

**TOWNSHIP OF
WATERTOWN**

ZONING ORDINANCE

ORDINANCE NO. 200

Adopted September 4, 2002

TOWNSHIP OF WATERTOWN ZONING ORDINANCE

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ZONING ORDINANCE
TOWNSHIP OF WATERTOWN
ORDINANCE NO. 200

AN ORDINANCE to regulate the use of land within the Township of Watertown, Sanilac County, Michigan in accordance with the provisions of Act 184, of the Public Acts of 1943, as amended.

THE TOWNSHIP OF WATERTOWN ORDAINS:

ARTICLE I

TITLE

Section 1.01. This Ordinance shall be known and cited as the Watertown Township Zoning Ordinance.

ARTICLE II

ACTIVITIES COVERED BY ORDINANCE

Section 2.01. No building or structure, or part thereof, shall 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 III

ADMINISTRATION

Section 3.01. 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 3.02. ZONING PERMITS. A zoning 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 or structure is undertaken within the Township.

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

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

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

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

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

ARTICLE IV

ZONING DISTRICTS

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

AR	Agricultural - Residential
R	Single Family Residential
RM	Multiple Family Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Watertown Township Zoning Map. All land in the Township is zoned AR Agricultural Residential except the following described property:

1. Industrial:
The Northwest 3 of the Southeast 3 of Section 4.
2. Commercial:
3. The Northwest 3 of the Southwest 3 of Section 4.
4. The North 2 of the Southwest 3 of the Southwest 3 of Section 4.
5. The East 3 of the Southeast 3 of Section 5.
6. The North 3 of the Northeast 3 of Section 6.
7. The North 3 of the Northwest 3 of Section 6, EXCEPTING the following description: Commencing at the North 3 corner, Section 6, Town 11 North, Range 14 West, Watertown Township, Sanilac County, Michigan. Thence N88 32'40"W 820.0 feet along the N. Section Line to the Point of Beginning. RUNNING THENCE S01 05'44"W 1320.0 feet, thence N88 32'40"W 500.96 feet, thence N01 18'17"E 1319.98 feet along a previously established survey line, thence S88 32'40"E 496.14 feet along the N. Section Line to the Point of Beginning. Being part of the NW 3, Section 6, T11N-R14E, Watertown Township, Sanilac County, Michigan, and containing 15.107 acres more or less, including Road Right of Way as shown on Survey dated December 20, 1990.
8. The West 3 of the Northwest 3 of Section 9.
9. Property starting at the Southeast corner of the Greenwood Cemetery, then West 350 feet, then South 560 feet, then East 350 feet, then North 560 to POB.
10. Property starting at the East 3 corner of Section 32, then North along the Center line of M-19 to the center of North Street, then West 160 feet more or less, then South to the center of Watertown Road, then East to the POB.

11. Commencing at the E 3 corner, Section 8, T11N-R14E, Watertown Twp., Sanilac County, Michigan, thence N02 12'E 1167.80 feet along the East Section Line to the Point of Beginning. RUNNING THENCE N88 05'30"W 515.00 feet, thence N02 12'E 320.0 feet, thence S88 05'30"E 515.00 feet, thence S02 12'W 320.00 feet along the East Section Line to the Point of Beginning. Being part of the NE 3 Section 8 and containing 3.783 acres more or less including Road Right of Way.
- C. Single Family Residential:
12. The South 2 of the Southwest 3 of the Southwest 3 of Section 4.
 13. The Southwest 3 of the Northeast 3 of Section 4.
 14. The Southeast 3 of the Southwest 3 of Section 4.
 15. The West 3/4 of the Southeast 3 of Section 5.
 16. The South 3/4 of the Northwest 3 of Section 5.
 17. The East 3 of the Northeast 3 of Section 8, EXCEPTING the property described in subsections B.10 and D of this section of the Zoning Ordinance.
 18. The Northwest 3 of the Southeast 3 of Section 8.
 19. The Southeast 3 of the Northwest 3 of Section 8.
 20. Starting at the East 3 corner of Section 32, thence West 160 feet to point of beginning. Thence North to the center of North Street, thence West and South to the center of Watertown Road, thence East to the POB.
- D. Manufactured Housing Park:
- Commencing at the E 3 corner, Section 8, thence N02 12'E 1487.80 feet along the East Section Line to the Point of Beginning. RUNNING THENCE N88 05'30"W 515.00 feet, thence S02 12'W 320.00 feet, thence N88 05'30"W 558.37 feet, thence N12 04'57"E 941.88 feet, thence S87 44'16"E 401.180 feet, thence S02 12'W 190.80 feet, thence S87 44'16"E 509.90 feet, thence S02 12'W 410.95 feet along the East Section Line to the Point of Beginning. Said parcel contains 15.052 acres more or less including Road Right of Way.

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

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

ARTICLE V

AR AGRICULTURAL - RESIDENTIAL DISTRICT

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses.

- B. Single-family dwellings (subject to Section 13.05).
- C. Roadside stands limited to the selling of farm produce.
- D. Family day care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Private parks, recreation facilities, campgrounds, and golf courses.
 - 1. Minimum site size shall be 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 one hundred (100) feet from property lines.
 - 3. Activities shall be adequately screened from abutting property.
 - 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 and the raising of fur bearing animals.
 - 1. All animals shall be housed and maintained in a safe and sanitary manner.
 - 2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
 - 3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
 - 4. For purposes of this section, a dog kennel is defined as any property on which four (4) or more dogs over the age of six (6) months are kept or harbored.
- C. Quarrying of soil, sand, clay, gravel or similar materials.
 - 1. 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) 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.
- d) Detailed statement as to the type of deposit proposed for extraction.
- e) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

2. Operational Requirements.

- a) Pit Operations.
- b) 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, and warning signs.
- c) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.
- d) 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).
- e) No cut or excavation shall be made closer than two Hundred (200) feet from the centerline of the nearest road right-of-way nor closer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.
- f) The Planning Commission shall, to insure strict compliance with Ordinance provisions and required conditions of a permit for quarrying, require the permittee to furnish a bond in an amount determined by the Planning Commission.

D. Home Occupations.

- 1. The home occupation must be conducted entirely within an existing building.
- 2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
- 3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.
- 4. No outdoor storage or display of merchandise or materials shall be allowed.
- 5. There shall be no more than one (1) employee, other than family members who reside in the home on the property.

E. Two family dwellings.

- F. State licensed residential facilities for seven or more residents.
- G. Group day care homes.
- H. Township and County governmental buildings, structures and facilities.
- I. Schools, churches, and cemeteries.
- J. Bed and breakfast establishments.
- K. Communications towers (subject to Section 13.11).
- L. Fuel storage facilities and fuel transfer facilities including propane, petroleum, ethanol, and similar fuels. This regulation shall not apply to fuel stored on a farm, providing the fuel is restricted to use on the farm.
- M. Cluster housing and open space.
 - 5. Open Space. Land qualifying as open space shall be land set aside for recreational, conservation or agricultural uses and preserved in an otherwise undeveloped state. Open space shall not be deemed to include areas within road rights of way, county drain easements or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation or agriculture purposes shall be prohibited.
 - 6. Open Space Minimum. A single-family cluster development must preserve open space equal to a minimum of fifty (50%) percent of the total area of the parcel on which the cluster housing is constructed.
 - 7. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a. Natural stands of large trees
 - b. Natural habitat for wildlife
 - c. Unusual topographic features
 - d. Productive farmland
 - e. Water or wetland areas
 - 8. Reduction of Minimum Lot Area. Within a cluster housing development, the Planning Commission may allow a dwelling unit density greater than otherwise permitted in the AR zoning district. The minimum lot area for each dwelling unit required in the AR zoning district may be reduced by the Planning Commission to no less than one-half (2) acre to accommodate a cluster housing development. Proposed lots under one (1) acre in size shall meet the septic standards of the county health department.
 - 9. Reduction of Setbacks and Lot Dimensions. In areas approved for cluster housing, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following standards:

- 9)1 The minimum side yard setbacks shall be no less than twenty (20) feet.
 - 9)2 The minimum rear yard setback shall be no less than twenty-five (25) feet.
 - 9)3 The minimum front yard setback shall be no less than one hundred (100) feet.
 - d) The minimum lot width shall be no less than one hundred (100) feet.
 - e) The maximum depth to width ratio shall be no greater than six (6) to one (1).
10. Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
- 10)1 That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - 10)2 That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
 - 10)3 That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - d) That the restrictions could be enforced by all property owners and by the Township.
11. Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions necessary with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
- 11)1 That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - 11)2 That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - 11)3 That the restrictions could be enforced by all property owners and by the Township.

ARTICLE VI

R Single Family Residential District

Section 6.01. PRINCIPAL PERMITTED USES.

- A. Single-family dwellings (subject to Section 13.05).

- B. Crop production.
- C. Family day care homes.
- D. State licensed residential facilities for six or fewer residents.
- E. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two-family dwellings.
 - 12. Keeping of livestock, poultry or rabbits.
 - 1. No livestock may be kept on parcels of land containing less than five acres.
 - 2. No more than two head of livestock may be kept on the first five acres of land and no more than one additional head of livestock may be kept on each additional 2-1/2 acres of land.
 - 3. Land on which livestock, poultry, or rabbits are kept shall not be within a platted subdivision.
 - 12)1 Livestock, poultry, or rabbits shall be kept only for noncommercial purposes such as 4-H projects or family use.
 - 12)2 Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing livestock on a parcel of land. Any livestock housing shall be no less than 100 feet from my property line.
- C. Golf courses.
- D. Bed and breakfast establishments.
- E. Home occupations (subject to the requirements of Section 5.02.D.).
- F. State licensed residential facilities for seven or more residents.
- G. Group day care homes.
- H. Governmental buildings, structures, facilities, and parks.
- I. Schools and churches.
- J. Communication towers (subject to Section 13.11).

ARTICLE VII

RM Multiple Family Residential

Section 7.01. PRINCIPAL PERMITTED USES.

- A. Single-family dwellings (subject to Section 13.05).
- B. Two-family dwellings.
- C. Multiple family dwellings.
- D. Crop production.
- E. Family day care homes.
- F. State licensed residential facilities for six or fewer residents.
- G. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Golf courses.
- B. Bed and breakfast establishments.
- C. Home occupations (subject to the requirements of Section 5.02.D.).
- D. State licensed residential facilities for seven or more residents.
- E. Group day care homes.
- F. Governmental buildings, structures, facilities, and parks.
- G. Schools and churches.
- H. Hospitals and convalescent homes.
- I. Detention and penal facilities, including rehabilitation camps.
- J. Communication towers (subject to Section 13.11)

ARTICLE VIII

MHP Manufactured Housing Park

Section 8.01. PRINCIPAL PERMITTED USES.

- A. Manufactured housing parks.
 - 1. The minimum size of the park shall be 10 acres.
 - 2. The minimum width of the park property shall be 400 feet.
- B. Single family dwellings.
- C. Crop production.

- D. Family day care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two-family dwellings.
- B. Golf courses.
- C. Home occupations (subject to the requirements of Section 5.02.D.).
- D. Group day care homes.
- E. Governmental buildings, structures, facilities, and parks.
- F. Schools and churches.
- G. Communication towers (subject to Section 13.11)

ARTICLE IX

C Commercial District

Section 9.01. 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 and mortuaries.
- G. Mini-storage facilities which provide storage space for personal use.
- H. Hotels, motels, lodge halls, private clubs, auditoriums, and indoor recreational establishments.
- 1. Schools, churches, and publicly-owned buildings or facilities.
- J. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, or any retail business activities which are conducted entirely or partially 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 (pursuant to Section 13.11).

ARTICLE X

I Industrial District

Section 10.01. 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. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 10.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Junk or salvage yards. Any such yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures all material within the yard.
- B. Sewage treatment plants and similar facilities.
 - 1. Must comply with all regulations of the State of Michigan.
 - 2. Must be completely enclosed by an obscuring wall, fence, or greenbelt.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications towers (pursuant to Section 13.11).

ARTICLE XI

Area, Setback and Height

Section 11.01. COMPLIANCE.

- A. All lots and structures shall comply with the area, setback, and height requirements of Section 11.02, unless different requirements are specified as a condition for a use permitted after special approval or pursuant to a variance.

Section 11.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area Per Dwelling Unit Or Commercial/ Industrial Bldg. (In Sq.ft.)	Minimum Lot Width (In feet) (1)	Minimum Front Yard Setback (In feet) (2)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback (In feet)	Minimum Floor Area Per Dwelling (In Sq.ft.)	Maximum Building Height (In feet)	
AR	43560	165	100	25	35	1000	100	
R	20000(5)	100	100	20	25	1000	25	
RM	3630(3)	100	100	20	25	600(4)	50	
MHP (6)								
C	20,000(5)	100	100	25	35	-	50	
I	43,560	165	100	25	35	-	50	

- (1) Measured at minimum front yard setback line.
- (2) Measured from center of road. In the case of state highways M-19 and M-46 the minimum front yard setback shall be 150 feet.
- (3) In no case shall the total lot size be less than one (1) acre.
- (4) The minimum square feet of floor area per dwelling unit in two-family dwellings and multiple family dwellings shall be increased by 100 square feet for any additional bedroom beyond the first bedroom.

(5) If located on a public sewer line or within a cluster housing development. Otherwise, 1 acre shall be the minimum lot area.

(6) Regulated by the Michigan Manufactured Housing Commission.

ARTICLE XII

Parking and Loading Requirements

Section 12.01. GENERAL PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

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

Section 12.02. TABLE OF PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table. The space required shall be stated in the application for a zoning permit and shall be irrevocably reserved for such use.

Required Number

Per Each Unit of

Use	Of Parking Spaces	Measure as Follows:
A. Auditoriums, Assembly Halls, Theaters, and Churches	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for every two employees.
B. Automobile Service Stations	2	Each gasoline pump and lubrication stall
C. Banks (other than drive-in type), Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or similar professions	1	Two hundred (200) square feet of usable floor area.
D. Barber Shops and Beauty Parlors	2	Each barber or beauty operation.
E. Bowling Alleys	4	Each bowling lane.
F. Drive-In Restaurants	1	Twenty-Five square feet of usable floor area, with a maximum of forty parking spaces.
G. Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of ten parking spaces per hole on the golf course.
H. Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
I. Private Clubs, or lodges	1	Each 3 persons at minimum occupancy.
J. Residential-single, two-family, multiple dwelling, or mobile homes	2	Each dwelling unit.
K. Restaurant or similar, in which is conducted the sale and consumption on the premises of beverages, food	1	One for each two persons at minimum seating capacity, plus one space for each employee.

or refreshments.

L. Retail stores and service establishments otherwise specified herein	1	One hundred and fifty square feet of usable floor area, plus one space for each employee.
M. Sanitariums, convalescent homes, hospitals, hotels, and similar establishments	1	Two beds.
N. Schools	3	Two teachers, employees or administrators in addition to the requirements of the auditorium or assembly hall therein.
O. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
P. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee.
Q. Laundromats	1	Two washing machines.
R. Mortuaries	1	One hundred square feet of usable floor area.

For purposes of this section, Usable floor area@ shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms.

Section 12.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading in order to avoid undue interference with public use of the streets, alleys, or off-street parking areas. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 10 feet by 30 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None

2,000 - 20,000	One space
0 - 100,000	One space for each 20,000 square feet.
Over 100,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.

ARTICLE XIII

General Provisions

Section 13.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 13.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall front upon a public road or shall be served by a private drive in compliance with the Watertown Township Private Drives Ordinance.

Section 13.03. DEPTH TO WIDTH RATIO. No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds four (4) times the width of that parcel.

Section 13.04. RESIDENTIAL OCCUPANCY OTHER THAN IN COMPLETED DWELLINGS. Garages, barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings.

Section 13.05. 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 11.02, 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. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars or cement slab pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least 120 square feet of storage area. The storage facility shall be constructed at the same time as the dwelling.
- E. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 13.06. SIGNS. All signs shall comply with the requirements of this Section.

- A. The following signs may be erected in the Township without prior Planning Commission approval, provided the other requirements of this Section are complied with:
1. Signs advertising real estate for sale or rent. Such signs may not exceed nine (9) square feet in sign area.
 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed nine (9) square feet in sign area.
 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed nine (9) square feet in sign area.
 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed nine (9) square feet in sign area.
 5. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall not be erected more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election.
 6. Signs stating the name and/or address of a property owner. Homeowner signs may not exceed four (4) square feet in sign area. Farm owner signs may not exceed forty-eight (48) square feet in sign area.
- 1.7 Temporary signs advertising non-commercial public event for not to exceed sixty (60) days. Such signs shall not exceed thirty-two (32) square feet in sign area.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by sub-section A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.
- G. All signs shall be set back from all property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and from all road right of way lines at least ten (10) feet.
- H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
- I. ON-SITE SIGNS.
1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.

2. Principal on-site signs shall not exceed sixty-four (64) square feet in sign area.
3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.

J. OFF-SITE SIGNS (BILLBOARDS).

1. Off-site signs may only be located on parcels of land which are zoned for commercial or industrial use.
2. Off-site signs shall not exceed sixty-four (64) square feet in sign area.
3. No off-site sign shall be erected within three hundred (300) feet of any other off-site or on-site sign.

Section 13.07. PONDS. No pond shall be dug within any front, side or rear setback line required by this Ordinance.

Section 13.08. 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 and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained.
- 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 construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 13.09. TEMPORARY MOBILE HOMES.

- A. The Zoning Administrator may issue a permit for a temporary mobile home to be occupied for one year during the time that a permanent dwelling is being constructed. A temporary mobile home does not have to comply with the single family dwelling standards contained in Section 13.05. A temporary mobile home permit may be issued if the following requirements are complied with:
 1. A building permit for the permanent dwelling must be acquired before the temporary 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 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 one time to grant up to one additional year for completion, providing reasonable progress has been made on construction of the permanent dwelling during the first one year permit period.
- B. Variances to permit the occupancy of mobile homes within the Township may also be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article XVIII. 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 indigence. Any mobile home approved under this Section may not be over 15 years old at the time it is placed on the site. 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. In the event that the temporary mobile home ceases to be used for the purpose it was granted for, the mobile home shall be removed from the property within thirty (30) days of the date it ceases to be used for the purpose for which it was granted.

Section 13.10. PROHIBITED STRUCTURES. No bus, semi-trailer, or truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose.

Section 13.11. PUBLIC SERVICE FACILITIES AND COMMUNICATION TOWERS.

5. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article XV. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
6. 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 the antenna and related facilities do not exceed sixty (60) feet in height. This shall include equipment used by ham radio operators as well as residential television and radio antennas.
7. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article XVI, subject to the following requirements:
 1. 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 the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical

documentation of any information regarding these concerns shall also be provided.

2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. 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. The site shall be maintained in a neat manner and shall be kept in continuous compliance with the site plan.
6. No tower shall be located within a two (2) mile radius of any other tower.
7. 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.
8. Co-location shall be deemed to be Afeasible@ for the purposes of this Section, where all of the following are met:
 - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (c) Existing towers or structures are located within the geographic area which meet the applicant=s engineering requirements.
 - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
9. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.8. (a)(b) and (c) are met.
10. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the

Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.

11. To insure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township Attorney. The amount of such guarantee shall be no less than 110 percent of the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall also be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

Section 13.12. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. No yard sale shall be operated before 9:00 a.m. or after 9:00 p.m. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- E. For purposes of this Ordinance, the term A yard sale@ shall mean any offering for sale of personal property in an area zoned for residential use. The term A yard sale@ shall include sales commonly known as A garage sales@, A porch sales@, Abasement sales@, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a A yard sale@. Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be A yard sales@ covered by this ordinance.

ARTICLE XIV

Non-conforming Lots, Uses, and Structures

Section 14.01. CONTINUED NON-CONFORMING USES PERMITTED.

Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to the adoption of this Ordinance. These non-conformities may continue until they are removed. The non-conformities shall not be enlarged upon, expanded or extended in any manner which increases their non-conformity.

Section 14.02. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, depth, and area is not less than one-half (50%) percent of that required by this Ordinance. Permission to build on smaller recorded lots which lack adequate width, depth, or area, may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 14.03. 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 an 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 14.04. 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. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

ARTICLE XV

Planning Commission

Section 15.01. MEMBERSHIP. There is hereby established a Township Planning Commission as authorized by Section 4 of the Township Planning Act, as amended. The Planning Commission shall consist of between five and seven members appointed by the Township Supervisor with the approval of the Township Board. The members shall be representative of major interests as they exist in the Township. One member of the Planning Commission shall also be a member of the Township Board. Each member shall be appointed for a term of three years, except that the term of the member who also serves on the Township Board shall terminate if the membership on the Township Board terminates before the end of the three-year Planning Commission term. The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one year.

Section 15.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article XIV of this Ordinance, to hear and decide requests for uses permitted after special approval pursuant to Article XV of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article XVII of this Ordinance. The Planning Commission shall also have the power to prepare and adopt a plan as a guide for the development of the Township as provided for in the Township Planning Act.

ARTICLE XVI

Site Plan Review Requirements

Section 16.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 16.02. 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 16.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- 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 13.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 13.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 16.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.

- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 16.05. BOND. A cash deposit 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 five (5%) percent of the project cost, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars.

Section 16.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

ARTICLE XVII

Procedures For Uses Permitted After Special Approval Of The Planning Commission

Section 17.01. 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 17.02. HEARING. Requests for uses permitted after special approval may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on uses permitted after special approval shall be sent to the person requesting the special approval and to owners and occupants of property within a minimum of 300 feet from the property lines of the property which is the subject of the request for special approval. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than five (5) days nor more than fifteen (15) days prior to the hearing.

Section 17.03. 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 17.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a use permitted after special approval. The decision of the Planning Commission shall be incorporated in a statement containing the conclusion on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

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

Section 17.05. 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 XVIII

Zoning Board Of Appeals

Section 18.01. MEMBERSHIP. There is hereby established a Zoning Board Of Appeals as authorized by Section 18 of the Township Rural Zoning Act, as amended. The Zoning Board Of Appeals shall consist of three members appointed by the Township Board. One member shall be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining member shall be an elector who is not an employee or contractor of the Township. Each member shall be appointed for a term of three years, except that the term of

office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Zoning Board Of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. The Township Board member may not serve as Chairman.

Section 18.02. APPEALS. An appeal may be taken to the Zoning Board Of Appeals by any person wishing to appeal any ordinance provision or any final decision of the Zoning Administrator or the Planning Commission, including special land use decisions. The Zoning Board Of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed from. All appeals must be applied for in writing on forms provided by the Township. A public hearing on an appeal shall be held within 90 days of the date the application is submitted to the Township. The Zoning Board Of Appeals shall give notice of the hearing to the parties involved. The Zoning Board Of Appeals shall also give notice to owners of property within a minimum of 500 feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll.

Section 18.03. POWERS. The Zoning Board Of Appeals shall have the power to vary or modify any ordinance provision or administrative decision whenever there are practical difficulties or unnecessary hardships imposed on the property owner if the strict letter of the Ordinance is carried out. The Zoning Board Of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

Section 18.04. DECISIONS. The Zoning Board Of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board Of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board Of Appeals shall state the grounds of each decision. Any conditions imposed by the Zoning Board Of Appeals shall meet the following requirements:

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

activity under consideration, and be necessary to insure compliance with those standards.

Section 18.05. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE XIX

Amendments and Rezoning

Section 19.01. 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 Act 184 of the Public Acts of 1943, as amended. 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 19.02. NOTICE OF HEARING. Notice of a public hearing by the Planning Commission shall be published twice in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. The first publication shall be made not more than 30 nor less than 20 days before the date of the hearing. The second publication shall be made not more than eight days before the date of the hearing. 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 and occupants of all property within 300 feet of the property proposed to be rezoned. The notice shall be delivered at least eight days before the hearing.

Section 19.03. 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 19.04. 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 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 XX

Violations

Section 20.01. ENFORCEMENT AND PENALTY. Any person, firm, or corporation, or anyone acting in behalf of said person, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals, or the Planning Commission, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) Dollars and court costs, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. 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 and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

ARTICLE XXI

Definitions

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

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

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

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 Watertown.

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

COMMERCIAL OR INDUSTRIAL FACILITY. Any business or industry located on a parcel of land which has been zoned for commercial or industrial use or which is recognized by the Township as a legal non-conforming use which existed prior to the adoption of the Zoning Ordinance.

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

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

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

DWELLING UNIT. Any house, building, 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, feedlots, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

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

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

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

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

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

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

KENNEL. Any 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.

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

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

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

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

PLANNING COMMISSION. The duly appointed Planning Commission of Watertown Township, as authorized by Michigan Public Act 168 of 1959.

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

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.

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

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

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

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

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

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

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.

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.

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 XXII

Severability and Repeal

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

Section 22.02. REPEAL. The former Watertown Township Zoning Ordinance No. 100, adopted in 1985, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE XXIII

Enactment

Section 23.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Watertown.

Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 23.03, pursuant to Michigan Public Act 184 of 1943, as amended.

Section 23.03. CERTIFICATION. The undersigned Clerk of the Township of Watertown hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Watertown Township Board, at a meeting held on the 6th day of March, 2002. I further certify that a notice of adoption of this Ordinance was duly published in the Sanilac County News on the 13th day of March, 2002, pursuant to Section 11a of Michigan Public Act 184 of 1943, as amended.

Stoutenburg

Elspeth Joanne

E. Joanne Stoutenburg
Watertown Township Clerk

Township of Watertown
Sanilac County, Michigan
Zoning Ordinance Amendment
Solar Energy Systems
Ordinance No. 2022-01

It is hereby determined by the Watertown Township Board that good and reasonable cause exists to amend the Watertown Township Zoning Ordinance as ordained below:

THE TOWNSHIP OF WATERTOWN ORDAINS:

A: Purpose and Intent

1. The purpose of this chapter is to establish guidelines for the appropriate placement and use of Solar Energy Systems, with the goals of:
2. Promoting the safe, effective, and efficient use of Solar Energy Systems, in order to contribute to the reduction in consumption of fossil fuels for generating electricity.
3. Preserving and protecting public health, safety, welfare and quality of life; along with maintaining the integrity, rural character, property values, and aesthetic quality of the township by minimizing the potential adverse impacts of Solar Energy Systems.
4. Establishing standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a Solar Energy System shall be governed.

B: Definitions:

Agrivoltaics: Refers to co-developing the same area of land for both solar photovoltaic power as well as for agriculture. It is also known as a “Dual Use” solar energy system.

Array: An interconnected system of PV modules that function as a single electricity-producing unit. The modules are assembled as a discrete structure, with common support or mounting. In smaller systems, an array can consist of a single module.

Batteries: In the context of PV systems, batteries are used for storing excess electricity generated by a PV system when the building is using less electricity than the system generates; batteries can store electricity for use when utility power is unavailable such as during a grid outage, or for off-grid systems.

Concentrating Solar Thermal Devices (CSP): Generates solar power by using mirrors or lenses to concentrate a large area of sunlight onto a receiver. Electricity is generated when the concentrated light is converted to heat which drives a heat engine (usually a steam turbine) connected to an electrical power generator.

dB(A): Sound pressure level in decibels. It refers to the "A" weighted scale defined by the American National Standards Institute (ANSI).

Decibel: Defined as the unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dBA weighted scale as defined by the American National Standards Institute.

Decommissioning: The process of terminating operation and completely removing a solar energy system and all related buildings, structures, foundations, access roads, and associated equipment.

Dual Use Solar: Refers to agricultural production and electricity production from solar photovoltaic (PV) panels occurring together on the same piece of land, and is also known as “Agrivoltaics”.

Greenbelt: A greenbelt consists of shrubbery, trees, or other noninvasive plant species that provide a visual screen. Typically, to include 2-4 staggered rows of evergreen trees, 5-8 feet high, intermixed with intermediate sized shrubs, within a total depth of approximately 25 feet.

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

Impervious surface: A hard surface area that either prevents or retards the entry of water into the soil. Common impervious surfaces include but are not limited to rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, and solar panels.

Interconnection: Refers to the process of connecting renewable technologies to the larger electrical grid.

Inverter: Equipment that is used to change voltage level or waveform, or both, of electrical energy, such as converting direct current electricity (DC) produced by a solar system into the alternating current electricity (AC) that can be used in a home or building.

Isolated Area: In regard to this ordinance, an isolated area is defined as a place that is out of the way or typically secluded from civilization. Not adjacent to a roadway or residence.

Landowner: The individual or entity, including their respective successors and assigns that have equity interest or own the property on which the solar energy system is situated in accordance with this ordinance chapter.

LVIA: Landscape and Visual Impact Assessment: Identifies and assesses the significance of the effects of change caused by a development on the landscape as an environmental resource as well as views and visual amenity.

National Electric Code (NEC): The National Electrical Code (NEC), is a regionally adoptable standard for the safe installation of electrical wiring and equipment in the United States. It is typically adopted by states and municipalities in an effort to standardize their enforcement of safe electrical practices.

Off-Grid: Refers to living autonomously without reliance on a utility for power. Typically, it works by generating electricity from solar panels and using it to charge a battery. That electricity is then converted using an inverter so that it can power the home or business.

On-site: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Operator: The individual or entity, including their respective successors and assigns that have equity interest in the solar energy system as a lessee of the real property parcel on which the solar energy system is located.

Photovoltaic (PV) device: A solid-state electrical device that converts light directly into direct current electricity of voltage-current characteristics that are a function of the characteristics of the light source and the materials in and design of the device.

Pollinator: A pollinator is anything that helps carry pollen from the male part of the flower (stamen) to the female part of the same or another flower (stigma). Examples: Birds, bats, butterflies, moths, flies, beetles, wasps, small mammals, and, bees.

Power transmission lines: Are sets of wires, called conductors, which carry electric power from generating plants to the substations that deliver power to customers.

Photovoltaic (PV): A semiconductor-based device that converts light directly into electricity.

Racking: Also called photovoltaic mounting systems, a solar racking system is used to safely fix solar panels to various surfaces such as roofs, building facades, or the ground.

Solar Array: Any number of Photovoltaic Devices connected together to provide a single output of electric energy.

Solar Energy System: Any device or structural design feature used for the collection, storage, and distribution of solar energy for space heating, space cooling, lighting, electric generation, or water heating.

Solar Energy System, Building-Mounted: A solar energy system that is structurally mounted to the side of a building or structure.

Solar Energy System, Ground-Mounted: A solar energy system that is structurally mounted to the ground and is not roof-mounted.

Solar Energy System – Large (SES-L): A utility-scale commercial facility, occupying an area of five (5) acres or more, with multiple ground-mounted solar arrays and their associated control or conversion electronics, that converts sunlight into electricity by photovoltaics and will be used for the purpose of wholesale or retail sales of generated electricity to off-site customers. Zoning Compliance Permit, Building Permit, Public Hearing, Special Approval and Site Plan Review required.

Solar Energy System – Medium (SES-M): A private on-site or utility-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, and associated control or conversion electronics, occupying an area of more than one (1) acre but less than five (5) acres of land, and that will be used to produce utility power for on-site or off-site uses.

Solar Energy System, Roof-Mounted: A solar energy system that is structurally mounted to the roof of a building or structure.

Solar Energy System – Small (SES-S): A single residential or small commercial business scale solar energy conversion system consisting of roof/building mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and their associated control or conversion electronics, occupying an area of not more one (1) acre of land, and that will be used only to produce utility power for on-site users, except for the incidental sale of surplus electrical energy back to the electrical grid. These installations are permitted as “accessory uses or structures”. Zoning Compliance Permit, Building Permit, and Electrical Permit required.

Solar Panel: A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

Substation: Any electrical facility containing power conversion equipment designed for interconnection with power lines. Part of the electrical transmission system converting high voltage to low voltage or converting low voltage to high voltage for incorporation into the electrical power grid.

UL, Underwriters Laboratories: UL is a safety certification company participating in the safety analysis of many of that century's new technologies.

Viewshed: The view of an area from a specific vantage point. If a terrain is flat, you can see all the way to the horizon. If a terrain has hills and valleys, you can see some parts of the terrain, the **viewshed**, and other parts of the terrain are hidden.

Wildlife Friendly Fencing: A fencing system with openings that allow non-targeted wildlife species to transit through the fenced area.

C: Applicability:

1. This ordinance applies to solar energy systems to be installed and constructed after the effective date of the ordinance.
2. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
3. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

D: Solar Energy Systems - General Requirements

All solar energy systems, whether building mounted or ground mounted, are subject to the following general requirements:

1. All Solar Energy Systems must conform to all applicable federal, state, county and township requirements, as well as any applicable industry standards.
2. A Solar Energy System shall not have a negative impact on the health and safety of humans or animals; nor diminish the value of neighboring properties.
3. No signage will be allowed except for public and employee safety, and that required by federal, state, county and township regulations.
4. No Solar Energy System shall be installed until evidence has been given to the Zoning Administrator that the electric utility company has approved the developer's intent to

install an interconnected customer-owned generator to the grid. "Off Grid" systems shall be exempt from this requirement.

5. Any on-site electrical storage, Battery Energy Storage Systems (BESS) must conform to industry standards and applicable federal, state and local regulations.
6. No Solar Energy System shall produce electromagnetic interference that adversely affects normal operation of radio, television, Internet, or cellular telephone service or exceeds any applicable standards established by federal or state regulations. Such interference is grounds for the Township to restrict the operation of the Solar Energy System until it is resolved.
7. Concentrating solar thermal devices or any other various experimental solar technologies are not allowed in any zoning district, except by approval of the Watertown Township Zoning Board of Appeals.
8. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground, and comply with the National Electrical Code (NEC). The Planning Commission may modify this requirement if, in its sole discretion, it determines that it would be impractical to install, place or maintain such transmission lines underground.
9. Any Solar Energy System and the surrounding premises must be maintained in good repair and condition at all times, and must continuously conform to all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System including Greenbelts is in a blighted, unsafe, or substandard condition.
10. Drainage, including stormwater, soil erosion and sediment control, and snowmelt runoff shall be managed in a manner consistent with all applicable federal, state, and local regulations. All drainage infrastructures on-site, including drain tile and ditches, shall be maintained during the operation of the Solar Energy System, and shall not impact setback/buffer areas or neighboring properties.
11. No Solar Energy System shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice to the owners of the Solar Energy System from the Complaint Resolution Committee or Township Supervisor, that glare from the Solar Energy System is causing a nuisance to neighboring residents, or to persons traveling neighboring roads, the owner of the Solar Energy System shall have a reasonable time (not to exceed six (6) months) from the date of such notice to remediate such glare.
12. Lighting must be in compliance with the Watertown Township Zoning Ordinance. Outdoor lighting shall be designed to direct light to the ground and not up into the sky. No flickering or flashing lights shall be permitted. No System or any of its components shall be illuminated, except to the degree necessary for public safety or maintenance. Lighting shall not extend beyond the Solar Energy System perimeter.

13. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits appropriate to the size of the solar facility. Large Solar Energy Systems (SES-L) shall carry dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner/operator and Township Board. All applicants shall be required to provide proof that they meet the insurance requirements to the Zoning Administrator prior to approval.
14. A medium (SES-M) or large (SES-L) Solar Energy System shall employ and maintain one or more of the following dual use land management and conservation practices throughout the project site, including the setback/buffer areas:
 - a. **Pollinator Habitat** - Solar sites designed to meet the pollinator standard found in the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 - b. **Conservation Cover** - Designed in consultation with the local NRCS field office and following the guidelines established by the National Resources Conservation Service (NRCS Conservation Cover (Ac.) (327) (11/15).
 - c. **Forage for Grazing** - Solar sites that incorporate rotational livestock grazing and forage production shall be designed in consultation with the local NRCS field office and following the guidelines established by the NRCS (National Resources Conservation Service), Prescribed Grazing, Practice Code 528 (Ac) (528) (03/17).
 - d. **Agrivoltaics** - Solar sites that combine raising crops for food, fiber, or fuel and generating electricity within the project area to maximize land use.

Maintenance shall include plans for addressing weed control and the potential for herbicide run off that will impact local streams and adjoining neighbors. No restricted use pesticides (RUP) shall be used.

15. An applicant for a Solar Energy Facility Zoning or Special Approval Permit shall remit an application fee in the amount specified in the fee schedule. The fee schedule may be amended by resolution of the Township Board.
16. The Photovoltaic Panels shall meet all UL (Underwriters Laboratories) standards in effect at the time of construction; and pass IEC 61215-1 testing. The applicant shall provide written specifications, material safety data sheets (MSDS), and countries of origin of the panels used, and include updated specifications as panels are replaced.
17. In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of the SES-M or SES-L Solar Energy Facility the owner or operator shall provide a Rehabilitation Plan to remedy the damage and said plan shall be submitted to, and approved by, the Township Board. Said plan will outline the necessary protocol and time schedule for returning the SES-M or SES-L to energy production and must be submitted to the Township within sixty (60) days of the date the damage was incurred or a time determined reasonable by the Township Board.

18. No operating Solar Energy System shall produce noise that exceeds Forty-Five (45) dBA, as measured at the property line of any neighboring lot. Adequate setbacks shall be provided to comply with this requirement.

E: Small Solar Energy Systems (SES-S) On-Site Use:

An on-site use solar energy system is intended to first serve the needs of the private owner. Small systems may be approved in the following zoning districts upon issuance of a zoning permit, building permit, and an electrical permit provided that the application meets the requirements and standards of this section.

Permitted Use:

ARAgricultural - Residential

RSingle Family Residential

RMMultiple Family Residential

MHP ..Manufactured Housing Park – requires Special Approval Permit

CCommercial

IIndustrial

F: Specific Requirements for Small Solar Energy Systems (SES-S):

1. **Number of systems:** Only one (1) solar energy system is permitted per lot or premises.
2. **Setbacks:** All Small Solar Energy Systems (SES-S), including associated equipment, shall meet the side or rear yard setback requirements from all property lines.
3. **Screening:** PV panels and associated mechanical equipment shall be screened from residential districts and public rights of way by a greenbelt or six (6) foot high privacy fence.
4. **Submitted plans:** A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator that is necessary to determine compliance with this ordinance.
5. **Height: Building Mounted:** accessory to structure: Solar energy systems shall be such a weight to be safely supported by the building. Building inspector approval is required. Solar Energy Systems shall be considered part of the building and meet all the required building height and setback requirements. On a flat roof installation, the Solar Energy Systems shall not project more than three (3) feet above the highest point, and shall be setback from the building edge at least a distance equal to its height. Solar energy systems on pitch roof installations shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility, and shall not project more than two (2) feet above the roof surface.
6. **Ground Mount Solar Panels:**
 - a. Shall not be installed on a parcel of less than one (1) acre.

- b. If more than 2,000 square feet of impervious surface, including hard surface driveways is proposed, a drainage plan shall be submitted.
 - c. A ground mounted Small Solar Energy System (SES-S) shall be located in the side or rear yard only and shall meet the side or rear yard setback requirements.
7. **Height, Backyard Residential:** A ground mounted Solar Energy System in a residential district (including AR, R, and RM) shall be located in the rear yard and shall meet the rear yard setback requirements: 8-foot maximum height, measured at maximum tilt. Solar PV panels shall not be mounted in a manner that will obstruct the view or access to sunlight on any neighboring property. All ground arrays shall be set back a distance of 2.0 times their structure height from all property lines and building setbacks, whichever is greater.
 8. **Height, Backyard Commercial/Industrial:** A ground mounted Commercial Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements. Maximum height shall be 16 feet measured at maximum tilt. All other buildings and accessory structures must meet the height requirements of the underlying zoning district. All ground mounted solar arrays shall be set back a distance of 1.5 times their structure height from all property lines and building setbacks, whichever is greater.
 9. **Decommissioning:** If the solar energy system ceases to operate, is abandoned, or in disrepair for a period of six (6) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current landowner shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or Building Inspector or, if no longer operating or, no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, wiring, foundations and other items so that the ground is restored to its preconstruction state.

G: Medium Solar Energy Systems (SES-M) On-Site or Off-Site Utility Use:

An on-site use Solar Energy System is intended to primarily serve the needs of the on-site owner, with the capability to provide electricity to the electric utility grid. Medium Solar Energy Systems (SES-M) are permitted in the following zoning districts with a Special Approval Permit and Site Plan Review.

- AR.....Agricultural – Residential
- RM.....Multiple Family Residential
- CCommercial
- IIndustrial

H: Specific Requirements for Medium Solar Energy Systems (SES-M)

1. **Submitted plans:** A site plan, drawn to scale and conforming to Article 16 of the Watertown Zoning Ordinance 200, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this ordinance.

2. **Setback Requirements:** The following setbacks as shown in Table 1 are required to be established for a Medium Solar Energy System. Fencing, greenbelts, roads, landscaping and crop production may be developed within the setback area.

Table 1 SES-M Setback Requirements		Distance from Structure
As measured from the solar array or other structure to:		
The property line of a participating residence		100 feet
The property line of a participating commercial business		50 feet
The property line of a non-participating parcel*		500 feet
County Roadways *†		200 feet
State Highways *†		500 feet
Rivers and Streams *(as measured from the midpoint)		200 feet
Adjacent, participating parcels (no fence required)		0 feet
County Ditches & Drains	Sanilac County Drain Commissioner inspection/approval required.	
To preserve the township's rural character and plan for future commercial development, the following extended setbacks are required:		
County roadways, with areas designated for future commercial expansion *† (E. Miller Rd. to Campbell Rd. thence North on Campbell Rd. to the city limits) (S. Gates Rd. from the city limits to Miller Rd.) (Other roadways as deemed appropriate at the time of application.)		600 feet
State highways, with areas designated for future commercial expansion *† (S. Sandusky Rd. (M-19) from the city limits to Marlette Rd.) (East & West Sanilac Avenue (M-46) from Fitch Rd. to Townline Rd.)		600 feet
* Approved greenbelt or screening required.		
† As measured from the center of the roadway.		

3. **Screening:** Panels shall be screened from residential parcels and public rights of way by a Planning Commission approved greenbelt or six (6) foot high privacy fence. Fencing requirements may be waived or reduced by the Planning Commission when planned or existing natural vegetation accomplishes the same.
4. **Height, Building Mounted:** On a flat roof installation the PV panels shall not project more than five (5) feet above the highest point, and shall be setback from the building edge at least a distance equal to its height. The installation may not exceed maximum building height limitations allowed in that zoning district. Solar Energy Systems on pitch roof installations shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility, and shall not project more than two (2) feet above the roof surface.
5. **Height, Ground Mounted:** Backyard Commercial and Industrial PV solar panels and associated racking shall not exceed a 16-foot maximum height, measured at maximum tilt. All other buildings/accessory structures must meet the height requirements of the underlying zoning district. All ground arrays shall be set back a distance of 1.5 times their structure height from all property lines and building setbacks, whichever is greater.

6. **Impervious Surface:** If more than 2,000 square feet of impervious surface is proposed, including associated paved surfaces, a drainage plan shall be submitted.
7. **Transfer of Ownership/Operation:** Prior to a change in the ownership or operation of a Medium Solar Energy System, including, but not limited to, the sale or lease of that System or the underlying property, the current landowner, facility owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Medium Solar Energy System, and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Medium Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing decommissioning funds, and any other required funding has been established. To assure compliance with this section, a deed restriction must be placed on the parcel that guarantees notification of the township in the event of any change of ownership or operation.
8. **Decommissioning-Recycling-Abandonment:** Any ground-mounted solar photovoltaic installation which ceases to operate, has been abandoned, or is in disrepair; as determined by the Zoning Administrator or Building Inspector, shall be removed. Unless otherwise approved by the Township, decommissioning shall begin no later than six (6) months after the solar project has ceased to generate electricity. All panels and structures associated with the project shall be completely removed. All reasonable effort shall be made to reuse or recycle solar components following the regulations and guidelines established by the Federal Resource Conservation and Recovery Act (RCRA), and any other state or local rules that may be currently applicable. The property shall be returned to its condition prior to the installation of the project or to some other condition, as approved by the Township. The applicant shall notify the Township Zoning Administrator and the Sanilac County Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal
9. **Decommissioning shall consist of:**
 - A. Physical removal of all ground-mounted solar photovoltaic panels, installations, structures, equipment, and transmission lines (both above and below ground) from the site.
 - B. Disposal of all solid and hazardous waste that cannot be recycled in accordance with local, state, and federal waste disposal regulations.
 - C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Township may allow the applicant to leave certain portions of the landscaping in place in order to minimize erosion and disruption to vegetation.
 - D. Restoration of any altered or damaged ditching or field drain tiles.
 - E. Roadway and parking area removal shall be at the discretion of the land owner.

10. Prior to construction, Watertown Township requires a detailed decommissioning plan with documented decommissioning costs and salvage value projections. This plan shall be either produced by, or approved by, a licensed independent engineer.

This plan shall include:

- A. The anticipated life of the project.
- B. The estimated present cost of decommissioning.
- C. An explanation of the calculation of the cost of decommissioning.
- D. The physical plan for decommissioning.
- E. A financial surety to cover the cost of decommissioning.
 - i. The financial security shall be in the form of a surety bond held by a local Michigan licensed, federally insured financial institution, and shall contain a reserve factor of 20% to the cost projections to protect against changes in market value.
- F. An update of the decommissioning plan, costs and salvage projections shall be performed every five (5) years and include a mechanism for updating the security.
- G. A process to require decommissioning if the solar energy system is no longer operational.
- H. In the event of bankruptcy or similar financial default of the Solar Energy System owner, the property owner of the project site shall bear the decommissioning costs.

11. **Installation Standards:** A Professional Engineer registered in the State of Michigan shall certify that the construction and installation of a Medium Solar Energy System (SES-M) meets or exceeds the manufacturer's safety, construction, and installation standards, including the National Electric Safety Code and any applicable Michigan construction codes. Such certification shall be provided to the Township Zoning Administrator prior to the issuance of a zoning compliance permit.

I: Large Solar Energy Systems (SES-L) Off-Site Utility Use:

A large solar energy system is a solar energy system that is designed and built to provide electricity to the electric utility grid. Large Solar Energy Systems (SES-L) are permitted in the following zoning districts with a Special Approval Permit, a Site Plan Review, and a Public Hearing. A Predevelopment Meeting is highly encouraged. Upon approval of an application for a Large Solar Energy System, the property shall be assessed as either commercial or industrial, at the discretion of the Township Assessor.

- AR.....Agricultural – Residential
- CCommercial
- IIndustrial

J: Specific Requirements for Large Solar Energy Systems (SES-L)

All Large Solar Energy Systems (SES-L) shall be subject to the following:

1. **Siting and Coverage:** A Large Solar Energy System (SES-L) shall not be installed on a parcel less than five (5) acres. The maximum ground area occupied by solar panels and associated paved and impervious surfaces shall be approved by the Planning Commission based on the circumstances of each particular Large Solar Energy System (SES-L) application.
2. **Submitted plans:** A site plan, drawn to scale and conforming to Article 16 of the Watertown Zoning Ordinance 200, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this ordinance.
3. **Impervious Surfaces:** If more than 2,000 square feet of impervious surface is proposed, including associated paved surfaces, a drainage plan shall be submitted.
4. **Signage:** A sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the owner or operator, and public contact information for inquiries. The Solar Energy Facility owner or operator shall respond to the public's inquiries promptly. Complaints received shall be referred to the Complaint Resolution Committee.
5. **Setback Requirements:** The following setbacks as shown in Table 2 are required to be established for a Large Solar Energy System. Fencing, greenbelts, roads, landscaping and crop production may be developed within the setback area.

Table 2 SES-L Setback Requirements As measured from the solar array or other structure to:		Distance from Structure
The property line of a participating residence		100 feet
The property line of a participating commercial business		100 feet
The property line of a non-participating parcel*		500 feet
County Roadways *†		300 feet
State Highways *†		600 feet
Rivers and Streams *(as measured from the midpoint)		200 feet
Adjacent, participating parcels (no fence required)		15 feet
County Ditches & Drains	Sanilac County Drain Commissioner inspection/approval required.	
To preserve the township's rural character and plan for future commercial development, the following extended setbacks are required:		
County roadways, with areas designated for future commercial expansion *† <i>(E. Miller Rd. to Campbell Rd. thence North on Campbell Rd. to the city limits)</i> <i>(S. Gates Rd. from the city limits to Miller Rd.)</i> <i>(Other roadways as deemed appropriate at the time of application.)</i>		800 feet
State highways, with areas designated for future commercial expansion *† <i>(S. Sandusky Rd. (M-19) from the city limits to Marlette Rd.)</i> <i>(East & West Sanilac Avenue (M-46) from Fitch Rd. to Townline Rd.)</i>		900 feet
* Approved greenbelt or screening required.		
† As measured from the center of the roadway.		

6. **Installation Standards:** A Professional Engineer registered in the State of Michigan shall certify that the construction and installation of a Large Solar Energy System (SES-L) meets or exceeds the manufacturer's safety, construction, and installation standards, including the National Electric Safety Code and any applicable Michigan construction codes. Such certification shall be provided to the Township Zoning Administrator prior to the issuance of a zoning compliance permit.
7. **Screening Requirements:** The Large Solar Energy System applicant is required to submit a Landscape and Visual Impact Assessment (LVIA) to the Planning Commission for review. The greenbelt/visual screening plan for the project shall be consistent with the Township Master Plan's intent to protect the rural character of the Township. Alternative screening plans may be considered by the Planning Commission to mitigate the visual impact of the solar energy system to residents. The Planning Commission may require more extensive visual screening in some areas to protect the rural character of the landscape. To encourage flexibility and creativity consistent with the "Rural Character" concept, the Planning Commission may allow specific departures from the requirements of the Zoning Ordinance as a part of the approval process.
8. **Height:** The maximum height for Solar PV panels and associated racking is limited to 16 feet when measured at maximum tilt. An increase of the maximum height for large solar energy systems may be allowed where the plans call for dual-use of the land. Example: cover crops, Agrivoltaics or grazing. All other buildings/accessory structures must meet the height requirements of the underlying zoning district.
9. **Decommissioning-Recycling-Abandonment:** Any ground-mounted solar photovoltaic installation which ceases to operate, has been abandoned, or is in disrepair; as determined by the Zoning Administrator or Building Inspector, shall be removed. Unless otherwise approved by the Township, decommissioning shall begin no later than six (6) months after the solar project has ceased to generate electricity. All panels and structures associated with the project shall be completely removed. All reasonable effort shall be made to reuse or recycle solar components following the regulations and guidelines established by the Federal Resource Conservation and Recovery Act (RCRA), and any other state or local rules that may be currently applicable. The property shall be returned to its condition prior to the installation of the project or to some other condition, as approved by the Township. The applicant shall notify the Township Zoning Administrator and the Sanilac County Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.
10. **Decommissioning shall consist of:**
 - A. Physical removal of all ground-mounted solar photovoltaic panels, structures, equipment, and transmission lines (both above and below ground) from the site.
 - B. Disposal of all solid and hazardous waste that cannot be recycled in accordance with local, state, and federal waste disposal regulations.
 - C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Township may allow the applicant to leave certain portions of the landscaping in place in order to minimize erosion and disruption to vegetation.
 - D. Restoration of any altered or damaged ditching or field drain tiles.

- E. Roadway and parking area removal shall be at the discretion of the land owner.
11. Prior to construction, Watertown Township requires a detailed decommissioning plan with documented decommissioning costs and salvage value projections. This plan shall be either produced by, or approved by, a licensed independent engineer.
 12. This plan shall include:
 - A. The anticipated life of the project.
 - B. The estimated present cost of decommissioning.
 - C. An explanation of the calculation of the cost of decommissioning.
 - D. The physical plan for decommissioning.
 - E. A financial surety to cover the cost of decommissioning.
 - i. The financial security shall be in the form of a surety bond held by a local Michigan licensed, federally insured financial institution, and shall contain a reserve factor of 20% to the cost projections to protect against changes in market value.
 - F. An update of the decommissioning plan, costs and salvage projections shall be performed every five (5) years and include a mechanism for updating the security.
 - G. A process to require decommissioning if the solar energy system is no longer operational.
 - H. In the event of bankruptcy or similar financial default of the Solar Energy System owner, the property owner of the project site shall bear the decommissioning costs.
 13. **Safety/Security:** The site must be secured by a fence along all exterior sides of the facility that is a minimum of eight (8) feet in height with a gate and locking mechanism that will allow for emergency access at all times. The fencing shall consist of wildlife friendly, durable, materials which shall be approved by the Planning Commission. The fencing must be located between the required landscape greenbelt and all photovoltaic solar devices and support structures associated with the facility, and shall comply with all federal, state, and local regulations, including MI-DNR Wildlife Conservation Order 2.11.
 14. **Emergency Services:** The Solar Energy System applicant shall cooperate with local emergency services in developing an emergency response plan. Emergency responder training shall be offered to county first responders, as part of a full-day orientation of the project site. The orientation shall be offered within sixty (60) days of commercial operation of the solar generation facility. The Applicant shall provide copies of the manufacturer's safety manual for all proposed Solar Energy System equipment at the time of application for Special Approval Permit, to be kept at the Township Hall and Fire Department. Documentation shall include the type and quantity of all materials used in the operation of all equipment, including manufacturers' Material Safety Data Sheet(s) and any other documentation required by Sanilac County Emergency Management.
 15. **Transportation Plan, Vehicular Access Drives and Parking Areas:** Provide an access plan during both construction and operational phases. Show proposed project service road(s), primary ingress and egress routes, and a layout of the plant service road

system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site. All parking and vehicular traffic surfaces shall be maintained in sound condition and free of weeds, dust, trash and debris. All roads and parking areas shall meet all applicable state and local requirements, and federal ADA accessibility regulations.

16. **Inspections:** The Township will conduct annual inspections of Large Solar Energy System (SES-L) Facilities. The cost of the inspection will be funded by the Compliance and Enforcement Escrow Account. The inspections will consist of a general inspection including evaluating compliance with the Zoning Ordinance and Special Approval Permit, and any improvements or updates required. Violations of the provisions of this ordinance shall be subject to a civil infraction penalty for each day of non-compliance.
17. **Complaint Resolution:** The Solar Energy Facility owner/operator shall develop and submit a detailed Complaint Resolution Process to resolve complaints from the Township Board, Township property owners, or residents concerning the construction or operation of the Solar Energy Facility. The complaint resolution process must be approved by the Township board prior to the approval of the Special Approval Permit application. 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 owners or residents and the Solar Energy Facility owner/operator. The Complaint Resolution Committee shall consist of one (1) Planning Commission member, one (1) member that is a qualified Watertown Township elector chosen from the community, and one (1) representative of the Solar Energy Facility operator; with the process overseen by the Township Supervisor. The Solar Energy Facility owner/operator shall provide not less than forty-eight (48) hour meeting notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend any and all complaint resolution discussions and meetings. The Township shall be kept apprised of all complaints and shall receive a report outlining the issue, the progress, and the resolution. Such reports shall be presented as necessary by the Complaint Resolution Committee.

The establishment of a Complaint Resolution Committee and the referral of potential violations of this ordinance thereto does not in any way limit the Township's ability to enforce compliance of this section or any township ordinance by other lawful means, including court action.

18. **Enforcement and Compliance Escrow Deposit:** In addition to the application fee (as noted under general requirements), a Large Solar Energy System (SES-L) applicant shall fund a continuing escrow deposit in the form of a cash deposit to be collected by the Township and held in a local financial institution prior to the commencement of construction of any Large Solar Energy System (SES-L). The funding of the escrow deposit shall be maintained by the Solar Energy System operator until the Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township

to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Approval Permit. Costs can include, but are not limited to, meeting expenses, publication and notification expenses, costs for any required reports or studies, attorney fees, and other costs as may be incurred by the Township during the application, review, and operational process. If the escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional funds into escrow with the Township.

19. **Continuing Obligations:** Failure to keep the required decommissioning financial security and enforcement escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a violation of the Special Approval Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Approval Permit. Electronic access to financial information with respect to decommissioning, security, and escrow requirements shall be available throughout the life of the project.
20. **Transfer of Ownership/Operation:** Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, the sale or lease of that System or the underlying property, the current landowner, facility owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing decommissioning funds, and any other required funding has been established. To assure compliance with this section, a deed restriction must be placed on the parcel that guarantees notification of the township in the event of any change of ownership or operation.
21. **Additional Special Approval Criteria:** In addition to the requirements and standards contained in Article 17 of the Watertown Zoning Ordinance 200, regarding Special Approval in general, no Special Approval Permit request for a Large Solar Energy System (SES-L) will be met unless the Planning Commission finds that the following criteria will also be provided to the Township:
 - A. **Economic Impact Analysis** prepared by a qualified third-party that reports any expected change in the value of the subject property, expected employment during and after the construction of the facility, any expected impact on the township's tax revenues, the estimated costs to the township associated with the facility in the form of additional services, and information on any other economic benefits or burdens from the facility.
 - B. **Property Value Impact:** A report shall be provided of the impact on adjacent property values prepared by a qualified, independent third-party, such as a licensed real estate appraiser; and should include mitigation strategies for any identified adverse impacts.

- C. **On-Site Traffic Analysis:** Estimated construction jobs, estimated permanent jobs associated with the development.
- D. **Proof of Lease Agreement:** An affidavit or evidence of an agreement between the landowner and the solar facility's owner/operator confirming the owner/operator has permission for construction and operation of the Solar Energy Facility.
- E. **Environmental Impact Analysis:** An assessment of the likely significant environmental effects arising from a proposed SES-L development. The analysis shall include:
 - 1. The noise, vibration and dust from project activities, both during construction and during operation shall be evaluated.
 - 2. Identify any adverse impact on the water quality and water supply in the area.
 - 3. Identify any solid waste or hazardous waste generated by the project.
 - 4. Review the potential impacts on wildlife on the project site.
 - 5. Perform a study of the possible impact of PVHI (Photovoltaic Heat Island) effect on surrounding residential areas.

The analysis shall include plans to minimize any identified adverse impacts.

- F. **Visual Impact Assessment:** In order to preserve the "Rural Character" of the township a Landscape and Visual Impact Assessment (LVIA) is required. The LVIA shall be submitted to the Planning Commission for review prior to the Site Plan Review or the issuance of a Special Approval Permit. The assessment shall include, but not be limited to:
 - 1. Identify, evaluate and describe the existing landscape characteristics of the site and its surroundings.
 - 2. Identify affected residents and evaluate their reaction to the type of changes proposed.
 - 3. Identify and evaluate any impacts of the development and the extent they affect the viewshed.
 - 4. Establish and describe mitigation measures appropriate for the proposed development, including zone of theoretical visibility maps and an accurate visual representation of the proposed development.
- G. **Public Infrastructure:** If determined by the Township Supervisor that the project may impact the Township's public infrastructure, the applicant will be required to complete a Road Use and Repair Agreement, that includes approval by the County Road Engineer, or a Public Drainage System Protection Agreement, which requires approval from the County Drain Commissioner. These agreements shall be completed, and included at the time of application for a Special Approval Permit to the Township.
- H. **Aviation Notification:** The proposed SES-L operator shall provide proof of approval by the Sanilac County Airport Zoning board of appeals; be required to notify the Airport Manager of any airport within five nautical miles, and the Federal Aviation Administration Flight Standards District Office of the proposed Solar Energy Project. Notification shall include the facility location, size and type of system. For Solar Energy Systems located within five hundred (500') feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the airport traffic pattern and final approach paths,

consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

K: Limitations:

The majority of land in Watertown Township is prime farmland if properly drained. While recognizing the need to contribute to environmental sustainability; in order to protect this natural resource and to protect the Master Plan's goal of preserving the rural character of the community. Small Solar Energy Systems (SES-S) are exempted from this limitation.

L: Violations:

Any person, firm, or corporation, or anyone acting in behalf of said person, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals or the Planning Commission, is responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred (\$500.00) dollars plus court costs and fees. Each day such a 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.

M: Severability:

The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

N: Adoption:

Made and passed by the Township Board of Watertown Township, Sanilac County, Michigan, on this 4th day of January, 2022.

1. Date of Public Hearing: December 7, 2021
2. Date of Adoption by Township Board: January 4, 2022.
3. Published In: Tribune Recorder Leader
4. Date of Publication: January 12, 2022.
5. Date and Time Ordinance Shall Take Effect: January 19, 2022.

Tammy Ross, Clerk, Watertown Township

Scott Franzel, Supervisor, Watertown Township

O: Certification:

I, Tammy Ross, Clerk of the Township of Watertown, do hereby certify that Ordinance No 2022-01 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on January 4, 2022.

Vote on this Ordinance, four members being present, was as follows:

AYEs: Franzel, Coats, Ross

NAYs: Cambridge

I further certify that said Ordinance No. 2022-01 adopted by the Township Board on January 4, 2022 was published once in the Tribune Recorder Leader, a paper circulated in the Township of Watertown, County of Sanilac on January 12, 2022. This being the first and final day of publication of this ordinance.

Tammy Ross, Clerk, Watertown Township

**TOWNSHIP OF WATERTOWN
ZONING ORDINANCE AMENDMENT
WIND ENERGY TURBINES
Ordinance Number 2019-1**

An ordinance to establish requirements to obtain an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, character and welfare of the community.

**THE TOWNSHIP OF WATERTOWN ORDAINS:
WIND ENERGY TURBINES**

- A. **APPLICABILITY.** This Ordinance applies to all Wind Energy Turbines (WETs) proposed for construction after the effective date of this Amendment. Any physical modification to an existing WET that materially alters the size, type, equipment or location shall require approval under the standards of this Ordinance.
- B. **GENERAL REQUIREMENTS.**
1. No WETs shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any publicly or non-publicly owned airport as defined by the Michigan Airport Zoning Act, as amended.
 2. The WET installation must minimize the adverse impacts of technological obsolescence of such equipment.
 3. All WETs, except Small Structure Mounted Wind Energy Turbine (SSM-WETs) shall be mounted on a tubular tower.
 4. All WETs, including accessory buildings and related structures, shall be a non-reflective, non-obtrusive color, such as white or gray. No striping or advertisement shall be visible on the blades, nacelle or tower.
 5. The appearance of the WET and all accessory structures shall be maintained throughout the life of the unit.
 6. Exterior lighting of a tower, rotor blades and nacelle shall only be allowed in order to meet FAA requirements.
 7. Exterior lighting of accessory buildings or entrance points shall be permitted, provided that such exterior lighting fixtures shall be full cutoff "shoe box" fixtures. These fixtures shall not be mounted on poles or other structures that exceed a total height of twenty (20) feet, as measured from the grade at the base of the fixture.
 8. WETs shall not contain commercial signage, banners, flags or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.

C. TEMPORARY USES. Anemometers are permitted in all zoning districts as a temporary use, subject to the provisions of this Section.

1. The construction, installation or modification of an anemometer shall require a building permit.
2. Anemometers shall conform to all applicable local, state and federal safety, construction, environmental, electrical, communications and FAA requirements.
3. Anemometers shall be subject to the requirements of this Section for height; setbacks, separation, location, safety and decommissioning that correspond to the size of the WET(s) proposed on the site.
4. An anemometer shall be permitted on a site for no more than thirteen (13) months for a SSM-WET, STM-WET or M-WET.
5. An anemometer shall be permitted on a site for no more than three (3) years for an L-WET.

D. PERMITTED USES. Small Structure Mounted Wind Energy Turbines (SSM-WET) and Small Tower Mounted Wind Energy Turbines (STM-WET) shall be considered a permitted use in all zoning districts subject to the following:

1. SSM-WETs and STM-WETs must receive a building permit prior to construction, installation, relocation or modification. The WET Owner/Applicant or Operator must apply for and receive the building permit.
2. Ground Clearance: The lowest extension of any rotor blade or other exposed moving component of an SSM-WET or STM-WET shall be at least twenty (20) feet above the ground, as measured from the highest point of grade within thirty (30) feet of the base of the WET. In addition, the lowest extension of any rotor blade or other exposed moving component of an SSM-WET or STM-WET shall be at least twenty (20) feet above any outdoor areas intended for human use that are located below the WET. Examples include balconies, roof gardens, etc.
3. Noise Control:
 - i. Noise produced by an SSM-WET or STM-WET shall not, at any time, exceed the lowest ambient sound level that is otherwise present between the hours of 9:00 PM and 9:00 AM at any adjacent property line of a residential use.
 - ii. Noise produced by an SSM-WET or STM-WET shall not, at any time, exceed the lowest ambient sound level plus 5 Decibels dB(A) that is otherwise present between the hours of 9:00 PM and 9:00 AM at any adjacent property line of a commercial, office, civic, public, agricultural or industrial use.
4. Vibration: An SSM-WET or STM-WET shall not produce vibrations that are perceptible to humans beyond any property line upon which a WET is located.
5. Wire Supports: Guy wires or similar apparatus shall not be allowed as part of an SSM-WET or STM-

WET installation.

6. All STM-WET shall be of monopole construction.

7. SSM-WET Height: The height of an SSM-WET shall not exceed twenty (20) feet, as measured from the highest point of the adjacent roof or structure, excluding chimneys, antennae or other similar features.

8. SSM-WET Setbacks:

i. An SSM-WET shall be setback a minimum of 100% of the height above the structure that the SSM-WET is mounted on, or twenty five (25) feet, whichever is greater from any property line, public right-of-way, public easement or overhead utility lines.

ii. If the SSM-WET is affixed by any extension to a structure's walls, roof or other elevated surface then the setback from property lines, public rights- of-way, public easements or overhead utility lines shall be measured from the furthest outward extension of moving WET components.

iii. An SSM-WET shall not be affixed to a wall on the side of a structure that directly faces a public street.

9. SSM-WET Separation Distances: If more than one SSM-WET is installed on a property, then a distance equal to the height of the tallest SSM-WET must be maintained between the base of each SSM-WET.

10. STM-WET Height: The total height of a STM-WET shall not exceed one hundred (100) feet. Total height is defined as the vertical distance as measured from the ground level of the base of a WET tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET.

11. STM-WET Setbacks:

i. On a property containing occupied buildings; STM-WETs shall only be located in the rear yard.

ii. An STM-WET shall be setback a minimum of twenty (20) feet from all occupied buildings on the subject property. This setback will be measured from the base of the tower.

iii. A minimum setback equal to one and a half times the total height of the STM-WET shall be required to any property line, public right-of-way, public easement or overhead utility lines. This setback will be measured from the base of the tower. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl or bend within a distance less than the total height of the WET.

iv. The setbacks may be reduced if the applicant provides a registered easement from any adjacent property owners on whose property the STM- WET could encroach.

12. STM-WET Separation Distances: If more than one STM-WET is installed on a property, then a

distance equal to the total height of the tallest STM-WET must be maintained between the base of each STM-WET.

13. Site Plan Review Required: SSM-WETs and STM-WETs shall be required to undergo site plan review by the Planning Commission, subject to the following:

1. Owner/applicants of SSM-WETs and STM-WETs proposed for installation shall provide the following to the Township of Watertown Planning Commission:

i. A completed application for site plan review by the Planning Commission plus any applicable fees and/or escrow deposit approved by the Township Planning Commission;

ii. A scaled site plan drawing that clearly locates the proposed WET(s) and all accessory structures/equipment in relation to all onsite and adjacent property lines, rights-of-way, public easements and overhead utility lines. Setbacks as required in this Section shall be clearly shown to scale on the site plan drawing.

iii. A scaled site plan drawing that clearly displays property dimensions, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways and streets.

iv. A scaled site plan that includes existing and proposed onsite grading / topography at two-foot contour intervals.

v. Product-specific technical information from the manufacturer of the SSM-WET or STM-WET. This information shall include the proposed height and type of WET, maximum noise output in Decibels, total rated generating capacity, product dimensions, rotor blade diameter and a detail of accessory structures.

vi. Documented compliance with the noise generation requirements set forth in this Section.

vii. Documented compliance with applicable local, state and federal regulations including, but not limited to, public safety, construction, environmental, electrical, communications and FAA requirements.

viii. Proof of liability insurance.

ix. Documented evidence that the utility company has been informed of, and approved, the owner/applicant's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.

x. A narrative that explains the proposed methods that will be used to perform maintenance on the WET(s) in compliance with the manufacturer's recommendations and requirements.

14. Safety Requirements:

i. If the SSM-WET or STM-WET is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities.

Any such connection shall be inspected and approved by the appropriate utility company.

ii. The SSM-WET or STM-WET shall be equipped with an automatic braking, governing or feathering system in order to prevent uncontrolled rotation, over-speeding or excessive pressure on the WET.

lii. A clearly visible warning sign regarding voltage shall be placed at the base of the WET.

iv. The structural integrity of the WET shall conform to the design standards of the International Electrical Commission; specifically IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

15. Signal Interference: The SSM-WET or STM-WET shall not interfere with communication systems, such as, but not limited to, radio, telephone, television, satellite or emergency services communication systems.

16. Decommissioning:

i. The SSM-WET or STM-WET owner/applicant shall complete decommissioning within twelve (12) months after the end of the WETs useful life. The term "end of useful life" is defined as zero electricity generation for a period of twelve (12) consecutive months from a particular WET.

ii. All decommissioning expenses are the responsibility of the owner/applicant.

lii. The Township of Watertown Zoning Administrator may grant an extension of the decommissioning period based upon a reasonable and explanatory request by the owner/applicant. Such extension period shall not exceed one calendar year.

iv. If the SSM-WET or STM-WET owner/applicant fails to complete the act of decommissioning within the period described in this Section, then Watertown Township may designate a contractor to complete the decommissioning. All decommissioning expenses shall be charged to the owner/applicant, successors or assigns. All decommissioning expenses shall become a lien against the premises.

v. Decommissioning shall be defined as the complete removal of the WET, structures, buildings, electrical components and any other accessory facilities.

vi. For STM-WETs, following removal of all items required by this ordinance, the site shall be graded and stabilized to prevent soil erosion in a manner consistent with the post-WET use of the property.

17. Public Noise Complaints:

1. Should an aggrieved person allege that the SSM-WET or STM-WET is not in compliance with the noise requirements of this Section, the administrative enforcement procedure shall be as follows:

i. The complainant shall notify the Township of Watertown Zoning Administrator in writing regarding the noise level.

ii. The Zoning Administrator shall coordinate with the Sheriff Department to test the Decibel level for compliance with the standards of this Section.

iii. If the test results are unsatisfactory, the complainant may request a noise level test by a certified acoustic technician. The complainant will be required to submit a cash deposit in an amount sufficient to pay for the noise level test.

iv. If the noise level test indicates that the noise level complies with the standards of this Section, then the Township will use the deposit to pay for the test.

v. If the noise level test indicates that the WET is in violation of this Section, then the owner/applicant shall reimburse the Township for the noise level test while taking immediate action to bring the WET into compliance with this Section. The Township may require the WET to be shut down until compliance can be achieved

vi. Under circumstances as noted in (vi) above, the Township shall refund the cash deposit to the complainant.

E. SPECIAL APPROVAL USES.

1. Medium Wind Energy Turbines (M-WETs) and Large Wind Energy Turbines (L-WETs) shall be allowed in all zoning districts as special land use only after special approval.
2. M-WETs and L-WETs must receive a building permit prior to construction, installation, relocation or modification. The WET Owner/Applicant or Operator must apply for and receive the building permit.
3. An escrow account shall be set up when the applicant applies for a Special Use Permit for a WET or WET testing facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which, costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts, which are in excess of actual costs, shall be returned to the applicant. An itemized billing of all expenses shall be provided to the applicant.
4. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Any study shall be limited to the area within the Township boundaries or areas within an adjacent three (3) miles. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special use request.
5. At the Township's request, the applicant shall fund an economic impact study for review by the Township of the area affected by the WET system. Such study or report shall be provided to the

Township prior to the time when the Planning Commission makes its final decision regarding the Special Use request. Such a study shall include probable financial impact as to jobs, tax revenue, lease payments and property values.

6. Ground Clearance:

i. M-WET: The lowest extension of any rotor blade or other exposed moving component of an M-WET shall be at least twenty (20) feet above the ground, as measured from the highest point of grade within fifty (50) feet of the base of the tower. In addition, the lowest extension of any rotor blade or other exposed moving component of an M-WET shall be at least twenty (20) feet above any outdoor areas intended for human use that are located below the WET. Examples include balconies, roof gardens, etc.

ii. L-WET: The lowest extension of any rotor blade or other exposed moving component of an L-WET shall be at least fifty (50) feet above the ground, as measured from the highest point of grade within one hundred fifty (150) feet of the base of the tower.

7. Shadow Flicker: The M-WET or L-WET owner/applicant(s) and/or operator(s) shall conduct an analysis of potential shadow flicker onto any occupied building with direct line-of-sight to the M-WET or L-WET. The analysis shall identify the locations of shadow flicker that may be caused by the WET and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year. Analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

8. Noise Control:

i. Noise produced by an M-WET or L-WET shall not, at any time, exceed the lowest ambient sound level that is otherwise present between the hours of 9:00 PM and 9:00 AM at any adjacent property line of a residential use.

ii. Noise produced by an M-WET or L-WET shall not, at any time, exceed the lowest ambient sound level plus 5 Decibels dB(A) that is otherwise present between the hours of 9:00 PM and 9:00 AM at any adjacent property line of a commercial, office, civic, public, agricultural or industrial use.

iii. Sound requirements may be exceeded if written consent is acquired from all adjacent property owners impacted by the On-Site WET. Such written consent must be submitted to the Township.

9. Vibration: An M-WET or L-WET shall not produce vibrations that are perceptible to humans beyond any property line upon which a WET is located.

10. Wire Supports: Guy wires or similar apparatus shall not be allowed as part of an M- WET or L-WET installation.

11. All M-WET and L-WET shall be of monopole construction.

12. Electrical System: All electrical system components, wiring, grounding wires, or power lines related to the M-WET or L-WET, except necessary wiring from the base of the support structure (tower) to the

turbine, are required to be placed underground within the boundary of each participating parcel at a depth designed to accommodate the existing land use to the maximum extent practical.

13. Quantity of WETs:

i. No more than one (1) M-WET shall be installed for every two and one-half (2.5) acres of land included in the subject parcel.

ii. The number of L-WETs shall be determined based on WET setbacks and separation distances as required in this Section.

14. Total Height:

i. The height of an M-WET shall not exceed one hundred fifty (150) feet. Total height is defined as the vertical distance as measured from the ground level of the base of a WET tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET.

ii. The height of an L-WET shall not exceed three hundred seventy five (375) feet. Total height is defined as the vertical distance as measured from the ground level of the base of a WET tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET.

15. M-WET Setbacks & Separation:

i. Occupied Building Setback: Each M-WET shall be set back from the nearest occupied building that is located on the same parcel as the M-WET a minimum of two (2) times its Total Height as measured from the base of the tower.

ii. Property Line Setbacks: With the exception of the locations of public roads (see below) and parcels with occupied buildings (see above), all internal property line setbacks shall be equal to the Total Height of the M-WET, as measured from the base of the tower. This setback may be reduced by the Planning Commission as part of a special exception use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

iii. Public Road Setbacks: Each M-WET shall be set back from the nearest public road a distance equal to the Total Height of the M-WET, as measured from the nearest boundary of the road right-of-way to the base of the tower.

iv. Communication and Electrical Lines: Each M-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the M-WET, as measured from the base of the tower to from the existing power line or telephone line.

v. Tower Separation: M-WET separation shall be based on industry standards and the manufacturer's recommendation.

vi. The setbacks may be reduced if the applicant provides a registered easement from any adjacent property owners on whose property the M- WET could encroach.

16. L-WET Setbacks & Separation:

i. Occupied Building Setback: Each L-WET shall be set back from the nearest occupied building that is

located on the same parcel as the L-WET a minimum of two (2) times its Total Height as measured from the base of the tower.

ii. Property Line Setbacks: With the exception of the locations of public roads (see below) and parcels with occupied buildings (see above), all internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height of the L-WET, as measured from the base of the tower. This setback may be reduced by the Planning Commission as part of a special exception use permit if the applicant provides a registered engineer's certification that the L-WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET.

iii. Public Road Setbacks: Each L-WET shall be set back from the nearest public road a minimum distance of four hundred (400) feet or one and one-half (1.5) times the Total Height of the L-WET, whichever is greater, as measured from the nearest boundary of the road right-of-way to the base of the tower.

iv. Communication and Electrical Lines: Each L-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, as measured from the base of the tower to from the existing power line or telephone line.

v. Tower Separation: L-WET tower separation shall be based on industry standards and the manufacturer's recommendation.

vi. The setbacks may be reduced if the applicant provides a registered easement from any adjacent property owners on whose property the L- WET could encroach.

17. Access Driveway: Each L-WET shall require the construction of an access road to offer an adequate means by which public safety vehicles may readily access the site in the event of an emergency. All access roads shall be constructed to standards as defined by the Township Engineer, Sanilac County Road Commission and Fire Chief.

18. Signal Interference: The SSM-WET or STM-WET shall not interfere with communication systems, such as, but not limited to, radio, telephone, television, satellite or emergency services communication systems.

19. Site Plan Review Required: M-WET and L-WET projects shall be required to undergo site plan review by the Planning Commission, subject to the following:

i. Owner/applicants of proposed M-WET and L-WET projects shall provide the following to the Township of Watertown Planning Department:

A completed and signed application for site plan review by the Planning Commission plus any applicable fees and/or escrow deposit approved by the Township Commission;

ii. A scaled site plan drawing, sealed by a professional engineer, that includes the following:

1. Contact information for the Owner(s) and Operator(s) of the M- WET or L-WET as well as contact information for all property owners on which the M-WET or L- WET is located.

2. A site location map with identification and location of the properties on which the proposed M-WET or L-WET will be located.
3. The location and dimensions of all proposed WET(s) and all accessory structures/equipment, including security fencing, exterior lighting and power grid connectivity equipment, whether buried or above ground.
4. The location of all onsite and adjacent property lines, rights-of- way, public easements and overhead utility lines.
5. The location and dimension of all setbacks as required in this Section.
6. All property dimensions, zoning districts, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways, large trees and streets.
7. Existing and proposed onsite grading / topography at two-foot contour intervals.
8. Soil erosion and storm water drainage plans.
9. Plan view and cross sectional details of all proposed access drives.
 - iii. Required Supplemental Site Plan Review Documentation:
 1. A narrative that explains the proposed methods that will be used to perform maintenance on the WET(s) in Compliance with the manufacturer's recommendations and requirements.
2. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed M-WET or L-WET.
3. A statement from the landowner(s) of a leased site that he/she will abide by all applicable terms and conditions of the special exception use permit, if approved.
4. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the M-WET or L-WET.
5. The proposed number, representative types and height of each M-WET or L-WET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in Decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
6. Documentation verifying the developer/manufacturer's confirming specifications for M-WET or L-WET tower separation as proposed on the site plan.
7. Documented compliance with the noise, vibration and shadow flicker requirements set forth in this Section.
8. Engineering data concerning construction of the M-WET or L- WET and its base or foundation,

including soil boring information.

9. A certified, registered engineer's certification that certifies the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.

10. The anticipated construction schedule.

11. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries.

12. An agreement or bond, which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.

13. A copy of the WET maintenance and operation plan, including anticipated regular and scheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the M-WET or L-WET to conduct maintenance, if applicable.

14. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications standards.

15. Documented compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any applicable airport overlay zone regulations.

16. Proof of comprehensive liability insurance.

17. A statement indicating what hazardous materials will be used and stored on the site.

18. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

19. A fire prevention and emergency response plan, including: Potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders; Designation of the specific agencies that would respond to potential fire or other emergencies; A description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.

20. A written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards as well as information as to the potential for vibration, shadow flicker, and blade ice deposits on nearby residences. This information shall also address the potential for the windmill to topple over or collapse, and what tower configuration should be expected in such an event.

21. A written description of the anticipated life of each M-WET or L- WET; the estimated cost of

decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the M-WET(s) or L-WET(s) become inoperative or non-functional.

22. A decommissioning plan that will be carried out at the end of the M-WET's or L-WET's useful life, which shall be submitted as a Participating Landowner Agreement, regarding equipment removal and property restoration upon termination of the lease.

23. As part of the Participating Landowner Agreement, an independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment.

24. When determining this amount, the Township of Watertown may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Township of Watertown after the first year of operation and every fifth year thereafter.

i. M-WET and L-WET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution shall be authorized to conduct such business as approved by Township of Watertown.

ii. Decommissioning Funds shall be in the form of a performance bond made out to the Township of Watertown.

iii. A condition of the bond shall be notification by the bond company to the Township of Watertown when the bond is about to expire or be terminated.

iv. Failure to keep the bond in effect while an M-WET or L- WET is in place will be a violation of the special exception use permit. If a lapse in the bond occurs, the Township of Watertown may take action, up to and including requiring the cessation of operations of the WET until the bond is restored.

25. Other relevant information as may be requested by the Township of Watertown to ensure compliance with the requirements of this Section.

20. Safety Requirements:

i. If the M-WET or L-WET is connected to a public utility system for net- metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company.

ii. The M-WET or L-WET shall be equipped with an automatic braking, governing or feathering system in order to prevent uncontrolled rotation, over-speeding or excessive pressure on the WET.

lii. Security measures shall be in place to prevent unauthorized trespass and access. Each M-WET or L-WET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to M-WETs or L-WETs and accessory electrical equipment shall be locked and/or fenced as appropriate.

iv. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

v. Each M-WET or L-WET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:

1. A warning of high voltage
2. Names of Manufacturer and owner/operator(s)
3. Emergency contact numbers (list more than one number).

vi. The structural integrity of the WET shall conform to the design standards of the International Electrical Commission; specifically IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

21. Decommissioning:

i. The M-WET or L-WET owner/applicant shall complete decommissioning within twelve (12) months after the end of the WETs useful life. The term "end of useful life" is defined as zero electricity generation for a period of twelve (12) consecutive months from a particular WET.

ii. Decommissioning shall include the removal and disposal of each M-WET or L-WET, accessory buildings and structures, electrical components, and all foundations to a minimum depth of sixty (60) inches.

lii. All access drives to the M-WET or L-WET shall be removed, cleared, and graded by the Owner/Applicant(s), unless the property owner(s) requests, in writing, a desire to maintain the access drives. The Township of Watertown will not be assumed to take ownership of any access drive.

iv. The WET site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the M-WET or L-WET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

v. All decommissioning expenses are the responsibility of the owner/applicant.

vi. The Township of Watertown Planning Commission may grant an extension of the decommissioning period based upon a reasonable and explanatory request by the owner/applicant. Such extension period shall not exceed one calendar year.

vii. The performance bond agent shall release the Decommissioning Funds noted in Subsection 16 (t) of this Ordinance when the Owner(s) has demonstrated Township of in writing, and the Township of Watertown concurs in writing, that decommissioning has been satisfactorily completed.

viii. If the M-WET or L-WET Owner / Applicant fails to complete the act of decommissioning within the period described in this Section, then the following shall occur:

ix. The Township of Watertown shall contact the performance bond holding agent and request a release of the Decommissioning Funds.

x. The Watertown Township Commission shall designate a contractor to complete the decommissioning.

xi. All decommissioning expenses shall be charged to performance bond of the owner/applicant, successors or assigns.

xii. All outstanding decommissioning expenses shall become a lien against the premises.

xiii. The entry into, and submission of, a Participating Landowner Agreement to the Township of Watertown shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township of Watertown may take such action as necessary to implement the decommissioning plan.

22. Certification & Compliance:

i. The Township of Watertown shall be notified of a change in ownership of an M-WET or L-WET or a change in ownership of the property on which the M-WET or L-WET is located within sixty (60) days of such a transaction.

ii. The Township of Watertown reserves the right to inspect any M-WET or L- WET, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.

lii. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any M-WETs or L-WETs to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the M-WET or L-WET becomes operational. Sound shall be measured by a third-party, qualified professional, with the associated fees being paid by the Owner/Applicant.

iv. The M-WET or L-WET Owner(s) or Operator(s) shall provide the Township of Watertown with a copy of the yearly WET maintenance inspection.

23. Public Noise Complaints:

i. Noise: Should an aggrieved person allege that the M-WET or L-WET is not in compliance with the noise requirements of this Section, the administrative enforcement procedure shall be as follows:

ii. The complainant shall notify the Township of Watertown Zoning Administrator in writing regarding the noise level.

lii. The Zoning Administrator shall coordinate with the Police Department to test the Decibel level for

compliance with the standards of this Section.

iv. If the test results are unsatisfactory, the complainant may request a noise level test by a certified acoustic technician. The complainant will be required to submit a cash deposit in an amount sufficient to pay for the noise level test.

v. If the noise level test indicates that the noise level complies with the standards of this Section, then the Township will use the deposit to pay for the test.

vi. If the noise level test indicates that the WET is in violation of this Section, then the owner/applicant shall reimburse the Township for the noise level test while taking immediate action to bring the WET into compliance with this Section. The Township may require the WET to be shut down until compliance can be achieved.

vii. Under circumstances as noted in (v) above, the Township shall refund the cash deposit to the complainant.

24. Shadow Flicker Complaints: Should an aggrieved person allege that the M-WET or L- WET is not in compliance with the shadow flicker requirements of this Section, the administrative enforcement procedure shall be as follows:

i. The complainant shall notify the Township of Watertown Zoning Administrator in writing regarding the shadow flicker level.

ii. The Zoning Administrator shall examine the shadow flicker complaint on the site.

iii. If the Zoning Administrator finds justifiable cause, the Township of Watertown may authorize a shadow flicker level test by a certified acoustic technician. The complainant will be required to submit a cash deposit in an amount sufficient to pay for the shadow flicker level test.

iv. If the shadow flicker level test indicates that the shadow flicker level complies with the standards of this Section, then the Township will use the deposit to pay for the test.

v. If the shadow flicker level test indicates that the WET is in violation of this Section, then the owner/applicant shall reimburse the Township for the shadow flicker level test while taking immediate action to bring the WET into compliance with this Section. The Township may require the WET to be shut down until compliance can be achieved.

vi. Under circumstances as noted in (v) above, the Township shall refund the cash deposit to the complainant.

DEFINITIONS:

Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WET(s) which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. The Ambient Sound Level is measured on the Decibel - dB(A) - weighted scale as defined by the American National Standards Institute (ANSI).

Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for installing a WET at a given location. An Anemometer includes a tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, a data logger, instrument wiring and telemetry devices used to monitor or transmit wind speed and wind flow characteristics over a period of time. Telemetry data can include instantaneous wind speeds or characterizations of a wind resource at a given location.

Decommissioning: The process of terminating the operation of a WET by completely removing the entire WET and all related buildings, structures, foundations, supports, equipment and access roads.

L-WET (Large Wind Energy Turbine): A tower-mounted wind energy system, standing greater than 150 feet tall and up to 375 feet tall, that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) L-WETs have nameplate capacities that identify maximum kilowatts.

M-WET (Medium Wind Energy Turbine): A tower-mounted wind energy system standing between one hundred (100) feet tall and one hundred fifty (150) feet tall and that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) M-WETs have nameplate capacities that do not exceed two hundred and fifty (250) kilowatts.

Nacelle: The encasement that houses the interior electricity generating components, gearbox, drive tram, brakes and related equipment of a WET.

Net Metering: A special metering and billing agreement between utility companies and their customers, which facilitates the connection of sustainable energy generating systems to the power grid.

Occupied Building: A residential structure, school, hospital, church, library, commercial or industrial structure or public building that contains residents, customers, workers or visitors.

Operator: The entity responsible for the day-to-day operations and maintenance of a WET.

Owner/Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this Ordinance, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WET or Anemometer. An owner/applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WET or Anemometer. The duties and obligations regarding a zoning approval for any approved WET or Anemometer shall be with the owner/applicant of the WET or Anemometer, and jointly and severally with the owner and operator or lessee of the WET or Anemometer if different than the owner/applicant.

Participating Landowner: Any landowner (s) having entered into an agreement for lease of real property or the granting of easements for access, entry or conveyance of the other real property rights related to the Wind Energy Turbine Farm.

Participating Landowner Agreement: A decommissioning plan regarding equipment removal and property

restoration submitted to the Township of Watertown by the Participating Landowners, which will be carried out at the end of the M-WET's or L-WET's useful life or upon termination of the lease.

Rotor: A blade of a WET that is connected to the rotor hub and nacelle and acts as an airfoil assembly that extracts kinetic energy directly from the wind.

Rotor Diameter: The cross-sectional dimension of the circle swept by the rotating blades of a WET.

Shadow Flicker: The moving shadow created by the sun shining through the rotating blades of a WET. The amount of Shadow Flicker created by a WET is calculated by a computer model that measures WET location, elevation, tree cover, location of adjacent structures, wind activity and sunlight angle.

STM-WET (Small Tower Mounted Wind Energy Turbine): A tower-mounted wind energy system standing up to one hundred (100) feet tall that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) STM-WETs have nameplate capacities that do not exceed thirty (30) kilowatts.

Structure: Anything constructed or erected that requires permanent location on the ground or attachment to something having such a location.

SSM-WET (Small Structure Mounted Wind Energy Turbine): A structure-mounted wind energy system that converts wind energy into electricity through the use of equipment (e.g., base, blade, rotor, foundation, generator, nacelle, tower, transformer, vane, wire, inverter, batteries, etc.) SSM-WETs are attached to a structure's roof, walls or another elevated surface. SSM-WETs have nameplate capacities that do not exceed ten (10) kilowatts. The Total Height of a SSM-WET unit does not exceed fifteen (15) feet as measured from the highest point of the adjacent roof or structure, excluding chimneys, antennae or other similar features.

Survival Wind Speed: The maximum wind speed, as designated by the WET manufacturer, at which a WET in an unattended state is designed to survive without damage to any structural equipment or the loss of the ability to function normally.

Total Height: The vertical distance as measured from the ground level at the base of a WET tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WET.

Tower: A freestanding monopole that supports a Wind Energy Turbine (WET).

Wind Energy Turbine (WET): A structure-mounted or tower-mounted small, medium or large wind energy conversion system that converts wind energy into electricity through the use of specialized equipment and structures.

The undersigned Supervisor and Clerk of the Township of Watertown hereby certify that this Zoning Ordinance Amendment was duly adopted by the Township Board at a meeting held on the Tuesday, October 1, 2019 and was published in the Tribune Recorder Leader on Wednesday, October 9, 2019. This Zoning Ordinance Amendment shall take effect seven (7) days after said date of publication.

Scott Franzel, Township Supervisor

Tammy Ross, Township Clerk

2019 OCT 19 PM 3:17 WATERTOWN TOWNSHIP
ORDINANCE NO. 2018-1

~~GENESE MCQUHIDE, CLERK~~
PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

An Ordinance pursuant to Public Act 246 of 1945, MCL 41.181, et seq., to prohibit marihuana establishments to the fullest extent possible pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act and all other applicable Michigan laws.

THE TOWNSHIP BOARD OF WATERTOWN TOWNSHIP, SANILAC COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This ordinance shall be known as the "Prohibition of Marihuana Establishments Ordinance" (hereinafter referred to as "Ordinance").

Section 2. Purpose

Watertown Township finds that it is necessary and reasonable to prohibit marihuana establishments within its boundaries to protect the health, safety, and welfare of the persons and property within the township. Furthermore, marihuana establishments, which include, but are not limited to, the activities of growing marihuana, operating a marihuana safety compliance facility, processing marihuana, and selling marihuana are currently illegal under federal law.

Section 3. Regulation

Marihuana establishment(s), as defined by the Michigan Regulation and Taxation of Marihuana Act including, but not limited to, a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department of licensing and regulatory affairs of the State of Michigan are prohibited to fullest extent possible pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act and all other applicable Michigan laws within the boundaries of Watertown Township.

Section 4. Severability

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

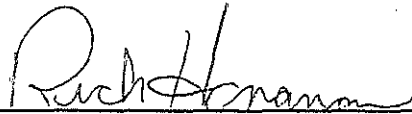
Section 5. Repealer

All ordinances inconsistent with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

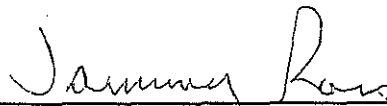
Section 6. Effective Date

This Ordinance shall become effective on the day after publication as required by law following adoption by the Township Board.

Approved this 16th day of October, 2018.

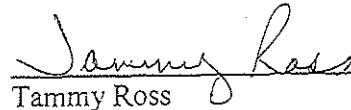


Rich Honaman, Supervisor



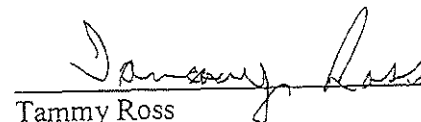
Tammy Ross, Township Clerk

I, Tammy Ross, Clerk of the Township of Watertown, Sanilac County, Michigan, do hereby certify that Ordinance No. 2018-1 was published in the Tribune Recorder Leader on the 24 day of October, 2018.



Tammy Ross
Watertown Township Clerk

I, Tammy Ross, Clerk of the Township of Watertown, Sanilac County, Michigan, do hereby certify that Ordinance No. 2018-1 was filed with the Sanilac County Clerk on the 19 day of October, 2018.



Tammy Ross
Watertown Township Clerk