collection lines, or collection line system in any zoning district that are not subject to the exclusive control and certification requirements of the Michigan Public Service Commission or other Federal or State agency shall require a special land use permit approved by the Planning Commission following a public hearing.
- C. In addition to the Applications requirements found in Section 16.01, an application for a special land use permit for underground and/or overhead collection lines or collection line system shall contain all of the following:
  1. The planned date for beginning construction.
  2. A detailed description of the proposed underground and/or overhead collection lines or collection line system, the route, expected configuration and use, the anticipated maximum and

minimum voltage, and maximum current capacity.

3. A detailed drawing of dwelling setbacks, with the minimum allowable setback for any underground or overhead collection line to be at landowner's discretion.
4. A description and evaluation of one or more alternate underground and/or overhead collection line routes and a statement of why the proposed route was selected.
5. If the Zoning Ordinance prohibits or regulates the location or development of any portion of a proposed route, a description of the location and manner in which that zoning ordinance prohibits or regulates the location or construction of the proposed route.
6. The estimated overall cost of the proposed underground and/or overhead collection lines or collection line system.
7. Information supporting the need for the proposed underground and/or overhead collection lines or collection line system, including identification of known future wholesale users of the proposed collection lines or collection line system.
8. Estimated quantifiable and non-quantifiable public benefits of the proposed underground and/or overhead collection lines or collection line system.
9. Estimated private benefits of the proposed underground and/or overhead lines or collection line system to the applicant or any legal entity that is affiliated with the applicant.
10. Information addressing potential effects of the proposed underground and/or overhead collection lines or collection line system on public health and safety.
11. A detailed description of troubleshooting guidelines and methods for handling damage to the underground and/or overhead collection lines or collection line system (i.e. broken underground wires, downed wires, or storm damage).
12. A summary of all comments received at any public meetings and the applicant's response to those questions.
13. Information indicating that the proposed underground and/or overhead collection lines or collection line system will comply with all applicable local, state, and federal environmental standards, laws, and rules.



14. MISS DIG Systems, Inc. of Michigan membership.
15. Proof of liability insurance prior to the start of construction for all contractors and subcontractors that are to be part of the project.
16. Other information reasonably required by the Township Planning Commission and Township Board.
17. A meeting shall be set with the Planning Commission to review the application for completeness prior to scheduling the public hearing on the matter.

D. Wire Requirements.

1. The electrical collection/distribution system shall be placed underground within the interior of each parcel at a depth of not less than four (4) feet to accommodate the existing agricultural land use to the maximum extent practicable. The underground lines may be left upon decommissioning unless the property owner specifically requests removal of said lines.
2. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary, subject to applicable special land use permit requirements.

E. The collection line fee shall be set on a per mile basis by the Maple Valley Township annual fee ordinance.

F. The special land use permit application shall be accompanied by the required fee as set by the Maple Valley Township annual fee ordinance.

Section 10.16. METEOROLOGICAL TOWERS (MET TOWERS). MET Towers belonging to homeowners for personal use shall be exempt from the requirements of this section and shall be allowed as a permitted use in all residential zoning districts, providing that a) the MET Tower does not exceed one hundred (100) feet in height, b) the MET Tower 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 which shall be measured from the ground level to the top of the MET Tower. All other MET Towers, may be allowed as special land uses in the AR Agricultural Residential District, the C Commercial District, and the I Industrial District subject to the following requirements:

A. The applicant shall submit a written statement regarding the nature any potential hazards to humans, animals, vegetation or property in the area.

The applicant shall also submit a written explanation of the design characteristics and 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 MET Tower or other mounting structure to topple over or collapse, and what MET Tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.

- B. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
- C. The MET Tower shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
- D. All MET Towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area.
- E. Monopole structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type MET Towers are not allowed, unless absolutely necessary for structural reasons.

## ARTICLE XI

### NON-CONFORMING LOTS, USES, AND STRUCTURES

Section 11.01. CONTINUED USE PERMITTED. Within the districts established by this Ordinance there exist lots, structure, and uses of land and structures, which are lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non—conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 11.02. NON-CONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot or parcel of record at the effective date of adoption or amendment of this Ordinance, provided the width, depth, and area is not less than one—half (50%) percent of that required by this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width, depth, or area, as long as reasonable living standards can be provided.

Section 11.03. 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 a way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, 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 11.04. 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. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. 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.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- E. 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 in the district in which it is located.
- F. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the

time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

## ARTICLE XII

### OFF—STREET PARKING AND LOADING REQUIREMENTS

Section 12.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- B. Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one and two family dwelling shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- C. Location of Parking Space for Other Land uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- D. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- E. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- F. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an

existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.

- G. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

Section 12.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
1. Auditoriums, Assembly Halls, Theaters, Churches, Private Clubs, Lodge Halls	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for every two employees.
2. Automobile Service Stations and	1	Each gasoline pump lubrication stall.
3. Banks; Business or Professional Offices; Libraries; Museums	1	Two hundred (200) square feet of usable floor area. Each teller window for drive-in banks.
4. Barber Shops and Beauty Parlors	3	Each barber or beauty operator.
5. Bowling Alleys, Golf Courses	5	Each bowling lane or each hole on a golf course.
6. Furniture, appliances, and household equipment repair shops, showroom of a plumber, decorator, electrician or	1	Six hundred square feet of usable floor area, plus one space for each two employees.

	similar trade; clothing and shoe repair; laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales		
7.	Hotels, Tourist Homes, and Motel, Hospitals, Convalescent Homes	1	Each guest bedroom each two employees.
8.	Industrial Establishments	1	One and one-half employees computed on the basis of the greatest number of persons employed at any one period during the day.
9.	Residential-Single, Two-Family or multiple dwelling or mobile home.	2	Each dwelling unit.
10.	Restaurant or establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments	1	Fifty square feet of usable floor area, plus one space for each four employees. Minimum of forty (40) spaces for drive-in restaurants.
11.	Retail establishments and businesses, except as of otherwise specified herein	1	One hundred square usable floor space
12.	Schools employees	1	Two teachers, or administrators in addition to the requirements of the auditorium or assembly hall therein.
13.	Service Garages, auto sales-rooms, auto repair, collision or bumping shops; car wash establishments	1	Two hundred square of usable floor area, plus one space for each auto service space.

14. Warehouse and Storage buildings 1 Each employee or one space for every seventeen hundred square feet of floor space, whichever is greater.

Section 12.03. PARKING REQUIREMENTS FOR OFF-STREET LOADING. On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for Off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten feet by thirty feet, with fourteen foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of square feet of Gross Floor
0—2,000	None
2,000~20,000	One Space
20,000-100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.
100,000—500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess of 500,000 square feet.

Section 12.04. GENERAL REQUIREMENTS

- A. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.

- B. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- C. All parking areas shall be paved or graveled in a manner sufficient to provide a solid year—around base.

ARTICLE XIII

AREA, SETBACK AND HEIGHT

Section 13.01. APPLICABILITY. All uses of land or structures shall comply with the area, setback, and height requirements of Section 13.02, for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

Section 13.02

TABLE OF AREA, SETBACK, AND HEIGHT REQUIREMENT

Zoning District	Minimum Area Per Dwelling Unit or Commercial Bldg. (a)	Minimum Lot Width (in feet) (b)	Minimum Front Yard Setback (in feet) (c)	Minimum Side Yard Setback (in feet) (d)	Minimum Rear Yard Setback (in feet) (d)	Minimum Floor Area Per Dwelling (in sq. ft.) (e)	Maximum Building Height (in feet) (f)
<b>AR</b>	2 acre	200	80	15	25	960	35
<b>R</b>	20,000 sq. feet	100	83	15	20	960	35
<b>C or I</b>	1 acre	200	100	25	25	-----	50

- (a) Maximum depth to width ratio shall be 4 to 1.
- (b) Measured at the road right of way line.
- (c) Measured from the center of the road right of way.
- (d) In no case shall a building be constructed within 83 feet of the centerline of any public or private road right of way.
- (e) In the case of two story houses, the main floor area shall contain at least 650 square feet.
- (f) Not applicable to farm structures such as barns, silos, or grain elevators.



## ARTICLE XIV

### PLANNING COMMISSION

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

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

## ARTICLE XV

### SITE PLAN REVIEW

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

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 in acres.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 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 XII).

- 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 10.10).
- 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 10.08).
- J. Estimated total project cost.
- K. 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, circulation, 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. BOND. A cash deposit, letter of credit or surety bond 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 bond shall be released. The amount of the bond shall be determined by the Planning Commission based upon the size and nature of the project.

Section 15.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed with one (1) year of the date the building permit is issued.

## ARTICLE XVI

### USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION

Section 16.01. APPLICATION. For all uses permitted after special approval, 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 Uses Permitted After Special Approval (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 the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within five hundred (500) feet of the property and to the occupants of all structures within five hundred (500) feet of the property regardless of whether the property or occupant is located in the Township. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

Section 16.03. STANDARDS. Requests for uses permitted after special approval 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, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISIONS. The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted after Special Approval. A Use Permitted After Special Approval shall be approved if the request is in

compliance with the standards stated in the Zoning Ordinance. 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 conditions 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 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 16.05. EXPIRATION. Planning Commission permission for a Use Permitted After Special Approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one year period.

## ARTICLE XVII

### ZONING BOARD OF APPEALS

Section 17.01. ESTABLISHMENT AND MEMBERSHIP OF ZONING BOARD OF APPEALS.

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 (1) member shall be a member of the Township Board. One (1) member shall be a member of the Planning Commission. The remaining member and any alternate members shall be electors who are not employees or contractors of the Township. One or two alternate members may be appointed. An alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made. Each member and alternate member shall be appointed for staggered terms 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. A

successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall elect a chairman, vice-chairman, and secretary. The Township Board member may not serve as chairman. No business shall be conducted unless a majority of the regular members of the Zoning Board of Appeals are present.

#### Section 17.02. APPLICATION AND NOTICES OF HEARINGS.

All applications for variances or appeals shall be applied for in writing on forms provided by the Township. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within five hundred (500) feet of the property and to the occupants of all structures within five hundred (500) feet of the property regardless of whether the property or occupant is located in the Township. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days prior to the hearing.

#### Section 17.03. POWERS.

- A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Uses Permitted after Special Approval and Planned Unit Developments.
- B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provisions whenever there are practical difficulties imposed on a property owner if the strict letter of the ordinance is carried out.
- C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:
  - 1. The situation cannot be self-created.
  - 2. The circumstances must be unique to the property.

3. The character of the neighborhood cannot be altered by the granting of the variance.
4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

Section 17.04. DECISIONS.

- A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
- B. No variance may be granted or decision overruled unless at least three (3) members vote in favor thereof. In the case of use variances, at least four (4) members must vote in favor. No decision can be made unless a majority of the regular members are present. The Zoning Board of Appeals shall state the grounds of each decision.
- C. 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. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:
  1. 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.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. 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.

ARTICLE XVIII

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 five hundred (500) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within five hundred (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 XIX

### 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 XVIII, 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 XVII. 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 XX

### VIOLATIONS

Section 20.01. PENALTY. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to the 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 civil infraction ordinance, Ordinance No. 104-96. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this 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 subsequent to the passage of this Ordinance and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

## ARTICLE XXI

### SEVERABILITY

Section 21.01. 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.

## ARTICLE XXII

### ENACTMENT AND REPEAL

Section 22.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the Township of Maple Valley.

Section 22.02; EFFECTIVE DATE. This ordinance is therefore ordered to be given immediate effect as of the date of its passage by the Township Board, pursuant to Section 11 of Act 184, Michigan Public Acts of 1943, as amended.

Section 22.03. REPEAL. The former Maple Valley Township Zoning Ordinance and all amendments thereto are hereby repealed.

Section 22.04. CERTIFICATION. The undersigned Supervisor and Clerk of the Township of Maple Valley hereby certify that this Ordinance is a true copy of that Ordinance duly adopted by the Maple Valley Township Board, at a meeting held on the 7<sup>th</sup> day of January 1988. We further certify that a notice of adoption of this ordinance was duly published in the Brown City Banner on the \_\_\_\_ day of \_\_\_\_\_ 1988.

John Hollenbeck  
Maple Valley Township  
Supervisor

Louis Muir, Maple Valley  
Township  
Clerk



**TOWNSHIP OF MAPLE VALLEY**  
**ZONING ORDINANCE AMENDMENT**

**Ordinance Number 117-16**

An ordinance to amend the Maple Valley Township Zoning Ordinance, to

**THE TOWNSHIP OF MAPLE VALLEY ORDAINS:**

*Section 5.02, of Article V, of the Maple Valley Township Zoning Ordinance is hereby amended to include the following map showing the boundaries of the zoning districts:*

*[Insert map here]*

*Section 10.06, Paragraph A, of Article X, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:*

- A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in Section 13.02, ~~prior to any alterations or additions.~~

*Section 10.06, Paragraph C, of Article X, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:*

- C. Roof. Each dwelling shall have a ~~shingled~~ roof with at least a 3-12 pitch.

*Section 10.06, Paragraph D, of Article X, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:*

- D. Foundation. Each dwelling shall be provided with adequate foundation ~~support in the form of a perimeter cement foundation, cement slab or cement pillars as required by the building inspector~~ in adherence to Sanilac County Construction Code. Each dwelling shall be securely anchored to the foundation.

*Section 10.12, of Article X, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:*

Section 10.12. POND SETBACKS AND GRADE. All ponds shall be located at least 50 feet from all property lines and edge of road right-of-ways ~~lines~~. All ponds shall be constructed per county and state requirements.

Section 13.02, of Article XIII, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:

Section 13.02  
TABLE OF AREA, SETBACK, AND HEIGHT REQUIREMENT

Zoning District	Minimum Area Per Dwelling Unit or Commercial Industrial Bldg. (a)	Minimum Lot Width <u>per Dwelling</u> (in feet) (b)	Minimum Front Yard Setback (in feet) (c)	Minimum Side Yard Setback (in feet) (d)	Minimum Rear Yard Setback (in feet) (d)	Minimum Floor Area Per Dwelling (in sq. ft.) (e)	Maximum Building Height (in feet) (f)
<b>AR</b>	2 acre	200	80	15	25	960	35
<b>R</b>	20,000 sq. feet	100	<del>83</del> 80	15	20	960	35
<b>C or I</b>	1 acre	200	100	25	25	-----	50

Section 17.04, Paragraph B, of Article XVII, of the Maple Valley Township Zoning Ordinance is hereby amended to read as follows:

B. No variance may be granted or decision overruled unless at least ~~three (3)~~ two (2) members vote in favor thereof. In the case of use variances, ~~at least four (4)~~ all three (3) members must vote in favor. No decision can be made unless a majority of the regular members are present. The Zoning Board of Appeals shall state the grounds of each decision.

The undersigned Supervisor and Clerk of the Township of Maple Valley hereby certify that this Zoning Ordinance Amendment was duly adopted by the Township Board at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and was published in the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2016. This Zoning Ordinance Amendment shall take effect seven (7) days after said date of publication.

---

Rick Mitchell, Supervisor

---

Janice Bartle, Clerk