

ELLINGTON TOWNSHIP

ZONING ORDINANCE

ORDINANCE NO. 100

2010

Amended July 2021

TOWNSHIP OF ELLINGTON ZONING ORDINANCE
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ZONING ORDINANCE
TOWNSHIP OF ELLINGTON
ORDINANCE NO. 100

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

THE TOWNSHIP OF ELLINGTON ORDAINS:

ARTICLE 1 Title

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

ARTICLE 2 Activities Covered By Ordinance

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

ARTICLE 3 Administration

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

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

- A. 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 (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.
- D. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.

- E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.
- F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

ARTICLE 4 Zoning Districts

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

AFR	Agriculture - Forestry - Residential
R	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 Ellington Township Zoning Map.

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

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

ARTICLE 5 AFR Agriculture - Forestry - Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses on parcels of land containing two (2) or more acres.
- B. Forestry.
- C. Single-family dwellings (subject to section 12.05).
- D. Farm roadside stands limited to the selling of produce raised primarily on that farm.
- E. State licensed family day-care homes.
- F. Home Occupations within Dwellings.
 - 1. The home occupation must be conducted entirely within a dwelling, which can include attached garages.

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 an agricultural or residential area.
 4. No outdoor storage or display of merchandise or materials shall be allowed.
 5. There shall be no employees, other than family members who reside in the home on the property.
- G. State licensed residential facilities for six or fewer residents.
- H. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 5.02. SPECIAL LAND USES.

- A. Private parks, recreation facilities and activities, campgrounds, 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 adjoining property.
 4. The Township Board may impose restrictions as to hours of operation, noise levels, and sanitation requirements.
 5. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.
- B. Home Occupations Outside of Dwellings.
1. The home occupation must be conducted entirely within a building which is in existence at the time the home occupation is granted approval.
 2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes.
 3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in an agricultural or residential area.
 4. No outdoor storage or display of merchandise or materials shall be allowed.
 5. There shall be no more than one (1) employee, other than family members who reside in the home on the property.
- C. Dog kennels and the raising of fur bearing animals.

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

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

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

1. No permits will be required for the following:
 - a) Excavations for building construction purposes, pursuant to a duly issued zoning and building permits.
 - b) Minor or incidental grading or leveling of the above materials when used during development, provided no soil erosion conditions result.
 - c) Quarrying of less than one thousand (1,000) cubic yards per year on parcels of land containing five (5) or more acres.
2. Each application for special approval shall contain the following:
 - a) Names and addresses of property owners and proposed operators of the premises.
 - b) Legal description of the premises.
 - c) Aerial photograph of property as it exists.
 - d) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
 - e) Detailed statement as to the type of deposit or material proposed for extraction.
 - f) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.
3. Operational Requirements for Operations.

- a) Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.
 - b) The operator shall acquire a haul permit from the Road Commission.
 - c) The use of explosives is prohibited.
 - d) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs and greenbelts where appropriate.
 - e) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment.
 - f) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
 - g) No cut 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 sub-lateral support to surrounding property where soil or geologic conditions warrant it.
 - h) The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.
- E. State licensed residential facilities for seven or more residents.
 - F. State licensed group child day-care homes.
 - G. Township and County governmental buildings, structures and facilities.
 - H. Schools, churches, and cemeteries.
 - I. Bed and breakfast establishments.
 - J. Communications and wind generation towers (subject to Section 12.12).
 - K. Site condominium developments in compliance with the standards contained in Section 6.02.L.
 - L. Two family dwellings on parcels at least two (2) acres in size (subject to Section 12.05).
 - M. Wind Energy Conversion Systems

1. INTENT AND PURPOSE.

- a) Purpose. The most common and prevalent land use in Ellington Township is agricultural and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the safe, effective, efficient and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial and other areas within the Township.
- b) With advances in technology of “wind energy development” in general, specific locations within the Township may support the implementation of Utility Grid Wind Energy Systems. To prepare for potential “wind development projects” within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure wind development sites are appropriately located so as to protect the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and character while simultaneously preserving and protecting the Township’s important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

2. FINDINGS.

- a) This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township’s important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas.
- b) Based on evidence presented in this State and others concerning the adverse secondary effects of wind energy systems on communities, including but not limited to findings from the *Wind Turbine Health Impact Study: Report of Independent Expert Panel*, prepared for the Massachusetts Department of Environmental Protection (2012); *Strategic Health Impact Assessment on Wind Energy Development in Oregon*, prepared for the State of Oregon (2012); *Potential impact on the Public’s Health from Sound Associated with Wind Turbine Facilities*, prepared for the State of Vermont’s Department of Health (2010); *Analysis of the Research on the Health Effects from Wind Turbines, Including Effects From Noise*, prepared for the Maine Department of Health and Human Services (2012); Jeffrey et al, “Adverse Health Effects of Industrial Wind Turbines,” 59 *Can Fam Physician* 473-475 (2013); Salt, A., and Kaltenbach, J, *Infrasound From Wind Turbines Could Affect Humans*, 31(4) *Bulletin Science, Technology and Society*, 296-302 (2011), the following are among the potential harmful secondary effects of wind energy systems:

1. Falling ice or “ice throws” is physically harmful and measures should be taken to protect the public from the risk of “ice throws.”
 2. Nighttime wind turbine noise can cause sleep disturbance. Generally, sleep disturbance can adversely affect mood, cognitive functioning and one’s overall sense of health and well-being. Chronic stress and sleep disturbance could increase the risk for cardiovascular disease, decreased immune function, endocrine disorders, and mental illness. In addition, possible health effects include increased heart rate, insomnia, fatigue, accidents, reduction in performance and depression.
 3. Sound from wind energy facilities could potentially impact people’s health and well-being if it increases background sound levels by more than 10 dB(A) or results in long term outdoor community sound levels above 35-40 dB(A).
 4. There is evidence that wind turbine sound is more noticeable, annoying and disturbing than other community industrial sounds at the same level of loudness.
 5. People who live near wind turbines are more likely to be impacted by wind turbine than would those far away.
 6. Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, also known as shadow flicker.
 7. The Township desires to protect ecological and environmentally sensitive areas in the Township, which comprises part of the Saginaw Bay Area, including but not limited to habitats for endangered species or heavily used migration routes for species of waterfowl and other migratory birds (some of which are protected species), including tundra swans and sand hill cranes. Thus, the Township has determined that wind development sites can adversely impact wildlife and their habitats and makes evaluation of proposed wind development sites essential. The Township finds that any wind development sites should have the lowest potential for negative impacts on wildlife resources and avoid locations with higher concentrations of migratory birds. Further, any wind development sites that would fragment sensitive habitat areas, like rivers, streams and wetlands, should be avoided.
- c) The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this ordinance.

3. DEFINITIONS

- a) Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period
- b) ANSI: American National Standards Institute.

- c) dB(A): The sound pressure level in decibels. Refers to the "a" weighted scale.
- d) dB(C): The sound pressure level in decibels. Refers to the "c" weighted scale.
- e) Decibel: A unit of measure used to express the magnitude of sound pressure and sound intensity.
- f) Decommission: To remove or retire from active service.
- g) Equivalent Sound Level (or Leq): The sound level measured in decibels and averaged on an energy basis over a specific duration.
- h) Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade from ground level.
- i) IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- j) Instantaneous Sound Pressure: Total instantaneous pressure, in a stated frequency band, at a point in the presence of a sound wave, minus the atmospheric pressure at that point measured in unit pascal (Pa)
- k) ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- l) MET Tower: Anemometer towers used to conduct temporary wind assessment studies for possible installation of Wind Energy Conversion Systems.
- m) Non-Participating Parcel: A parcel of land within Ellington Township that is not subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a utility grid wind energy system.
- n) On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer and is not intended for wholesale or retail sale off-site.
- o) Participating Parcel: A parcel of land within Ellington Township that is subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a utility grid wind energy system.
- p) Pasquill: An atmospheric stability class to categorize the amount of turbulence present.
- q) Rotor: An element of a wind energy system that acts as a multi- bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

- r) SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
 - s) SCADA (Supervisory Control and Data Acquisition): A computer system that monitors and controls Wind Energy Conversion System units and data.
 - t) Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a dwelling or other structure.
 - u) Sound Pressure: Root mean square of the instantaneous sound pressures in a stated frequency band and during a specified time interval, unless another time-averaging process is indicated measured in unit
 - v) Sound Pressure Level (SPL): Twenty times the common logarithm of the ratio of the sound pressure to the reference sound pressure of 20 micropascals measured in decibel (dB).Note that, unless expressed with reference to a specific weighing network (such as dB(A)), the unit dB shall refer to an un-weighted measurement.
 - w) Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid for resale to consumers.
 - x) Wind Energy Conversion System (WECS): A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well all related electrical equipment, building or other structures, including wiring to interconnect the wind energy system to the electrical transmission grid.
 - y) Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
 - z) On Site Wind Energy Systems (Net Metering): An On Site Use wind energy system is intended to serve the needs of the consumer on the site where such system is located and not primarily for wholesale or retail sale off site. (See Section 12.12.B)
4. WIND ENERGY SYSTEM SITE ASSESSMENT FOR UTILITY GRID WIND ENERGY SYSTEMS: Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Anemometer towers or "Met Towers," more than 65 feet in height used to conduct a wind site assessment for possible installation of a utility grid wind energy system shall also be a Special Land Use.
- a) The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

- b) Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:
1. applicant identification,
 2. a site plan,
 3. a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
 4. proof of the applicant's public liability insurance of at least \$1 million in coverage.
5. UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Due to the industrial nature of WECS projects, it is important for WECS developers to not only provide modeled (estimated) pre-construction performance data, but to also provide WECS facility actual post-construction performance data. Additionally, the ordinance provides for property owners to have methods for validating WECS performance ordinance compliance. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:
- a) Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a utility grid wind energy system shall also be dated to indicate the date the application is submitted to Ellington Township.
 - b) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 - c) Insurance: Proof of the applicant's public liability insurance shall be provided at the time of application and if the application is approved, proof of insurance shall be provided to the Township annually thereafter. The applicant shall insure for liability for the WECS until removed for at least \$5,000,000 to protect the applicant, Township and property owner.
 - d) Noise Level: A sound modeling report for the project. The sound model report shall include a map with sound contour lines for dB(A) Leq 1 second and dB(C) Leq 1 second sound emitted from the proposed wind energy system. The study shall include a map (at 1:8000 scale or bigger) showing sound contours at 5 dB intervals, proposed wind turbine locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant shall identify each operational component of a wind turbine that will produce sound that will be audible at the property line of a non-participating parcel. The

predicted values must include cumulative sound levels created by all existing, approved, and proposed turbines. The sound study and accompanying map shall extend out to the 30 dB sound pressure contour line or 1 mile from a wind turbine generator, whichever is furthest from the nearest wind turbine.

The modeling and analysis must confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels and will not exceed the maximum permitted infrasonic acoustic pressure oscillations. Modeling and analysis shall conform to:

1. IEC 61400 and ISO 9613,
 2. modeling factors will be set for the worst-case environment, such as high humidity (90%), frozen ground (non-porous), no ground cover (G=0), low temperature (below 0°C), and stable wind (Pasquill stability classes E and F),
 3. modeling shall include the WECS Manufacturer's uncertainty factor (minimum 2 dB) and the ISO 9613 uncertainty factor (minimum 3 dB),
 4. modeling can be based on the WECS manufacturer data. However, measured data from existing and similar WECS facilities shall be submitted with the modeling report.
- e) A pre-construction background (ambient) sound study shall be performed and a report provided at the time of the application which indicates Leq 1 second, L10, and L90 sound levels using A-weighting and C-weighting. Data shall be collected at the nearest non-participating property line. Measurement procedures to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, including one Sunday, and produce data that includes a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.
- f) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
- g) Visual Impact: Visual simulations of how the completed project will look from four viewable angles: north, south, east and west.

- h) Shadow Flicker: A shadow flicker analysis and report shall be completed for the project. The analysis shall include potential shadow flicker created by each proposed wind turbine at all non-participating property lines with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission.
- i) Safety Manual: Applicant shall provide a safety manual for each type and size of turbines proposed in the project as well as safety data sheets that include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- j) Decommissioning: A decommissioning plan shall be provided detailing the useful life of each type and size of turbine located in the project. The decommissioning plans shall include a description of how any surety bonds applied to the decommissioning process. The plan shall include:
 1. the anticipated life of the project,
 2. the estimated decommissioning costs net of salvage value in current dollars,
 3. the method of ensuring that funds will be available for decommissioning and restoration per below,
 4. the anticipated manner in which the project will be decommissioned and the site restored to original condition
 5. detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS components.
- k) An applicant shall remit an application fee and an escrow deposit, in the amount specified in the fee schedule adopted by the Board of Trustees. All review costs shall be borne by the applicant and deducted from the escrow.

An escrow account shall be set up when the applicant applies for a Special Use Permit for a WECS. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all 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 will be required during the 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 be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow 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 and planning commission upon request.

- l) Fire suppression and emergency response plan.
- m) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include
 - 1. the project area boundaries,
 - 2. the location, height, and dimensions of all existing and proposed structures and fencing, and anti-climbing devices,
 - 3. the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
 - 4. traffic routes and time of year,
 - 5. existing topography,
 - 6. water bodies, waterways, wetlands, and drainage channels, and
 - 7. all new infrastructure above ground related to the project.
- n) Environmental Impact:
 - 1. The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
 - 2. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the Utility Grid wind energy system.

3. The applicant must provide a statement demonstrating that there is no substantial adverse effect on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.
- o) Avian and Wildlife Impact: The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
1. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
 2. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
 3. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
 4. The applicant must provide a statement demonstrating that there is no substantial adverse effect on wildlife and endangered species.
- p) Complaint Resolution: An independent complaint resolution process shall be proposed and approved by the township. The process shall be, but not limited to:
1. A third party answering switchboard, website or equivalent, paid for by the applicant or owner of the WECS for the life of the WECS facility without interruption, not to exceed \$1,000/yr. The WECS owner shall set up and fund an in-coming complaint process escrow account for the amount of \$5,000 and renew every 5 years.
 2. A complaint investigation escrow account shall be set up for investigation of complaints, but not limited to, shadow flicker, stray voltage, noise, and signal interference. The WECS owner shall maintain the amount of

\$15,000 in this account to be used at the discretion of the Township Board.

3. SCADA data from any turbine will be required from the WECS owner upon request within 15 days of notification by any township resident with a fee of \$200/request. SCADA data will include meteorological and performance data such as, but not limited to, temperature, humidity, power output, wind velocities, and nacelle vector.
 4. Inclusion of a flow chart showing complaint response protocol including (1) a time limit for acting on and resolving complaints (2) how complaints are recorded and dealt with, and (3) a provision specifying that resolution in some instances shall include rendering the unit inoperable.
- q) Certification that the system complies with or will comply with guidelines and regulations for setbacks as required by any and all registered Airports, Airfields or Landing Strips, public or private, within the township and as required for any Public Airport in the State of Michigan as established by MDOT and the FAA and complying to the Michigan Tall Structures Act (Public Act 259 of 1959).
- r) Additional detail(s) and information as requested by the Planning Commission.
6. **PROCEDURE FOR UTILITY GRID WIND ENERGY SYSTEMS SPECIAL LAND USE PERMIT APPROVAL:** The Planning Commission review of a Special Land Use Permit application for a utility grid wind energy system is a two-step process. The first step is the public hearing and recommendation by the Planning Commission followed by a decision made by the Township Board to approve, approve with conditions, or disapprove the application, per the procedures for review in Article 16. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Article 15. A decision on the Special Land Use Permit application by the Township Board is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
7. **UTILITY GRID WIND ENERGY SYSTEMS: STANDARDS AND REQUIREMENTS.** The Utility Grid wind energy system project shall meet the following standards and requirements:
- a) **Setbacks from Property Lines:**
1. **Participating Parcel:** A setback for a wind turbine from the property lines of adjacent participating property is not required.
 2. **Non-Participating Parcel:** The minimum setback from any property line of a non-participating property owner shall be equal to five (5) times of the height of any WECS or WECS Testing Facility, measured with the windmill blade at its highest point and to the closest point at the base of the tower.

3. The minimum setback from any "State" highway, public road right of way, power lines, gas line or County drain, or any other WECS shall be equal to three (3) times the height of any WECS or WECS Testing Facility, measured with the windmill blade at its highest point to the closest point at the base of the tower.
 4. In the event the WECS does not meet the minimum setback requirements, a waiver may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County register of deeds.
- b) The maximum height of any WECS shall not exceed 500ft measured with the windmill blade at its highest point from ground level.
 - c) WECS systems near the township border must also comply with setback and sound pressure limits of the neighboring township to that border.
 - d) Wind turbines and access roads: Wind related facilities shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.
 - e) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The setback shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
 - f) Noise levels produced by the WECS shall not exceed 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second anywhere at any time on a non-participating property. In the event the noise levels resulting from the WECS exceed the criteria listed above, a waiver to said levels may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County register of deeds.
 - g) Measurable infrasonic acoustic sound pressure level from the WECS shall be less than 50dB as totalized in the range of 0.1-20 Hz, using low-pass filtering, or by computing the log-subtraction of the Fast, C-weighted (dB(C) level from the Fast, unweighted SPL , at any location, outdoors or indoors, on non-participating property. Time-level-averaging if used shall be limited to 1-second or faster sampling. A minimum sampling rate of at least 10 times per second is required.
 - h) Post Construction Sound Survey. Documentation of sound pressure level measurements shall be provided to the Planning Commission by a third-party qualified professional, INCE Board Member in good standing, selected by the Planning Commission and at the expense of the wind energy system owner within 2 months of project activation, but not more than 6 months from the project commencement. The post construction study shall be performed at the same locations as the pre-construction study. However, additional locations may be

required by the Planning Commission. The study should follow the procedures Type 1 Sound Level Testing and ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels shall be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. One second interval SCADA data is required to be submitted with all measurement reports. Township may request different forms of SCADA data.

- i) The current WECS owner/operator shall provide to the Township a written description of the maintenance program for the WECS, including typical problem/failure and corrective actions, procedures, and schedules. Current WECS owner/operator shall also submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over life of WECS) in accordance with this ordinance for 5, 10, and 15 year-old units.
- j) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950) the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations. Any and all registered Airports, Airfields or Landing Strips, public or private, within the township will require the same guidelines for setbacks as required for any Public Airport in the State of Michigan as established by MDOT and the FAA and complying to the Michigan Tall Structures Act (Public Act 259 of 1959). In the event the WECS does not meet the Michigan Airport Zoning Act and Michigan Tall Structures Act, a waiver may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County register of deeds. The minimum FAA lighting standards shall be required. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. In addition, the application shall include documentation that the applicant has contacted the Tuscola County Airport Ordinance Administrator to determine what is required by the Tuscola Area Airport in terms of any required Airport Zoning Permits and how any proposed structures related to the utility grid wind energy system may be affected by any imposed height limitations as determined by the Tuscola Area Airport. Radar activated lighting shall be required if allowed by the FAA.
- k) Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed immediately from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum

vertical blade tip clearance from grade shall be 95 feet for a wind energy system employing a horizontal axis rotor. The current WECS owner/operator shall, upon request by the township, make available a copy of the manufacturers' safety manual for reviewing during normal business hours within 24 hours of the request. The current WECS owner/operator shall provide a safety manual for distribution to first responders to be kept with the Tuscola County Emergency Manager and the Township Board. This safety manual should include but not be limited to; identifying a run away, what to do during a run away, what to do if it catches fire, what to do if someone is stranded on the turbine, etc. Each WECS shall be equipped with a braking device capable of stopping the WECS operation in high winds and the current WECS owner/operator to provide information and data to support the capability. Braking system shall be effective during complete GRID power failure where WECS is unable to communicate with SCADA control or receive power.

- l) Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any parts of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan. There shall be no illumination other than that required of the FAA.
- m) Shadow Flicker: Under no circumstances shall a WECS or Testing Facility produce shadow flicker on non-participating properties without a signed release from non-participating property owner. Documents in full shall be recorded with the Tuscola County Register of Deeds.
- n) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the current WECS owner/operator provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- o) Decommissioning: To ensure proper removal of the structure when it is abandoned or non-operational, any application shall include a proof of the financial security active before the permit is approved. The security shall be in the form of: 1) cash deposit or 2) performance (surety) bond selected by the PC (bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties -Department Circular 570, T-list). The duration of the security shall be termed to the removal of each WECS as stated in the ordinance.

Additionally, security is to be backed with parent company assets, and lease holder assets approved by the PC and township attorney. The amount of such security guarantee (surety) shall be no less than \$650,000 per WECS. Security guarantee will be updated every 5 years at the rate of 1.5 times CPI (consumer price index) for each year. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists or to otherwise fail to comply with the requirements of this Ordinance shall constitute a material and significant violation of a special use approval and will subject the current WECS owner/operator to all available remedies to the Township, including enforcement action, fines, and revocation of the special use approval. The current WECS owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal. In the event the current WECS owner/operator defaults on any or all of the previously outlined requirements, the property owner upon which any WECS are located shall be responsible and liable for the removal of WECS. Failure of the property owner's compliance to the removal/decommissioning guidelines would result in the Township having the unit(s) removed at the expense of the property owner. If funding is not available to cover the costs of removal by the property owner, legal action to pursue the seizure of property(s) will take place to cover such costs.

The property owner may waive the complete caisson removal and remove caisson to a depth of eight (8) feet if the property owner executes a waiver and records same in full with Tuscola County Register of Deeds.

Should any WECS be left unused or inoperable for more than six (6) months the owner shall be required to provide a status report to the Township. Should any WECS be left unused or inoperable for more than twelve (12) months it shall be deemed to be inactive. The owner has eight (8) months to remove the inactive WECS.

- p) Change in Ownership: The special land use permit is transferrable. The proposed new WECS owner/operator shall be required to register with the Township Clerk prior to the transfer of ownership or operation of the WECS. The original security guarantee bond shall remain held by the Township notwithstanding any change of ownership. The new WECS owner/operator shall conform to all requirements of this Ordinance and any special land use permit issued pursuant to this Section.
- q) Conflicting Provisions: In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Scale Wind Energy Systems, the provisions of this section shall control.
- r) Liability Insurance: The current WECS owner/operator shall insure for liability for the WECS without interruption until removed for at least \$5,000,000 to protect the current WECS owner/operator, Township and property owner.

8. UTILITY GRID WIND ENERGY SYSTEMS: NOISE MEASUREMENT and COMPLIANCE.
- a) Noise Compliance: Compliance noise measurements are the financial responsibility of the owner of the facility and shall be independently performed by a qualified professional as directed by the Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal 5 dB noise penalty per ANSI S12.9-2005/Part 4 Table 2.
 - b) Noise Measurement: The measurements shall have an observer present. All noise measurement shall exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The wind velocity at the sound measurement microphone shall be between 2m/s (4.5 mph) and 4.5m/s (9 mph) during measurements. During testing of elevated sources including but not limited to WECS systems, the atmospheric profile shall be relatively calm, Pasquill Stability Class D or calmer during the day and Class E or calmer during the Night.
 - c) Noise Level: Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level ANSI S12.9 Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
 - d) Tonal Noise: Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high-frequency bands (500–10,000 Hz).
 - e) Sample Metric and Rate: Noise level measurements for essentially continuous non-time-varying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources including but not limited to wind turbines, a 10-per-second sample rate shall be used. These sample rates shall apply to dB(A), dB(C) and unweighted 1/3 octave band measurements.
 - f) Reporting: Measurements of time-varying dB(A) and dB(C) noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-versus-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30-second-or-longer graph shall be produced. Reporting shall identify and graphs shall be clearly notated identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and, Pasquill Class if an elevated source is measured. All measured

data shall be accompanied by SCADA data confirming full power operation during testing of the WECS systems.

9. COMPLIANCE.

- a) In addition to any other remedies or complaint resolution procedures set forth in this Article, violations of this Article shall also constitute a municipal civil infraction in accordance with Article 20 of this Ordinance. Each day on which any violation of this Article continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense under Article 20.
- b) In addition to any other remedies set forth in this Article, the Township may bring an action for an injunction or other action to restrain, prevent or abate any violation of this Article.

N. Solar Energy Systems

1. INTENT AND PURPOSE

- a) Purpose. The most common and prevalent land use in Ellington Township is agricultural, and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of Solar Energy Systems in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas of the Township.
- b) Specific locations within the Township may best support the implementation of Solar Energy Systems. To prepare for potential Solar Energy Systems projects within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure Solar Energy Systems are appropriately located so as to protect the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

2. FINDINGS

- a) This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas.

- b) The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this Ordinance.

3. DEFINITIONS

- a) **BUILDING INTEGRATED PHOTOVOLTAICS (BIPVs):** A Private Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
- b) **SOLAR ENERGY SYSTEM:** Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.
- c) **PRIVATE SOLAR ENERGY SYSTEM:** A Solar Energy System used exclusively for private purposes and not utilized for any commercial sale of energy, except for the sale of surplus electrical energy back to the electrical grid.
- d) **COMMERCIAL SOLAR ENERGY SYSTEM:** A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- e) **ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM:** A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIPVs.
- f) **GROUND MOUNTED SOLAR ENERGY SYSTEM:** A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- g) **CONCENTRATED SOLAR GLARE:** The reflected solar glare beyond that produced by the sun.

4. SOLAR ENERGY SYSTEMS

- a) **GENERAL REQUIREMENTS.** All Solar Energy Systems are subject to the following general requirements:
 - 1. All Solar Energy Systems must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements, as well as applicable industry standards. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.
 - 2. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- b) **PRIVATE SOLAR ENERGY SYSTEMS**

1. Private Solar Energy System BIPVs: Private Solar Energy System BIPVs shall be permitted in all zoning districts, provided such BIPVs conform to applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installation of any BIPVs.
2. Roof or Building Mounted Private Solar Energy Systems: Roof or building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a. No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
 - b. No part of a Solar Energy System mounted on a roof shall be installed within three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.
 - d. In the event that a Roof or Building Mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
 - e. A building permit shall be required for installation of roof or building mounted Private Solar Energy Systems.
3. Ground Mounted Private Solar Energy Systems: Ground Mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a. Prior to the installation of a ground mounted Ground Mounted Private Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to a defined scale.
 - b. A Ground Mounted Private Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any Ground Mounted Private Solar Energy System exceed twelve (12) feet above the ground when oriented at maximum tilt.

- c. A ground mounted Private Solar Energy System shall be located to meet set back requirements applicable in the underlying zoning district.
 - d. All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.
 - e. There shall be greenbelt screening around any Ground Mounted Private Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used. A “private solar green belt waiver” may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County register of deeds.
 - f. In order to preserve the intent of the Township to maintain its agricultural heritage, no more than 5% of the total lot area may be covered by a Ground Mounted Private Solar Energy System.
 - g. In the event that a Ground Mounted Private Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
 - h. A building permit shall be required for installation of a ground mounted Solar Energy System.
- c) **COMMERCIAL SOLAR ENERGY SYSTEMS.** Commercial Solar Energy Systems shall only be allowed in the **Agricultural** District as a special use approved by the Township Board, the **Industrial** District as a special use approved by the Township Board or the **Commercial** District as a special use approved by the Township Board. Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program. In addition to any other requirements for special use approval, Commercial Solar Energy Systems shall be ground mounted and are subject to the following requirements:
- 1. **Application Requirements.** A developer/operator of any Commercial Solar Energy System shall follow the following procedures for application for a special use permit to construct a Solar Energy System in the Township.

- a. Make an application for special land use permit for Commercial Solar Energy Systems to the Planning Commission. The application must be furnished with application fees as required by the Planning Commission.
- b. The developer/operator or applicant for a Commercial Solar Energy System shall provide the Planning Commission with the following:
 - i. Applicant's full name, full address of applicant, full address and parcel numbers of the property on which the Commercial Solar Energy System will be located,
 - ii. Proof of who owns the subject property,
 - iii. A copy of any lease agreement, purchase agreement or easement for a Commercial Solar Energy System,
 - iv. An operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation,
 - v. A general description of the proposed project including a legal description of the property or properties on which the project would be located,
 - vi. An anticipated construction schedule with an anticipated date of completion,
 - vii. A certificate of insurance for the project representing \$5,000,000 in general liability coverage with the Township listed as an additional insured,
 - viii. Written certification that the Applicant will comply with all applicable state and federal laws and regulations.
 - ix. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval,
 - x. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval,
 - xi. A transportation plan for construction and operation phases, including any applicable agreements with the

County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval,

- xii. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Commercial Solar Energy System, which is subject to the Township's review and approval,
- xiii. Noise Level: A sound modeling report for the project. The sound model report shall include a map with sound contour lines for dB(A) Leq 1 second and dB(C) Leq 1 second sound emitted from the proposed solar energy system. The study shall include a map (at 1:8000 scale or bigger) showing sound contours at 5 dB intervals, proposed solar energy system locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant shall identify each operational component of the solar system that will produce sound that will be audible at the property line of a non-participating parcel. The predicted values must include cumulative sound levels created by all existing, approved, and proposed solar systems. The sound study and accompanying map shall extend out to the 30 dB sound pressure contour line or 1 mile from the solar system,
- xiv. Glare Analysis to determine any travel hazards and impaired quality of life of surrounding residences or buildings. Including all scheduled adjustments to the angle of the solar photovoltaics with dates,
- xv. Environmental Impact Analysis,
- xvi. Avian and Wildlife Impact Analysis,
- xvii. Manufacturers' Material Safety Data Sheet(s), including the type and quantity of all materials used in the construction of the equipment,
- xviii. Decommissioning Plan,
- xix. Fire Suppression Plan,
- xx. Site Plan pursuant to Article 15, including maps showing the physical features and land uses of the project area before and after construction. The Site Plan must include solar system spacing and roads. The site plan must be drawn to scale and must indicate how

the Commercial Solar Energy System will be connected to the power grid. Commercial Solar Energy Systems shall be located on a parcel of land no less than twenty (20) acres in size. In order to preserve the intent of the Township to maintain its agricultural heritage, no Commercial Solar Energy System may occupy more than (5%) five percent of a given parcel. If the System is located at an airport, a map featuring the entire airport shall be included with reference to the location of each aspect of the system, and any approvals from the Airport Zoning Authority or Airport Zoning Authority Zoning Board of Appeals must be obtained before installation of the Commercial Solar Energy System commences, and

- xxi. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

- 5. **PROCEDURE FOR SOLAR ENERGY SYSTEMS SPECIAL LAND USE PERMIT APPROVAL:** The Planning Commission's review of a Special Land Use Permit application incorporates the provisions in Article 15 for review of a site plan and includes a public hearing and recommendation by the Planning Commission followed by a decision made by the Township Board to approve, approve with conditions, or disapprove the application, per the procedures for review in Article 16. The Township Board has final authority to approve, approve with conditions, or deny a Special Land Use Permit application.
- 6. **COMMERCIAL SOLAR ENERGY SYSTEMS: STANDARDS AND REQUIREMENTS**
 - a) The Commercial Solar Energy System solar panels and other structures shall be set back five hundred (500) feet from all lot lines and public road rights-of-way, or the district setbacks stated in the underlying zoning district, whichever is greater. In addition, Commercial Solar Energy System solar panels and other structures shall not be located within a one hundred (100) foot drain easement. When a Commercial Solar Energy System comprises of lots of more than one owner, the internal setback shall not apply.
 - b) The height of the Commercial Solar Energy System and any mounts, buildings, accessory structures, and related equipment shall not exceed twelve (12) feet from grade when oriented at maximum tilt.
 - c) Any solar system must be completely enclosed by a wall or fence at least eight (8) feet in height. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it.
 - d) No commercial grid storage batteries designed to provide power to the grid will be allowed.

- e) No Commercial Solar Energy System shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such power purchase agreement or other written agreement for interconnection with the electrical grid shall be furnished to the Planning Commission.

To ensure proper removal of a Commercial Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate.

- f) If the owner of the facility or the property owner fails to remove or repair a defective or abandoned Commercial Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Commercial Solar Energy System and recover any and all costs, including attorney fees.
- g) Noise levels produced by the solar energy system (including but limited to the photovoltaic structure, sub-station, or inverter buildings) shall not exceed 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second anywhere at any time on a non-participating property. In the event the noise levels resulting from the solar energy system exceed the criteria listed above, a waiver to said levels may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) that is recorded with the Tuscola County register of deeds.
- h) Liability Insurance. The Solar Energy System owner/operator shall, at all times insure for liability for the Commercial Solar Energy System until removed for at least \$5,000,000 per occurrence to protect the current owner/operator and the property owner. The policy shall list the Township as an additional insured.
- i) Drainage. All areas on which a Solar Energy System is located 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 onto the property on which the Commercial Solar Energy System is located away from the Commercial Solar Energy System.
- j) Visual Appearance & Maintenance
 - 1. Commercial Solar Energy System buildings and accessory structures shall utilize materials, textures, and neutral colors customary with

Commercial Solar Energy Systems and that to the extent which is prudent and feasible will blend the facility into the existing environment.

2. An appropriate maintenance plan, including property maintenance of the grounds; including drainage shall be presented to the Planning Commission for review and approval.
 3. Lighting of the Commercial Solar Energy System shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the lots used for the Commercial Solar Energy System. The Township may require use of a photometric study to make this determination.
 4. No Commercial 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 from the Township Building Inspector, or such other person designated by the Township Board, to the owners of the Commercial Solar Energy System that glare from the Commercial Solar Energy System is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Commercial Solar Energy System shall have a reasonable time (not to exceed twelve (12) months) from the date of such notice to remediate such glare.
 5. The Commercial Solar Energy System shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least fifty percent (50%) of plants must be evergreen trees, which shall not be less than ten (10) feet tall at the time of planting. In lieu of a planting screen, a decorative fence that is at least fifty percent (50%) opaque may be used if approved by the Township.
- k) Developer shall furnish an assurance in a form acceptable to the Township that guarantees that 99.9% of the PV panels and attendant electrical apparatus, wiring, metal support structures, etc., shall not enter the waste stream.
 - l) Developer shall offer a property value guarantee acceptable to the Township that will make solar array neighbors whole financially in the event that proximity to utility scale solar development is harmful to residential property values. This shall be made available to all property owners within 1 mile of the project boundary.
 - m) Developer shall install and maintain pollinator habitat in accordance with the MSU Pollinators Scorecard as published in 2018.
 - n) Environmental Impact Analysis:
 1. Any applicant for the installation of a Commercial Solar Energy System shall have a third party qualified professional, approved by the Township or its engineer, conduct an analysis to identify and assess any potential impacts on the natural environment, including but not limited to wetlands

and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

2. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the Commercial Grid Solar Energy System.
3. The applicant must provide a statement demonstrating that there is no substantial adverse effect on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.

o) Decommissioning:

1. **Bond.** To ensure proper removal of the Commercial Solar Energy System when it is abandoned or non-operational, any application shall include a proof of the financial security active before the permit is approved. The duration of the security shall be for the lifetime of the Commercial Solar Energy System as determined by the longest lease or easement within the project and including during any period of abandonment or non-operation of the System. Security shall be in the form of: a) Cash deposit, or b) Performance (surety) bond, as selected by the Planning Commission.

Failure to keep such financial security in full force and effect at all times while the system exists or to otherwise fail to comply with the requirements of this Ordinance shall constitute a material and significant violation of a special use approval and will subject the Commercial Solar Energy System owner/operator to all available remedies to the Township, including enforcement action, fines, and revocation of the special use approval. The Commercial Solar Energy System owner/operator shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the system is not voluntarily removed and the Township has to enforce removal.

2. **Decommissioning Plan.** A decommissioning plan shall be provided detailing the useful life of the Commercial Solar Energy System and any of its parts that may have a different useful life than the whole. The

decommissioning plans shall include a description of how any surety bonds have applied to the decommissioning process. The plan shall include:

- a. The anticipated life of the project,
- b. The estimated decommissioning costs net of salvage value in current dollars,
- c. The method of ensuring that funds will be available for decommission and restoration,
- d. The anticipated manner in which the project will be decommissioned and the site restored to original condition,
- e. A detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant Commercial Solar Energy Systems components.

3. Responsibilities and Penalties. In the event the current Solar Energy System owner/operator defaults on any or all of the previously outlined requirements, the property owner upon which any system is located shall be responsible and liable for the removal of the Solar Energy System. Failure of the property owner's compliance to the removal/decommissioning guidelines may result in the Township having the system removed at the expense of the property owner. If funding is not available to cover the costs of removal by the property owner, legal action to pursue the seizure of property(s) and/or the Commercial Solar Energy System will take place to cover such costs.

p) Escrow. An escrow account shall be set up when the applicant applies for a Special Use Permit for a Solar Energy System. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all 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 will be required during the 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 be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow 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 and planning commission upon request.

q) Complaint Resolution.

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

7. SOLAR ENERGY SYSTEMS: COMPLIANCE

- a) In addition to any other remedies or complaint resolution procedures set forth in this Article, violations of this Article shall also constitute a municipal civil infraction in accordance with Article 20 of this Ordinance. Each day on which any violation of this Article continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense under Article 20.
- b) In addition to any other remedies set forth in this Article, the Township may bring an action for an injunction or other action to restrain, prevent or abate any violation of this Article.

ARTICLE 6 R Residential District

Section 6.01. PRINCIPAL USES PERMITTED.

- A. Single-family dwellings (subject to Section 12.05).
- B. Crop production.
- C. Family day-care homes for children.
- D. State licensed residential facilities for six or fewer residents.
- E. Home occupations within dwellings (subject to the requirements of Section 5.01 .F).
- F. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 6.02. SPECIAL LAND USES.

- A. Two-family dwellings located on parcels at least two (2) acres in size (subject to Section 12.05).
- B. Multiple family dwellings on parcels at least five (5) acres in size.
 - 1. There shall be no more than six (6) dwelling units per acre unless the units are served by a municipal sewer system.
 - 2. Each dwelling unit shall contain the minimum number of square feet specified in Section 10.02.
- C. Hospitals, convalescent homes, and assisted living facilities.
- D. Keeping of livestock, poultry or rabbits.
 - 1. 1. No livestock may be kept on parcels of land containing less than two (2) acres.
 - 2. No more than one (1) head of large livestock may be kept for the first two (2) acres of land and no more than one (1) additional head of large livestock for each additional acre of land in the parcel. No more than two (2) head of small livestock may be kept for the first two (2) acres of land and no more than two (2) additional head of small livestock for each additional acre of land in the parcel. For purposes of this Ordinance "large livestock" shall be deemed to be horses, cattle, or similar animals. "Small livestock" shall be deemed to be sheep, goats, mini horses, donkeys, pigs, or similar animals. These restrictions shall not apply to parcels of land containing twenty (20) or more acres.
 - 3. Livestock, poultry, or rabbits shall be kept only for noncommercial purposes such as 4-H projects or family use.
 - 4. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing the animals on a parcel of land. Any animal housing shall be no less than fifty (50) feet from the property line of any parcels of land containing dwelling units.
- E. Golf courses subject to the requirements of Section 5.02.A.
- F. Bed and breakfast establishments.
- G. State licensed residential facilities for seven or more residents.
- H. State licensed group child day-care homes which comply with statutory standards.
- I. Governmental buildings, structures, facilities, and parks.
- J. Schools and churches.
- K. Platted subdivisions which comply with the requirements of the Michigan Land Division Act.
- L. Site condominium developments.

Single-family detached condominium developments, subject to the following requirements:

1. Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following three steps:
 - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
 - b) Final Plan Review by Planning Commission. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for review by the Planning Commission. The Planning Commission shall make a recommendation to the Township Board as to the final approval of the plans.
 - c) Final Approval by Township Board. The Township Board may approve or disapprove the final plans. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Township Board approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article 15 of this Ordinance (Site Plan Review) and Section 66 of the Michigan Condominium Act, and shall also include the following information:
 - a) A survey of the condominium subdivision site.
 - b) A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
 - c) The location size, shape, area and width of all condominium units, and the location of all proposed streets.
 - d) A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
 - e) A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
 - f) A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision.

- g) A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
- 3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
- 4. Streets. All streets for a site condominium project shall conform to the Tuscola County Road Commission standards for subdivision streets and shall be dedicated as a public road.
- 5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary storm water run-off across, through, and under the property, including excavating and maintenance of ditches and storm water retention areas.
- 6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.
- M. Home occupations outside of dwellings (subject to the requirements of Section 5.02.B).

ARTICLE 7 MHP Manufactured Housing Park

Section 7.01. PRINCIPAL USES PERMITTED.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
 - 1. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
 - 2. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- B. Single-family dwellings (subject to Section 12.05).
- 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.

ARTICLE 8 C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

- A. A Any retail business which sells or rents merchandise within a completely enclosed building, except those uses specified in Section 8.02.
- B. Personal service establishments such as restaurants (without drive-through services), laundromats, barbershops, 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.
- I. Schools, churches, and publicly-owned buildings or facilities.
- J. Single-family dwellings (subject to Section 12.05).
- K. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 8.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, 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. Recycling facilities (not including junk yards).
- D. Communications towers (pursuant to Section 12.12).
- E. Taverns, bars, clubs, or other facilities serving alcoholic beverages.
- F. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.

1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.
 2. No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51 %) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
 3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.
 4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".
 5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
 6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
- G. Drive-Through Restaurants.
1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
 2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.
- H. Commercial Solar Energy Systems (pursuant to Section 5.02(N))

ARTICLE 9 I Industrial District

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.

- E. Dwellings which exist at the time of the adoption of this Ordinance may be rebuilt in the event of fire or other destruction. Such existing dwellings may also be remodeled or improved at any time.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Junk yards.
 - 1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
 - 2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
 - 3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
 - 4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.
- B. Recycling facilities.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications towers (pursuant to Section 12.12).
- F. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- G. Airports.
- H. Commercial Solar Energy Systems (pursuant to Section 5.02(N))

ARTICLE 10 Area, Setback, and Height

Section 10.01. COMPLIANCE.

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

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

	Minimum Lot Area Per Dwelling Unit District Or (1) Commercial/(2) Industrial Bldg.	Minimum Lot Width (In feet)	Minimum Front Yard Setback (In feet)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback Dwelling (In feet)	Minimum Floor Area Per (In Sq. ft.)	Maximum Building Height (In feet)
AFR	2 acres	200	90	50	75	980 (6)	35 (7)
R	1 acre (3)	100 (3)	90	25 (3)	40 (3)	980 (6)(3)	35
MHP(5)	100	90	25	75	-	-	35
C	1 acre	100	90	25	75	-	35
I	2 acres	200	90	25	75	-	35

(1) Measured at minimum front yard setback line.

(2) Measured from the center of the road right of way. The minimum front yard setback shall be one hundred twenty (120) feet on highway M-81.

(3) The minimums are reduced to 20,000 square feet lot area and 75 feet lot width if served by a central sewer system or if located within a platted subdivision or a condominium subdivision. The minimum side yard and rear yard setbacks are reduced to 10 feet on such lots. In the case of developments restricted to senior citizens, the minimum floor area per dwelling shall be reduced to 600 square feet.

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

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

(5) Manufactured housing parks are regulated by the Michigan Manufactured Housing Commission. Any land uses in the district other than manufactured housing parks shall meet the requirements of Section 10.02 for the R zoning district. The minimum site size of a manufactured housing park shall be 20 acres.

(6) In no event shall the total floor area of all buildings on a lot exceed 35% of the total land area of the lot.

(7) Agricultural structures shall be exempt.

ARTICLE 11 Parking and Loading Requirements

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

- A. **MINIMUM PARKING SPACE SIZE.** Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. **MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS.** The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. **LOCATION OF PARKING SPACE.** The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.

- D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. DRAINAGE. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent property lines.
- I. HARD SURFACING. All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone.

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

	Required Number Of Parking Spaces	Per Each Unit of Use 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 each employee.
B. Automobile Service Stations	2	Each gasoline pump and lubrication stall plus one space for each employee.
C. Banks and Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area plus one space for each employee.
D. Barber Shops and Beauty Parlors	2	Each barber or beauty operator plus one space for each employee.
E. Drive-In Restaurants	1	Twenty-five square feet of usable floor area, plus one space for

			each employee, with a minimum of forty parking spaces.
F.	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.
G.	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.
H.	Residential dwellings	2	Each dwelling unit.
I.	Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	1	One for each two persons at maximum seating capacity, plus one space for each employee
J.	Retail stores and service establishments other than those specified herein	1	One hundred and fifty square feet of usable floor area, plus one space for each employee.
K.	Sanitariums, convalescent homes, hospitals, hotels, and similar establishments	1	Two beds plus one space for each employee.
L.	Service garage, 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.
M.	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.

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

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

Gross Floor Area (Square Feet)	Loading Spaces Required
0 – 2,000	None
2,000 – 20,000	One space
Over 20,000	One space for each 20,000 square feet

ARTICLE 12 General Provisions

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

Section 12.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road or else on a private road or driveway easement improved to the standards of Ellington Township. All private roads or private driveway easements shall be at least sixty-six (66) feet in width. All private roads or private driveways shall be located in the center of the easement.

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

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

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

- A. **MINIMUM SIZE.** Each dwelling unit shall contain the minimum number of square feet specified in Section 10.02, prior to any alterations or additions.
- B. **MINIMUM WIDTH.** Each dwelling shall be no less than fourteen (14) feet in width in all directions, prior to any additions or alterations.
- C. **FOUNDATION.** Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the

specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.

- D. AGE. In the case of manufactured housing, each unit shall be no more than five (5) years old at the time it is brought into the Township.
- E. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least one hundred (100) square feet of storage area. The storage facility shall be constructed within one (1) year of the completion of the dwelling.
- F. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

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

- A. The following signs specified in items 1-7 may be erected in the Township without Planning Commission site plan approval, provided the other requirements of this section are complied with and provided (in the case of signs specified in items 1-5) that the signs are located on the property being advertised:
 - 1. Signs advertising real estate for sale or rent. Such signs may not exceed sixteen (16) square feet in sign area.
 - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed sixteen (16) square feet in sign area.
 - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed sixteen (16) square feet in sign area.
 - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed sixteen (16) square feet in sign area.
 - 5. Signs stating the name and/or address of a property owner. Homeowner and farm owner signs shall not exceed sixteen (16) square feet in sign area.
 - 6. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within five (5) days after the election.
 - 7. Temporary signs advertising non-commercial public event for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area and shall be removed within five (5) days after the event.

- B. A sign site plan shall be reviewed by the Township Planning Commission and approved by the Township Board before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination. However, this section shall not prohibit signs with changing message displays.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.
- G. All signs shall be set back from all side property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and 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 one hundred twenty (120) square feet in sign area.
 - 3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
 - 4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
- J. OFF-SITE SIGNS (BILLBOARDS). No off-site signs shall be erected within the Township, except for signs that are sixteen (16) square feet or less. Such signs shall not require site plan approval but shall be limited to no more than two (2) such signs for the same enterprise anywhere within the Township.

Section 12.07. PONDS. No pond shall be dug within any front, side or rear setback area required by this Ordinance.

Section 12.08. 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 for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 12.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 12.05. A temporary dwelling permit may be issued if the following requirements are complied with:
 - 1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
 - 2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
 - 3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
 - 4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
 - 5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.

- B. Variances to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section 12.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article 17. Such variances may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over five (5) years old at the time it is placed on the site. All such manufactured homes shall be inspected by the building inspector to verify code compliance prior to being brought into the Township. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons. An Affidavit to that effect shall be provided to the Township as detailed in Section 12.09.A.3.

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

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

Section 12.12. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ENERGY CONVERSION SYSTEMS.

- A. Public Utilities. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article 15. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- B. Exempt Antennas and Windmills. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers, homeowners, or business owners, and used for onsite purposes only shall be exempt from the requirements of this section and shall be allowed as a permitted use in all zoning districts, providing that the antenna, windmill or related facilities do not exceed eighty (80) feet in height. Any towers, windmills, or related facilities shall be set back from any property lines, right of ways for power lines, or road right of ways no less than a distance equal to one hundred twenty-five (125%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade, whichever is taller.

- C. Commercial Communication Towers. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 16, subject to the following requirements:
1. The applicant shall 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.
 2. The minimum setback from any property line, road right-of-way, or right of way for power lines, shall be equal to one hundred twenty-five (125%) percent of the height of the tower.
 3. The tower or antenna shall not be unreasonably injurious to the safety or market value of nearby properties.
 4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
 5. All tower bases and related equipment shall be 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 applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
 6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
 7. Co-location shall be deemed to be "feasible" for the purposes of this section, where all of the following are met:
 - a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-

location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
 9. No communication tower shall be located within three (3) miles of an existing tower.
 10. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
 11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top six (6) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
 12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- D. Wind Energy Conversion System. Wind Energy Conversion Systems other than those exempted under subsection B, are allowed as a special land use in the Agricultural Zoning District pursuant to Article 16. Specific regulations are listed in Article 5, Section 5.02.

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

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty four (24) hours after the completion of the yard sale.
- D. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall

include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "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 "yard sales" covered by this Ordinance.

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

- A. No building, manufactured home, or other structure shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or used manufactured home being brought into the Township or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.

Section 12.15. RECREATIONAL VEHICLES.

- A. For purposes of this section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 12.05.
- B. Motor homes or campers (not including mobile homes) may be stored on property containing an occupied single-family dwelling, provided that the motor homes or campers are owned by the occupants of the single-family dwelling and the number is limited to not more than two (2) motor homes or campers. Any such recreational vehicle may be occupied for a maximum of one hundred twenty (120) days in any calendar year.
- C. A maximum of two (2) recreational vehicles or boats may be stored or used on vacant properties for no more than one hundred twenty (120) days per calendar year. A current Recreational Vehicle Storage Permit issued by the Zoning Administrator and indicating the permitted dates for storage or use must be obtained

by the owner. Any such permit must be prominently displayed in the window of the recreational vehicle. No mobile home or manufactured home shall be permitted pursuant to this section.

Section 12.16. FENCES AND WALLS. All fences and walls shall require a zoning permit for construction or replacement other than on property used for agricultural purposes in an area zoned AR.

- A. Fences in all Residential Districts which are within a required side or rear yard shall not exceed six (6) feet in height and shall not extend toward the front of the lot nearer than the required minimum front yard setback. No wall, hedge planting, or obscuring fence shall exceed a height of three (3) feet within any required residential front yard. Fence height shall be measured from the surface of the ground. On a corner lot or parcel, no obscuring fence, wall, or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that it will not interfere with traffic visibility across a corner. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
- B. Fences in Commercial and Industrial Districts shall not exceed eight (8) feet in height.
- C. Fences within public or institutional parks, playgrounds, or conservation areas shall not exceed eight (8) feet in height. Fence height shall be measured from the surface of the ground.
- D. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines. The Zoning Administrator may require proof that property lines have been established prior to issuance of a fence permit. The Township shall not determine property lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct property line location.
- E. Clear Vision Zones. Within the limits of clear vision zones, there shall be no fences or hedges allowed except for clear vision fences. Such zones shall be the triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
- F. Material used in any obscuring fencing shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from attractive fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.
- G. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
- H. The regulations set forth in this Section shall not apply to fences erected on lands in the Agricultural-Residential District if the primary use of the land is the operation of a farm.

ARTICLE 13 Non-conforming Lots, Uses, and Structures

Section 13.01. CONTINUED NON-CONFORMING USES PERMITTED. Within the districts established by this Ordinance there exist lots, structures, and use 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 nonconformity.

Section 13.02. 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 setbacks required by Section 10.02 can be maintained and provided that septic and well approvals are granted by the County Health Department. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 13.03. 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 sixty (60%) percent of the physical structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 13.04. 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 14 Planning Commission

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

Section 14.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article 15 of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Articles 18 and 19 of this Ordinance. The Planning Commission shall make a recommendation to the Township Board concerning special land use applications, but the Township Board shall have the final authority to decide such applications.

ARTICLE 15 Site Plan Review Requirements

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

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review. The Planning Commission shall then make a recommendation to the Township Board concerning approval, and the Township Board shall have the final authority to approve, modify, or disapprove the site plan. Once a site plan is approved by the Township Board, it shall not be altered without the consent of the Township Board.

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

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1) inch equals one hundred (100) feet.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of way), driveways, sidewalks, and parking areas (see Article 11).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 12.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.

- I. Location, dimensions, and drawings of existing and proposed signs (see Section 12.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

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

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

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

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

ARTICLE 16 Procedures for SPECIAL LAND USE Approval by Township Board

Section 16.01. APPLICATION. For all special land uses, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs and road right-of-ways.

Section 16.02. HEARING. Requests for special land uses may be heard at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be provided in the manner set forth in the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq.

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

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

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

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

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

ARTICLE 17 Zoning Board of Appeals

Section 17.01. MEMBERSHIP. There is hereby established a Zoning Board Of Appeals as authorized by Section 18 of the Township Rural Zoning Act, as amended. The Zoning Board Of Appeals shall consist of three (3) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining member shall be an elector who is not an employee or contractor of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate. The Zoning Board Of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman.

Section 17.02. APPEALS. An appeal may be taken to the Zoning Board Of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission, 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. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board Of Appeals shall give notice of the hearing to the parties involved. The Zoning Board Of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 17.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board Of Appeals shall have the authority to grant both use variances and non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties in carrying out the strict letter of the Ordinance. Use variances may be granted whenever there can be shown to be unnecessary hardships imposed on the property owner if the strict letter of the Ordinance is carried out. The Township is authorized to grant use variances under the Michigan Zoning Enabling Act due to having exercised this power prior to February 15, 2006.

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

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

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

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

ARTICLE 18 Amendments and Rezoning

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

Section 18.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within three hundred (300) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

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

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

ARTICLE 19 Voluntary Rezoning Agreements

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

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

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

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

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

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

Section 19.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article 17. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

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

ARTICLE 20 Violations

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

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

ARTICLE 21 Definitions

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

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

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

ADJACENT. Adjacent is next to and within 100ft of the property line.

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

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

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

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

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

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

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

CONDOMINIUM, SITE. A condominium development which includes only detached single-family residences located on individual sites.

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

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

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

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

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

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

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

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

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

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

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, 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 (%) of the basement height is above the finished lot grade.

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

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

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

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

KENNEL. Any property on which five (5) or more dogs, or similar animals, six (6) months of age or older, are kept either permanently or temporarily.

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

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

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

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

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 Ellington Township, as authorized by Michigan Public Act 168 of 1959.

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.

REAR LOT LINE. is a lot line opposite and most distance from the front line. In the case of an irregular, triangular, and gore-shaped lot, a line ten feet in length with the lot most nearly parallel to and at the maximum distance from the front lot line.

RECYCLING FACILITY. A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not

include a junk yard or other facility for the resale of automobile parts or other machinery parts.

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.

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

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

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

SPECIFIED ANATOMICAL AREAS:

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

SPECIFIED SEXUAL ACTIVITIES:

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

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

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

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed,

hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

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

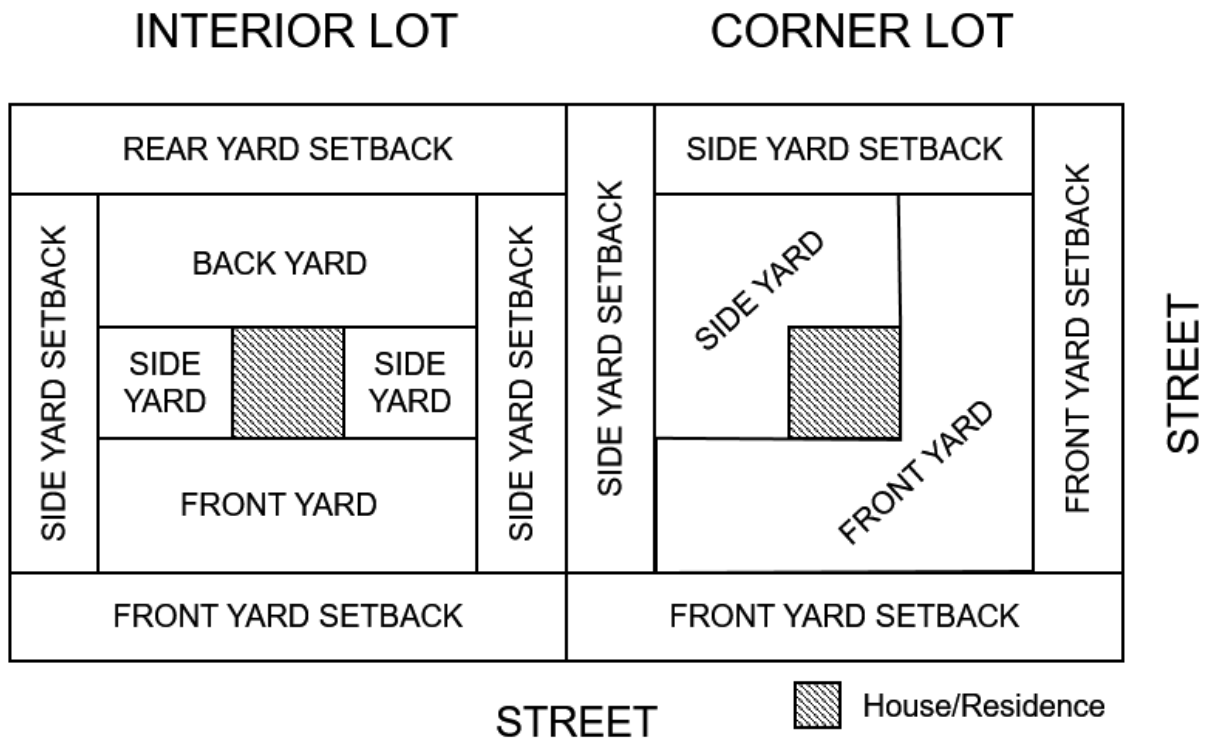
USE. The purpose for which a parcel of land or a building is designed, arranged , or intended or the purpose for which it is occupied, maintained, or leased.

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

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

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.

YARD DEFINITIONS



YARD, FRONT. A yard extending along the full width of a front lot line between side lot lines and from the front lot line to nearest point of the principal structure. On a corner lot or a through lot, both yards adjacent to a street are front yards.

YARD, REAR. A yard extending along the full width of a rear lot line between side lot lines and from the rear lot line to nearest point of the principal structure. On a corner lot or a through lot, there is no rear lot line.

YARD, SIDE. A yard extending from the side lot line to nearest point of the principal structure, and extending from the front yard to the rear yard. On a corner lot or a through lot, any yard that is not a front yard is a side yard.

ARTICLE 22 Severability and Repeal

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

Section 22.02. REPEAL. The former Ellington Township Zoning Ordinance, adopted on the 5th day of May, 1975, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE 23 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 Ellington. Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 23.03, pursuant to the Michigan Zoning Enabling Act.

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

Section 23.03. CERTIFICATION. The undersigned Clerk of the Township of Ellington hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Ellington Township Board, at a meeting held on the 11th day of May, 2010 and further certifies that a notice of adoption of this Ordinance was duly published in the Tuscola County Advertiser on the 22nd day of May, 2010, pursuant to the Michigan Zoning Enabling Act.

Suzy Rockwell
Ellington Township Clerk

AMENDED February 2015 – Wind Energy Conversion System (WECS)
AMENDED November 2017 – SLUP approval by the Board
AMENDED April 2018 – Wind Energy Conversion System (WECS)
AMENDED July 2021 – Solar Energy Systems and Definitions

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