

ELMWOOD TOWNSHIP

ZONING ORDINANCE ORDINANCE NO. 100

Adopted June 21, 2006
Consolidated With Any Amendments From:
2011, 2017, and 2024

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ELMWOOD TOWNSHIP ZONING ORDINANCE

ORDNANCE NO. 100

AN ORDNANCE, AS AMENDED, to regulate the use of land within the Township of Elmwood, Tuscola County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

THE TOWNSHIP OF ELMWOOD ORDAINS:

ARTICLE 1

Title

Section 1.01.

This Ordinance shall be known and cited as the Elmwood Township Zoning Ordinance (Zoning Ordinance).

ARTICLE 2

Activities Covered by the Zoning Ordinance

Section 2.01.

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

ARTICLE 3

Administration

Section 3.01. ZONING ADMINISTRATOR.

The provisions of this Zoning Ordinance shall be administered by a Zoning Administrator appointed by the Elmwood Township Board of Trustees (Board). The Zoning Administrator shall serve under such terms and at such rate of compensation as the 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 change in the use of any land or structure is undertaken; or any other activity described in Article 2 Section 2.01 is commenced within Elmwood Township (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 Zoning Ordinance and any necessary Planning Commission, Zoning Board of Appeals, or 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 commenced, or an extension has been granted.

Extensions may be granted by the Zoning Administrator in six (6) month increments with a maximum of two (2) extensions and only if progress can be documented. Additional extensions may be authorized by the Board but only if the applicant can show a hardship or delay that was not self-created. Documentation for all extensions granted or denied shall become part of the record kept with the original Zoning Permit application.

Once a Zoning Permit has expired, a new permit must be obtained and must comply with the current Zoning Ordinance as amended before any work may resume.

- D. VOID PERMITS. Any Zoning Permit or Special Land Use Permit issued in error or pursuant to an application containing any false statements shall be void.

- E. FEES. The amount of any fees charged for Zoning Permits, applications, or inspections shall be established by the Board by resolution. In the event an owner or occupant shall initially undertake any use, construction, improvement, or other activity covered by this Zoning Ordinance without a Zoning Permit; the Zoning Permit fee may be doubled in cost.

ARTICLE 4

Zoning Districts

Section 4.01. DISTRICTS.

The Township is hereby divided into the following zoning districts.

AR	Agricultural – Residential
R	Single Family Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial
US	Utility-Scale Solar Energy Systems Overlay District

Section 4.02. DISTRICT BOUNDARIES AND MAP.

The boundaries of the zoning districts are shown on a map which is a part of this Zoning Ordinance. The map shall be designated as the Elmwood Township Zoning Map (Zoning Map). The Zoning Map is incorporated as Exhibit A.

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 Board using the process approved for applications for Special Land Use Permits. Special Land Use Permit applications may only be processed for those uses listed as "special land uses" in a specific Zoning District and with approval of the Board.

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 Board approval or approval with conditions has been granted pursuant to this Zoning Ordinance.

ARTICLE 5

AR Agricultural-Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses on parcels of land containing five (5) or more acres.
- B. Single-family dwellings (subject to Article 13 Section 13.05).
- C. Roadside stands limited to the selling of locally raised farm produce.
- D. Family day care homes.
- E. State licensed residential facilities for twelve (12) or fewer residents.
- F. Home Occupations.
 - 1. The home occupation must be conducted entirely within an existing building.
 - 2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
 - 3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in 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.
 - 6. 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, 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 or the setback for the Zoning District whichever is greater.

3. Activities shall be adequately screened from abutting property.
4. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

B. Dog kennels.

1. All dogs shall be housed and maintained in a safe and sanitary manner, which complies with the Michigan Dog Law of 1919. Act 339 of 1919 as amended.
2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
4. For purposes of this section, a dog kennel is defined as any property on which four (4) or more dogs over the age of six (6) months are kept or harbored.

C. Quarrying of soil, sand, clay, gravel, or similar materials in excess of one thousand (1000) cubic yards per year. Quarrying of less than one thousand (1000) cubic yards per year shall not require township approval.

1. Each application shall contain the following in addition to the standard requirements for a Site Plan approval:
 - a) Names, and addresses, and contact information of property owners and proposed operators of the premises.
 - b) Legal description of the premises.
 - c) Detailed statement as to method of operation, type of machinery or equipment to be used, and hours of operation.
 - d) Detailed statement as to the type of deposit proposed for extraction.
 - e) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.
2. Additional Operational Requirements.
 - a) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Board may require fencing, locked gates, and warning signs.

- b) The Board 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. The Board shall specify which Township roads will be used to access any county main roads or state roads.
 - c) 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 (3) foot horizontal to one (1) foot vertical).
 - d) No cut or excavation shall be made closer than two hundred (200) feet from the centerline of the nearest road right of way or closer than fifty (50) feet to the nearest property line. The Board may prescribe more strict requirements in order to give sublater support to surrounding property where soil or geologic conditions warrant it.
 - e) The Board shall, to ensure strict compliance with the Zoning Ordinance provisions and required conditions of a permit for quarrying, require the permittee to furnish a per acre bond in an amount determined by the Board. The amount of the bond shall be established by the Board by resolution and must be made known to applicants with each application.
- D. Two (2) family dwellings (two-family unit or two individual homes).
 - E. State licensed residential facilities for thirteen (13) or more residents.
 - F. Group day care homes, which comply with statutory standards.
 - G. Township and County governmental buildings, structures, and facilities.
 - H. Schools, Churches, and Cemeteries.
 - I. Bed and breakfast establishments.
 - J. Communications towers and wind energy conversion systems, subject to the requirements of Article 13 Section 13.12.
 - K. Site condominium developments in compliance with the standards contained in Article 6 Section 6.02.J.

ARTICLE 6

R Single-Family Residential District

Section 6.01. PRINCIPAL PERMITTED USES.

- A. Single-family dwellings (subject to Article 13 Section 13.05).
- B. Crop production.
- C. Family day care homes.
- D. State licensed residential facilities for twelve (12) or fewer residents.
- E. Home occupations (subject to the requirements of Article 5 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 (2) family dwellings (a two-family unit or two individual homes).
Dwellings must be located on parcels which are at least two (2) acres in size.
- B. Keeping of livestock, poultry, or rabbits.
 - 1. No livestock may be kept on parcels of land containing less than five (5) acres.
 - 2. No more than two (2) head of livestock may be kept on the first five (5) acres of land and no more than one (1) additional head of livestock may be kept for each additional two and one half (2.5) acres of land in the parcel.
 - 3. Land on which poultry or rabbits are kept shall contain at least one (1) acre.
 - 4. Livestock, poultry, or rabbits shall be kept only for noncommercial purposes such as 4-H projects or family use.
 - 5. 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 any property line.
 - 6. The restrictions contained in this section shall not apply to commercial farms containing at least forty (40) acres of land.
- C. Golf courses.

- D. Bed and breakfast establishments.
- E. State licensed residential facilities for seven or more residents.
- F. Group day care homes, which comply with statutory standards.
- G. Governmental buildings, structures, facilities, and parks.
- H. Schools and churches.
- I. Platted subdivisions, which comply with the requirements of the Michigan Land Division Act, Act 288 of 1967 as amended.
- J. Site Condominium developments.

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

1. Review. Pursuant to authority conferred by Section 141 of the Condominium Act. Act 59 of 1978, as amended, all Site Condominium Plans Shall require final approval by the Planning Commission and the Board before site improvements may be initiated.
 - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review plan for the Site Plan including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
 - b) Final Plan Review. Upon receipt of preliminary Site Plan approval, the applicant may prepare the appropriate engineering plans and apply for final Site Plan approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county, and state agencies.
 - c) Final Planning Commission recommendations to the Board for approval of a Site Plan and Special Land Use Permit shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.

2. **Submission Requirements.** All Condominium Plans shall be submitted for review pursuant to the standards in Article 16 of this Zoning Ordinance (Site Plan Review) for Site Plan review and Section 66 of the Condominium Act, Act 59 of 1978 as amended 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, floodplains, 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 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. **Utility Easements.** The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and stormwater retention areas.
4. **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.
5. **Streets.** All streets for a site condominium project shall conform to either the Tuscola County Road Commission standards for subdivision streets or the Elmwood Township Private Road and Driveway Easement Ordinance standards for private roads. The Board shall determine which street standard shall apply based upon the nature of the development being proposed. Dedication of public streets may be required by the Board.

6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township Ordinances.

K. Multiple family dwellings.

1. Multiple family dwellings shall be located on a parcel of land containing at least two (2) acres.
2. There shall be no more than three (3) dwelling units per acre.
3. Each dwelling unit shall contain a minimum of six hundred (600) square feet. There shall be an additional one hundred (100) square feet required for each bedroom beyond the first (1st) bedroom.

ARTICLE 7

MHP Manufactured Housing Park

Section 7.01. PRINCIPAL PERMITTED USES.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
- B. Single family dwellings.
- C. Crop production.
- D. Family day care homes.
- E. State licensed residential facilities for six (6) or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 7.02. SPECIAL LAND USES.

- A. Group day care homes.
- B. Governmental buildings, structures, facilities, and parks.
- C. Schools and Churches.

ARTICLE 8

C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

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

Section 8.02. SPECIAL LAND USES.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, racetracks, used car sales, farm machinery sales, outdoor recreational facilities, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.
- C. Residences.
- D. Communications towers and wind energy conversion systems, subject to the requirements of Article 13 Section 13.12.

E. Adult bookstores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, 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 (1000) 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 Board 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 (1000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible within this radius and must maintain a list of all addresses where no contact was made. Contact must be attempted by first class registered mail if other attempts have received no response. The petition must be submitted with a signed affidavit stating that the petition signatures are valid.
3. No use listed in this subsection shall be located within one thousand (1000) feet of any church, school, park, or township hall.

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, railroad yards, and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Junk or salvage yards. Any such yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures all material within the yard.
- B. Sewage plants and similar facilities.
 - 1. Must comply with all regulations of the State of Michigan.
 - 2. Must be completely enclosed by an obscuring wall, fence, or greenbelt.
- C. Slaughterhouses and meat processing facilities.
- D. Industries involving the processing, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications towers and wind energy conversion systems, subject to the requirements of Article 13 Section 13.12.
- F. Utility-Scale Battery Energy Storage System

ARTICLE 10

US UTILITY-SCALE SOLAR ENERGY SYSTEMS OVERLAY DISTRICT

Section 10.01. INTENT AND PURPOSE.

The Utility-Scale Solar Energy System Overlay District is intended to provide suitable location for Utility-Scale Solar Energy Systems (USES) that are otherwise authorized under state law and the Township's Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for renewable energy land uses in the Township.

Section 10.02. FINDINGS.

In establishing this overlay district, the Township of Elmwood finds as follows:

- A. It is necessary and reasonable to permit USES in the Township to the extent that there is a demonstrated need for that land use.
- B. Land use for USES beyond a reasonable and legitimate demonstrated need to provide for the Township's energy needs would have needless adverse effects on surrounding businesses, residences, and agricultural properties, and will be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
- C. The Township wishes to preserve its existing topography and rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents, while also preserving the environment and protecting wildlife.
- D. USES can adversely impact the health, safety, welfare, and prosperity of the community, including existing property values, especially when in proximity to residential uses, farms, and forests.
- E. USES must be carefully managed to reduce the adverse long-term effects the such land use can have on the productivity of farmland. See University of Michigan Graham Sustainability Institute & Michigan State University Extension, "Planning & Zoning for Solar Energy Systems."
- F. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production and land uses.
- G. The Township adopts these land use regulations to balance any demonstrated need for USES in the Township with protection of the public, health, and safety welfare.

- H. A utility-scale solar energy system is drastically different than traditional agricultural activities and necessitates more stringent zoning requirements to protect the health, safety, and welfare of township residents.
- I. The Township has reviewed its other zoning districts, including the Industrial Zoning District, which is small and located near residential homes and found that it is inappropriate for USES. Creating a new Utility-Scale Solar Energy System overlay district is a better fit in the Agriculture Residential (AR) Zoning District to both facilitate the land use, but to minimize the impact on the health, safety, and welfare of township residents.

Section 10.03. DELINEATION OF THE UTILITY-SCALE SOLAR ENERGY SYSTEM OVERLAY DISTRICT.

The Utility-Scale Solar Energy System Overlay District overlays existing zoning districts delineated on the official Elmwood Township Zoning Map. The boundaries of the Solar Energy System Overlay District are depicted on Map A, incorporated herein by reference, and are generally described as follows:

The approximately 320 acres that is the western half of Section 35 in Elmwood Township which is bordered on the North by M81/Cass City Rd to the West by Green Road and to the South by E. Elmwood Road. The eastern border of the district is the North/South centerline for section 35.

Section 10.04. PRINCIPAL PERMITTED USES.

- A. There are no uses permitted by right in the Utility-Scale Solar Energy System Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 10.05. SPECIAL LAND USES.

- A. Utility-Scale Solar Energy Systems subject to Article 13 Section 13.17 and other applicable sections of this Zoning Ordinance.
- B. Utility-Scale Battery Energy Storage Systems.

ARTICLE 11

Area, Setback and Height

Section 11.01. COMPLIANCE.

- A. All lots and structures shall comply with the area, setback, and height requirements of Article 11, Section 11.02, unless different requirements are specified as a condition for a use permitted after approval of a Special Land Use Permit by the Board or pursuant to a variance when authorized by this Zoning Ordinance and properly issued by the Zoning Board of Appeals.

Section 11.02. TABLE OF AREA, SETBACK, AND HEIGHT REQUIREMENTS. ⁽⁶⁾

	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MAXIMUM
ZONING DISTRICT	ACRES PER DWELLING UNIT OR COMMERCIAL/ INDUSTRIAL BUILDING	LOT WIDTH (IN FEET) (1)	FRONT YARD SETBACK (IN FEET) (2) (5)	SIDE YARD SETBACK (IN FEET) (5)	REAR YARD SETBACK (IN FEET) (5)	FLOOR AREA PER DWELLING (IN SQ. FT.)	BUILDING HEIGHT (IN FEET)
AR	3 ACRES	200	100	20	20	1,000	100
R	1 ACRE (3)	110	100	10	10	1,000	50
MHP (4)							
C	2 ACRES	300	100	30	30	-	50
I	5 ACRES	300	100	30	30	-	50
US	N/A	N/A	500	500	500	N/A	12

(1) Measured at the most narrow point of a parcel side to side.

(2) Measured from center of road.

(3) Twenty thousand (20,000) square feet if served by a central sewer system or if located within a platted subdivision or a condominium subdivision. Otherwise, one (1) acre shall be the minimum lot area.

(4) Regulated by rules promulgated under the Mobile Home Commission Act, Act 96 of 1987 as amended. Any land use in the district other than manufactured housing parks (MHP) shall meet the requirements of Article 11 Section 11.02 for the zoning district.

(5) Setback is measured from the center of the road or side and rear property lines to the required perimeter fencing for any Utility-Scale Solar Energy System.

(6) Unless otherwise specified for a Special Land Use Permit, in which case the largest setback stated will be used.

ARTICLE 12

Parking and Loading Requirements

Section 12.01. GENERAL PARKING REQUIREMENTS.

In all zoning districts, off-street parking 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 and are approved by the Board.

- 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 Zoning Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Zoning 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 have downward shielding and shall be deflected away from adjacent residential areas.
- I. **HARD SURFACING.** All required parking areas for commercial, industrial, or institutional uses shall be surfaced with a pavement having asphalt or concrete binder or with compacted limestone.

Section 12.02. TABLE OF PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

	USE	REQUIRED NUMBER OF PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
A.	AUDITORIUMS, ASSEMBLY HALLS, THEATERS, AND CHURCHES	1	TWO (2) SEATS BASED UPON MAXIMUM SEATING CAPACITY IN THE MAIN PLACE OF ASSEMBLY THEREIN, PLUS ONE (1) SPACE FOR EACH EMPLOYEE.
B.	AUTOMOBILE SERVICE STATIONS	2	EACH GASOLINE PUMP AND LUBRICATION STALL
C.	BANKS AND BUSINESS OR PROFESSIONAL OFFICE OF DOCTORS, LAWYERS, ARCHITECTS, ENGINEERS, OR OTHER SIMILAR PROFESSIONS	1	TWO HUNDRED (200) SQUARE FOOT OF USABLE FLOOR AREA.
D.	BARBER SHOPS AND BEAUTY PARLORS	2	EACH BARBER OR BEAUTY OPERATOR.
E.	DRIVE-IN RESTAURANTS	1	TWENTY-FIVE (25) SQUARE FEET OF USABLE FLOOR AREA, WITH A MAXIMUM OF FORTY (40) PARKING SPACES.
F.	GOLF COURSES	1	EACH TWO (2) EMPLOYEES PLUS ONE (1) SPACE FOR EVERY FIVE HUNDRED (500) SQUARE FEET OF USABLE AREA IN THE CLUB HOUSE, PLUS A MINIMUM OF TEN (10) 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 (1) FOR EACH TWO (2) PERSONS AT MAXIMUM SEATING CAPACITY, PLUS ONE (1) SPACE FOR EACH EMPLOYEE.

J.	RETAIL STORES AND SERVICE ESTABLISHMENTS OTHER THAN THOSE SPECIFIED HEREIN	1	ONE HUNDRED AND FIFTY (150) SQUARE FEET OF USABLE FLOOR AREA, PLUS ONE (1) SPACE FOR EACH EMPLOYEE.
K.	SANITARIUMS, CONVALESCENT HOMES, HOSPITALS, HOTELS, AND SIMILAR ESTABLISHMENTS	1	TWO (2) BEDS.
L.	SERVICE GARAGES, AUTO SALESROOMS, AUTO REPAIR, COLLISION OR BUMPING SHOPS, CAR WASH ESTABLISHMENTS	1	TWO HUNDRED (200) SQUARE FEET OF USABLE FLOOR AREA, PLUS ONE (1) SPACE FOR EACH EMPLOYEE ON THE BASIS OF THE MAXIMUM NUMBER OF EMPLOYEES ON DUTY AT ANY ONE TIME, PLUS TWO (2) SPACES FOR EACH AUTO SERVED.
M.	REPAIR ESTABLISHMENTS FOR APPLIANCES, HOUSEHOLD ITEMS, GLASS, AND SIMILAR ITEMS; LAWN AND GARDEN ESTABLISHMENTS	1	THREE HUNDRED (300) SQUARE FEET OF USABLE FLOOR AREA PLUS (1) 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 12.03. OFF-STREET LOADING REQUIREMENTS.

On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. 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 ten (10) feet by thirty (300) feet, with minimum fourteen (14) foot height clearance, and shall be provided according to the following schedule:

GROSS FLOOR AREA (SQUARE FEET)	LOADING SPACES REQUIRED
0-2000	NONE
2000-20,000	ONE (1) SPACE
OVER 20, 000	ONE (1) SPACE FOR EACH TWENTY THOUSAND (20,000) SQUARE FEET

ARTICLE 13

General Provisions

Section 13.01. CONFLICTING REGULATIONS.

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

Section 13.02. ROAD FRONTAGE.

Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road or on a private road improved to the standards of the Private Road and Driveway Easement Ordinance or on a private driveway easement in compliance with the Private Road and Driveway Easement Ordinance.

Section 13.03. DEPTH TO WIDTH RATIO.

No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds five (5) times the width of that parcel.

Section 13.04. RESIDENTIAL OCCUPANCY OTHER THAN IN COMPLETED DWELLINGS.

Garages, barns, pole barns, accessory buildings, and basements shall not be occupied as dwellings. However, the Zoning Administrator may grant temporary occupancy pursuant to Article 13 Section 13.09.

Section 13.05. SINGLE-FAMILY DWELLING REQUIREMENTS.

Any single-family dwelling shall comply with the following minimum standards:

- A. **MINIMUM SIZE.** Each dwelling shall contain the minimum number of square feet specified in Article 11 Section 11.02 prior to any alterations or additions.
- B. **MINIMUM WIDTH.** Each dwelling shall be no less than twenty (20) 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 current construction codes as determined by the Michigan Bureau of Construction Codes. Skirting consisting of brick, concrete blocks, wood, vinyl, or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.

- D. ROOF. Each dwelling shall have a roof with no less than a three to twelve (3-12) pitch. In the case of manufactured or modular homes, the roof shall be part of the original manufacture of the unit prior to being brought into the Township.
- E. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least one hundred twenty (120) square feet of storage area. The storage facility shall be constructed at the same time as the dwelling.
- F. CONSTRUCTION CODE. Each dwelling and dwelling shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

Section 13.06. SIGNS.

All signs shall comply with the requirements of this section.

- A. The following may be erected in the Township without a Zoning Permit provided the other requirements of this section are complied with.
 - 1. Temporary signs such as those intended for advertising real estate for sale or rent, advertising personal property not sold as part of a commercial business, yard sale signs, political signs, advertising farm products for sale that are produced at that location.
 - a) Such signs may not exceed nine (32) square feet in sign area.
 - b) Signs may be displayed for no more than sixty (60) days at a time and for not more than two sixty (60) day periods in a calendar year.
 - c) Extensions for temporary signs may be granted by the Zoning Administrator for additional periods of time in thirty (30) day increments.
 - 2. Permanent signs mounted on a residence, accessory structure, or on industrial or commercial buildings that do not exceed sixteen (16) square feet in sign area.
 - 3. Permanent signs stating the name and/or address of a property owner may not exceed four (4) square feet in sign area.
 - 4. Permanent signs on agricultural buildings stating the farm name that do not exceed thirty-two (32) square feet in sign area.
- B. A sign Site Plan shall be approved by the Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by sub section A. above.

- C. The Planning Commission shall review each Site Plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with the Township Zoning Ordinance and other Township ordinances. The Planning Commission may require revisions to the sign Site Plan.
- D. Signs including any flashing or intermittent illumination are permitted only in the Industrial or Commercial Districts or by Special Land Use Permit in other districts.
- E. Lighted signs shall not be illuminated from 10:00 p.m. to 6:00 a.m. and shall be placed so as to prevent the rays and illumination from them from being directly cast upon any residences or roadways or in any way that creates a hazard.
- F. No sign shall oscillate or rotate nor contain any moving parts.
- G. All signs shall be set back from all side and rear property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures in that Zoning District 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 Zoning Ordinance and are kept in a good state of repair.
- I. ON-SITE SIGNS.
 - 1. One (1) principal sign shall be permitted on the site of any nonresidential building.
 - 2. One (1) principal sign shall be permitted on the site of any multi-family residential facility or complex such as apartments, condominiums, or mobile home parks.
 - 3. Principal on-site signs shall not exceed sixty-four (64) square feet in sign area.
 - 4. No more than two secondary signs shall be permitted, and each shall not exceed sixteen (16) square feet in sign area.
- J. OFF-SITE SIGNS (BILLBOARDS).
 - 1. Off-site signs may only be located on parcels of land which are zoned for commercial or industrial use.
 - 2. Off-site signs shall not exceed seven hundred (700) square feet in sign area.
 - 3. No off-site sign shall be erected within three hundred (300) feet of any other off-site or on-site sign.

Section 13.07. PONDS.

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

Section 13.08. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by Township ordinances. Said front yard setback areas shall be planted and continuously maintained with grass, shrubs, and landscaping materials, except for the portion developed for use as a parking area or driveway.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned where residential use is a principal use allowed, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained.
- C. Detailed landscaping plans for all greenbelts shall be provided on the Site Plan relating to the development and shall be considered as a material part of the Site Plan. No construction project shall be deemed to be completed until all landscaping features required on the Site Plan have been planted or installed.
- D. The Board shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 13.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a temporary manufactured home or other structure 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 Article 13 Section 13.05. 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.
 - 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. Additional time may be granted by the Board and only if progress can be documented and delays are not self-created.
 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 amount of the bond required shall be set by the Board.
- B. A Zoning Permit for the temporary occupancy of manufactured homes which do not comply with the single-family dwelling standards of Article 13 Section 13.05 may be granted by the Board. Such Zoning Permits may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over fifteen (15) years old at the time it is placed on the site. 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 In the event that the temporary manufactured home ceases to be used for the purpose for which it was granted, the manufactured home shall be removed from the property within thirty (30) days of the date it ceases to be used for the purpose for which it was granted.

Section 13.10. ONE DWELLING PER PARCEL.

No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. A second residence is allowed only when authorized by this Zoning Ordinance, and then only if 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 13.11. PROHIBITED STRUCTURES.

No bus, camper, manufactured home, semitrailer, 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 13.05 or 13.09 and are used as single-family dwellings. This section shall also not apply to semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 13.12. PUBLIC UTILITY FACILITIES, COMMUNICATION TOWERS, AND WIND ENERGY SYSTEMS.

A. PUBLIC UTILITIES.

Certain facilities provided by public 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, equipment storage buildings or similar structures shall be subject to the Site Plan review requirements of Article 16. Any office, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district. Except as otherwise exempted by subsection B of this Section, all communication towers and wind energy conversion systems shall be subject to the requirements of subsections C and D of this Section.

B. EXEMPT COMMUNICATION TOWERS, WIND ENERGY CONVERSION SYSTEMS (WECS), ANTENNAS, WINDMILLS AND RELATED FACILITIES.

Communication towers, antennas, wind energy conversion systems, and related facilities located on any property that do not primarily involve the commercial sale of electricity or communication services to the public, shall be exempt from the requirements of subsections C and D and shall be permitted as accessory uses in all zoning districts. Antennas shall include equipment used by ham radio operators, as well as residential television, radio, satellite, and internet antennas. A communication tower, antenna, or related facility exempt under this subsection shall not exceed eighty (80) feet in height. The height shall be measured from the ground level to the top of the communication tower, antenna, or related facility. In the case of a WECS, the total height with the WECS blade fully extended shall not exceed one hundred thirty (130) feet and the minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The minimum setback from property lines and road right of way lines shall not be less than two (2) times the height of the WECS, measured with the WECS blade at its highest point.

C. COMMUNICATION TOWERS.

All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities related to the commercial sale of telephone, television, radio, microwave, cable systems, cellular, and similar communication services to the public, may be permitted as special land uses in the AR Agricultural Residential, C Commercial, and I Industrial Zoning Districts, pursuant to Article 17, subject to the following additional requirements:

1. The applicant shall submit a Site Plan in full compliance with Article 16 of this Zoning Ordinance. The applicant shall also submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, and any other radiation emitted from the facility, any potential hazards to humans, animals, vegetation, or property in the area, and whether the tower will

cause any interference with transmissions to existing facilities. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, including the potential fall zone in the case of tower failure. Technical documentation of any information regarding these concerns shall also be provided as well as technical data regarding compliance with all FCC and FAA requirements.

2. The minimum setback from any property line or road right-of-way shall be equal to two times the height of the tower. The maximum height of the tower shall be two hundred (200) feet.
3. A communication tower shall not be injurious to the public safety or to the occupants of nearby properties.
4. All communication towers and related equipment shall be designed to be as harmonious as possible in style and building materials to the surrounding area and shall be designed to have the least possible adverse aesthetic impact on the area.
5. Monopole communication towers and antenna structures shall be encouraged and may be required where technologically feasible. "Web" or "lattice" type towers shall not be allowed but may be permitted where absolutely necessary for structural reasons. The applicant shall have the burden of showing by clear and convincing evidence that a web or lattice type tower is absolutely necessary. Such evidence may not include economic considerations or convenience.
6. All communication tower bases, and related equipment shall be screened from view with trees, bushes and other vegetative materials and shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall be an eight (8) feet high chain-link fence and shall be equipped with locking gates.
7. No tower shall be located within two (2) miles of any other tower.
8. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on adjacent landowners and the general public, co-location for additional antennas and more than one single user shall be required for any new communication tower, unless the applicant demonstrates by clear and convincing evidence that co-location is not feasible. Before approval is granted for a new communication tower, the applicant shall also demonstrate that it is not feasible to co-locate on any existing tower or tall structure and shall identify all existing towers or structures in excess of sixty-five (65) feet tall within a five (5) mile radius of any new proposed communication tower.

9. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
- a) An existing tower or tall structure within a five (5) mile radius of a proposed new communication is able to provide structural support for communication equipment or antennas, including reasonable modification or replacement of a tower or structure.
 - b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference or signal coverage with appropriate modifications or adjustments to the tower, structure, antennas, or any other component.
 - c) Existing towers or tall structures are located within the geographic area which meet the applicant's engineering requirements or could meet those requirements with appropriate and reasonable modifications or adjustments to the tower, structure, antennas, or any other component.
 - d) The fees, costs or contractual provisions required in order to share an existing tower or tall structure or to adapt an existing tower or tall structure for co-location do not exceed new tower development and construction.
10. A condition of every new communication tower approval shall be adequate provisions for the decommissioning and removal of the communication tower whenever it ceases to be used for one hundred eighty (180) days or more. The Planning Commission may grant a request for an extension of an additional one hundred eighty (180) days upon a showing by the owner that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official and the Zoning Administrator. Removal of the structure and its accessory use facilities shall include removing the caisson and all other components to a depth of at least eight (8) feet below grade. This area shall then be filled and covered with topsoil and restored to a state compatible with the surrounding land. Restoration must be completed within ninety (90) days of removal of the communication tower.
11. To ensure proper decommissioning and removal of the communication tower as required by this Section, a performance bond shall be required as a condition of approval and shall be provided to the Township before a building permit is issued and construction commences. The performance bond shall be in the form of: 1) cash deposit; 2) irrevocable bank letter of credit; or 3) a bond issued by a surety. Except for a cash deposit, performance bonds shall be in a form approved by the Township Attorney establishing the right of the Township to draw upon the performance bond if the applicant or owner fails or refuses to decommission and remove the communication tower as required.

All applications for review and approval of a communications tower shall include a description of the performance bond, including the form of such bond and, except for a cash deposit, the issuer and duration of the performance bond. Performance bonds proposed as an irrevocable letter of credit or bond issued by a surety shall be issued by a bank or surety licensed to do business in the State of Michigan and acceptable to the Township. The duration of any irrevocable bank letter of credit or bond issued by a surety shall not be less than five (5) years after construction is completed and the communication tower is placed into service and shall be renewed as necessary so that either is valid and effective at all times until the communication tower is decommissioned and removed. The performance bond shall be irrevocable and non-cancelable, except upon written consent of the Township. Failure to keep a performance bond in full force and effect at all times while the structure exists shall constitute a material and significant violation of special use approval and this Zoning Ordinance and will subject the applicant (including its successors and assigns) to all remedies available to the Township at law or in equity, including possible enforcement action and revocation of the special use approval.

The amount of the performance bond shall be no less than one hundred ten (110%) percent of the estimated cost of decommissioning and removal. The estimated cost of decommissioning and removal shall be prepared by the engineer for the applicant and approved by the Township's Engineer, Building Inspector, or Zoning Administrator. When determining the amount of a performance bond, the Township may also require an annual escalator or increase based on the Consumer Price Index — All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its substantial equivalent if the BLS ceases publication of that rate of inflation.

Any special use approval shall contain a condition that the applicant and owner shall be responsible for the payment of any and all attorney fees and other costs incurred by the Township for enforcing the provisions of this Zoning Ordinance or the terms of special use approval.

D. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS).

WECS and WECS testing facilities, other than those exempted under subsection B above, shall only be allowed as special land uses in the AR Agricultural-Residential, C Commercial, and the I Industrial Zoning Districts. A complete application for special land use approval shall be filed with the Township pursuant to Article 17 of the Zoning Ordinance prior to any public hearing or consideration of the application. In addition to any other provision of the Zoning Ordinance, the following requirements shall be met in order for the application to be deemed complete. If the requirements are not met, the application will be deemed incomplete and no further action will be taken on any such application, including any required public hearings, until such time as the requirements are met:

1. In addition to any established fee for an application, an escrow account shall be established when the applicant applies for a Special Use Permit for a WECS or

WECS Testing Facility. The amount of the required escrow shall be a good faith estimate by the Board to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs and expenses may include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, or other consultant as the Township deems necessary, including, but not limited to, any reports or studies which the Township anticipates are reasonably necessary for reviewing the application. At any point during the review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount is deemed by the Township to be insufficient to cover any remaining anticipated or actual costs and expenses of completing the review. If the applicant fails or refuses to deposit additional funds in escrow within fourteen (14) days after receiving notice, the review and approval process shall cease until and unless the applicant makes the required escrow deposit. Escrow funds remaining after payment of all costs and expenses shall be returned to the applicant with reasonable time. An itemized billing of all costs and expenses shall be provided to the applicant upon request.

2. The applicant, at its sole cost and expense, shall commission an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential adverse effects or impacts on the public, endangered species, and/or other wildlife including eagles and birds). The study area shall include the Township and areas within three (3) miles of the Township's jurisdictional boundaries. Each such study or report shall be provided to the Township at the same time and as part of the application.
3. The applicant, at its sole cost and expense, shall fund an economic impact study for review by the Township of the area within the Township and the County affected by the WECS. The study shall include probable financial impact regarding temporary and permanent jobs, tax revenue anticipated to the Township, the County and local schools, lease payments to the owner(s) of property where a WECS may be sited, and an assessment of the probable impact on property values within the Township. Each such study or report shall be provided to the Township at the same time and as part of the application.
4. Concurrent with the submission of an application for special use approval, the applicant shall submit a Site Plan in full compliance with Article 15 of this Zoning Ordinance. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards as well as information as to the potential for vibration, shadow flicker, and blade ice deposits on nearby residences. In addition to the written explanation, the applicant shall provide the Township with all operation and maintenance manuals and guidelines, together with all safety manuals and guidelines from the manufacturer of any proposed WECS. At a minimum, the written explanation and operation, maintenance and safety information, manuals and guidelines shall address the potential for and response to instances in which a WECS collapses or topples over, catches fire,

incidences involving a runaway turbine, icing or frost conditions, including but not limited to safety perimeters required or recommended, notification and emergency action plans for adjacent landowners and residents and the Township. The application shall also include a detailed evacuation plan and how the applicant intends to implement such a plan in the case of an emergency including, but not limited to, notification of emergency personnel and first responders, together with an explanation of any specialized equipment that may be necessary in the case of incidences involving fires, runaway turbines, icing or frost conditions, blade failure and tower collapse or topple. The written explanations and operation, maintenance and safety information, manuals and guidelines shall also address procedures and schedules for removal and replacement (including the useful life of a WECS). The Site Plan shall also include the following:

- a) The project area boundaries within the Township ("project boundary"). If the project boundary is part of a larger project area that extends outside of the Township's jurisdictional boundaries, the overall boundaries of the project area shall also be indicated on a separate sheet of the Site Plan.
- b) Location and height (including distance between them) of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures within the project boundary and within one (1) mile outside of the Township's jurisdictional boundaries.
- c) Locations and height (including distance between them) of all existing buildings, structures, and above ground utilities located within the project boundary as well as those located within one (1) mile outside of the Township's jurisdictional boundaries. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or WECS Testing Facility, located within the project boundary and within one (1) mile outside of the Township's jurisdictional boundaries.
- d) The distance from any structure over four hundred (400) square feet within the Township to any proposed or existing WECS located within one (1) mile outside of the jurisdictional boundaries of the Township.
- e) Elevation of any proposed WECS within the project boundary and its relationship to the elevation of all existing and proposed structures within the project boundary and within one (1) mile outside of the jurisdictional boundaries of the Township.
- f) Access roads and driveways to the WECS and/or the WECS Testing Facility within the project boundary, together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed roads and driveways. Construction of access roads and driveways to serve a WECS or WECS Testing Facility shall be constructed to the standards established by the Township for private roads in order to provide year-round access by

governmental agencies in the event of an emergency and to protect the public health, safety, and welfare. Private roads and driveways shall be inspected by an engineer chosen by the Township. Any costs and expenses for inspections shall be paid by the applicant.

- g) Proposed security measures to prevent unauthorized trespass and access.
- h) A lighting plan for each WECS and Testing Facility shall be approved by the Planning Commission. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include, but is not limited to, the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground. Radar activated lighting shall be required.
- i) A Sound Pressure Level study showing the ambient sound and modeling and analysis report of sound expected to be produced by each and every WECS within the project boundary, including sound generated cumulatively from all of the WECS in the project boundary. The sound pressure level study shall, at a minimum, show the expected maximum sound pressure level measured at the nearest property line of any property located adjacent to the property on which a proposed WECS would be located, whether such property is located within or outside of the project boundary.
- j) Certifications: Certification that the applicant has complied and will comply with all applicable state and federal laws and regulations, including a list of permits the applicant needs for compliance and copies of all such permits and approvals that have been obtained or applied for at the time the application is filed with the Township. The applicant shall also certify in writing whether any property on which it proposes to locate a WECS is enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.
- k) Visual Impact: Visual simulations of how the completed project will look from at least four different viewable directions; north, south, east, and west.
- l) Shadow Flicker: A shadow flicker study showing the modeling and analysis report of shadow flicker expected to be produced by each and every WECS within the project boundary including the distance cast by such flicker. The shadow flicker study shall, at a minimum, show any structures expected to be impacted in any manner by shadow flicker and the estimated hours of shadow flicker expected to affect or be cast upon such structures measured monthly and annually.
- m) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

n) **Decommissioning and Performance Bond:** Any WECS that remains inactive for a continuous period of six (6) months, shall be decommissioned. Annual reports shall be provided to the Township with data showing how many hours each turbine was active and inactive during the year, together with the amount of energy produced from each turbine. For purposes of this subsection, "inactive" means that a WECS has ceased to generate electric power. The applicant shall provide a decommissioning plan at the time of application. At a minimum, the plan shall include:

- 1) The anticipated life of the WECS and the project.
- 2) The estimated decommissioning costs net of salvage value in current dollars for each WECS, including reclamation of the site ("net decommissioning costs").
- 3) Confirmation that each WECS and foundation will be removed to a depth of six (6) feet below original grade, or to the level of bedrock, whichever is less. The Zoning Administrator may approve a landowner's request for any concrete foundations or other infrastructure to remain for other uses.
- 4) The manner in which any WECS will be decommissioned, and the site restored.
- 5) A provision to provide notice to the Township in advance of any decommissioning.

To ensure proper decommissioning and removal of any WECS as required by this Section, a performance bond shall be required as a condition of approval and shall be provided to the Township before a building permit is issued and construction commences. The performance bond shall be in the form of: 1) cash deposit; 2) irrevocable bank letter of credit; or 3) a bond issued by a surety. Except for a cash deposit, performance bonds shall be in a form approved by the Township Attorney establishing the right of the Township to draw upon the performance bond if the applicant or owner fails or refuses to decommission and remove any WECS as required.

All applications for review and approval of any WECS shall include a description of the performance bond, including the form of such bond and, except for a cash deposit, the issuer and duration of the performance bond. Performance bonds proposed as an irrevocable letter of credit or bond issued by a surety shall be issued by a bank or surety licensed to do business in the State of Michigan and acceptable to the Township. The duration of any irrevocable bank letter of credit or bond issued by a surety shall not be less than five (5) years after construction is completed and the WECS is placed into service and shall be renewed as necessary, including escalators and increases as may be required by this subsection, so that either is valid and effective at all

times until the WECS is decommissioned and removed. The performance bond shall be irrevocable and non-cancelable, except upon written consent of the Township. Failure to keep a performance bond in full force and effect at all times while the structure exists shall constitute a material and significant violation of special use approval and this Zoning Ordinance, and will subject the applicant (including its successors and assigns) to all remedies available to the Township at law or in equity, including possible enforcement action and revocation of the special use approval.

The amount of the performance bond shall be no less than one hundred fifty (150%) percent of the net decommissioning costs. The net decommissioning costs shall be prepared by the engineer for the applicant and approved by the Township's Engineer, Building Inspector or Zoning Administrator. When determining the amount of a performance bond, the Township may require escalators or increases every five (5) years based on the average Consumer Price Index — All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its substantial equivalent if the BLS ceases publication of that rate of inflation during the preceding five (5) year period. Every five (5) years following the date after construction is completed and the WECS is placed into service, the applicant or owner shall provide the Township an updated report or study of the net decommissioning costs. The Township's Engineer, Building Inspector or Zoning Administrator shall review the report and shall make a recommendation to the Township to increase, decrease or make no changes to the amount of the performance bond, but in no event shall the performance bond be less than the net decommissioning costs.

Any special use approval shall contain a condition that the applicant and owner shall be responsible for the payment of any and all attorney fees and other costs incurred by the Township for enforcing the provisions of this Zoning Ordinance or the terms of special use approval.

- o) Complaint Resolution: Description of the complaint resolution process.
 - p) Additional detail(s) and information as requested by the Planning Commission.
5. The minimum setback from any property line of a non-participating property or any road right-of-way shall be equal to four (4) times the height of any WECS or WECS Testing Facility, measured with the windmill blade at its highest point.
 6. The minimum setback from any inhabited structure on a participating property, as measured from the centerline of its tower base to the nearest wall of such structure shall be no less than two (2) times the height of any WECS or WECS Testing Facility, measured with the windmill blade at its highest point.
 7. The minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The maximum height of a WECS shall be five hundred (500) feet measured with the windmill blade at its highest point.

8. All WECS 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 a cyclone fence at least eight (8) 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 and the base area shall be continuously maintained in a neat manner.
9. The WECS and related equipment shall, at a minimum, comply with all manufacturer guidelines regarding safety and operation and all current guidelines published by the Energy Office of the State of Michigan or its successor agency, unless this Zoning Ordinance mandates more stringent requirements in which case the requirements of this Zoning Ordinance shall apply.
10. Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
11. Each WECS shall be equipped with a braking device capable of stopping the WECS operation in high winds.
12. Each WECS and WECS Testing Facility shall have one or more signs, each of which shall not exceed two square feet in area, posted at the base of the tower and on the perimeter fence. The sign(s) shall contain at least the following:
 - a) Warning high voltage.
 - b) Owner's name and operator's name.
 - c) One or more emergency telephone numbers that shall be answerable by a person to respond to calls.
13. Each WECS and Testing Facility shall be designed, constructed, and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced, the applicant or owner shall provide adequate alternative radio, television or other communication services to each individual resident or property owner affected within thirty (30) days of verified interference.
14. Sound from the operation of a WECS and Testing Facility shall not exceed a maximum (Lmax) of forty (40) decibels on the dB(a) scale as measured at the nearest property line of a non-participating property owner or road at any time. Sound from the operation of a WECS and Testing Facility shall not exceed a maximum (l-max) of fifty (50) decibels on the dB(a) scale as measured at the nearest property line of a participating property at any time. If the ambient sound pressure level exceeds 45 dB(a), the standard shall be ambient dB(a) plus 5 dB(a), but only during the time the ambient sound pressure level exceeds 45 dB(a). A

baseline sound pressure study of the proposed site must be submitted to the Township as provided in section 4(i).

15. All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off-site) at a recommended depth of eight (8) feet below the surface. However, the Planning Commission may waive the requirement that electrical connections and lines for the WECS, which are located off-site (i.e., are not located on or above the property where the WECS will be located), be located and maintained underground if the Planning Commission determines that to install, place, or maintain such connections and lines underground would be impractical or unreasonably expensive.
16. Each WECS and WECS Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant or owner shall take immediate action to correct the hazard. The applicant or owner shall keep a maintenance log on each WECS which the Township can review upon request.
17. Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or WECS Testing Facility shall be repaired at the applicant's or owner's sole cost and expense pursuant to Tuscola County Road Commission requirements.
18. The applicant shall insure each WECS at all times for at least \$2,000,000 for liability and shall name the Township as an additional insured.
19. All WECS shall be a non-obtrusive light neutral color such as beige, gray, or off-white color that is non-reflective, including the base and blades. No striping of color or advertisement shall be permitted on any WECS.
20. All efforts shall be made to avoid any strobe effect or shadow flicker cast upon any structure. Site Plans shall depict a contour around each proposed WECS that represents the predicted hours per year shadow flicker may be cast upon any structure. In no event shall shadow flicker cast upon any structure exceed thirty (30) hours in any one year on a rolling basis. The analysis shall identify all areas where shadow flicker may affect the occupants of inhabitable structures and describe measures that shall be taken to eliminate or mitigate shadow flicker. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant or owner and shall be mitigated.
21. Under no circumstances shall a WECS or WECS Testing Facility produce vibrations or low frequency sound humanly perceptible beyond the property boundaries of participating property where the WECS or WECS Testing Facility is located.

22. The Planning Commission shall not approve any WECS or Testing Facility unless it finds, based on the information provided by the applicant, that the WECS or WECS Testing Facility will not pose a safety hazard or unreasonable risk to the public health, safety or welfare and will not have any unreasonable harmful effects on any other persons, property, or the environment, including any wildlife.

23. Wind Energy Conversion Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Wind Energy Conversion Systems with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in section 13.12 (D.) of the Zoning Ordinance, these provisions control as to such Wind Energy Conversion Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to Wind Energy Conversion Systems with a nameplate capacity of less than 100 megawatts. All provisions in section 13.12 (D.) of the Zoning Ordinance that do not conflict with this subsection remain in full force and effect.

a) Setbacks

Wind Energy Conversion Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

b) Shadow Flicker

Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

c) Height

Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

d) Noise

The Wind Energy Conversion System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

e) Lighting

The Wind Energy Conversion System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- 1) The purpose of the exemption.
- 2) The proposed length of the exemption.
- 3) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- 4) The technical or economic reason a light-mitigating technology is not feasible.
- 5) Any other relevant information requested by the Township.

f) Radar Interference

The Wind Energy Conversion System must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.

g) Environmental Regulations

The Wind Energy Conversion System must comply with applicable state or federal environmental regulations.

h) Host community agreement

The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy Conversion System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 13.13. 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 two (2) yard sales may be held during any calendar year.
- C. For purposes of this Zoning Ordinances, 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 Zoning Ordinance.

Section 13.14. 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 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 was constructed in compliance with the current 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 and designated by the State of Michigan for 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.

Section 13.15. 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 Article 12 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 recreational vehicles 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.
- C. A maximum of two (2) recreational vehicles may be stored or used on vacant properties for no more than ninety (90) 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 or manufactured home shall be permitted pursuant to this section.

Section 13.16. ACCESSORY BUILDINGS.

Within areas of the Township zoned Residential, no accessory building shall be constructed until such time as a dwelling is constructed on the property. In all other zoning districts, accessory buildings may be constructed prior to the main building. Any such accessory buildings shall be located so as to allow for the later construction of a main building in full compliance with all setbacks and other regulations. In no event shall an accessory building be constructed any closer to the road than the dwelling.

Section 13.17. SOLAR ENERGY SYSTEMS

A. INTENT AND PURPOSE

1. The most common and prevalent land use in the Township is agricultural, and the preservation of its agricultural heritage and rural character has been an ongoing goal within the community for many years. This Zoning 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 (SES) in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas of the Township.

2. A Utility-Scale Solar Energy System Overlay District (US) was created to provide a suitable location for Utility-Scale Solar Energy Systems (USES) that are otherwise authorized under state law, the Township's Ordinances, and the Zoning Ordinance to meet a reasonable demonstrated need for renewable energy land uses in the Township. It is the intent of the Township to permit USES to the extent a demonstrated need exists for the land use by regulating the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems. To these ends, the land included in the Utility-Scale Solar Energy System District is within reasonable proximity to existing electric power transmission infrastructure.
3. This Zoning Ordinance will require such USES developments to obtain a Special Land Use Permit. 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.
4. It is the desire of the Township to allow the installation of Private Solar Energy Systems (PSES) as allowed within the regulations in this Zoning Ordinance.

B. FINDINGS

1. This Zoning 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 spaces, views, aesthetics, wetlands, and other ecological and environmentally sensitive areas.
2. The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this Zoning Ordinance.

C. GENERAL REQUIREMENTS. All SES are subject to the following general requirements:

1. All SES must conform to the provisions of this Zoning Ordinance and all Local, County, State, and Federal regulations, and safety requirements, including

applicable building codes and applicable industry standards including but not exclusive to ANSI, NEC, and NESC.

2. The Township may revoke any approvals for, and require the removal of, any SES that does not comply with this Zoning Ordinance.
3. SES 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.

D. PRIVATE SOLAR ENERGY SYSTEMS

1. Administrative Review. Except as provided in subsection (d) below, all Private Solar Energy Systems (PSES) require administrative approval as follows:
 - a) Application to Zoning Administrator. An applicant who seeks to install a PSES must submit an application to the Zoning Administrator on a form approved by the Board.
 - b) Application Requirements. The application must include:
 - 1) A site plan depicting setback, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - 2) Photographs of the property's existing condition.
 - 3) Renderings or catalogue cuts of the proposed solar energy equipment.
 - 4) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - 5) A copy of the manufacturer's installation directions.
 - c) Zoning Administrator Authority. The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for PSES.
 - d) Exclusions from Administrative Review. Administrative review is not required for:
 - 1) A single solar panel with a total area of less than eight square feet.
 - 2) Repair and replacement of existing solar energy equipment if there is no expansion of the size or area of the solar energy equipment.

2. Private Solar Energy System BIPVs. Private Solar Energy System BIPVs are permitted as accessory uses in all zoning districts, subject to administrative approval as set forth in this section. A building permit is required for the installation of BIPVs.
3. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted PSES are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:
 - a) Safety. A Roof or Building Mounted PSES must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code.
 - b) Building Permit. A building permit is required for installation of a Roof or Building Mounted PSES.
 - c) Maximum Height and Placement for Roof Mounted PSES. No part of the SES erected on a roof shall extend beyond the peak of the roof. No part of a SES 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. No part of a SES mounted on a roof shall extend more than two (2) feet above the surface of the roof.
 - d) Location. If the SES is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted. A Solar Energy System mounted on a building wall may not face an adjacent public right-of-way.
 - e) Appearance. Roof or Building Mounted PSES must be neutral in color and substantially non-reflective of light.
 - f) Nonconforming Buildings. A Roof or Building Mounted PSES installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
 - g) Inspection. The Zoning Administrator may inspect a PSES for compliance with this Zoning Ordinance upon providing reasonable notice to the property owner or occupant.

4. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are permitted in all Zoning Districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:
- a) Safety. A Ground Mounted PSES must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code. The Ground Mounted PSES must be permanently and safely attached to the ground.
 - b) Building Permit. A building permit is required for installation of a Ground Mounted PSES.
 - c) Maximum Height. A Ground Mounted PSES must not exceed the maximum building height for adjacent accessory buildings and must not exceed 12 feet above the ground when oriented at maximum tilt.
 - d) Location. A Ground Mounted PSES must be located in the rear yard or side yard and meet the applicable setback requirements for the Zoning District.
 - e) Underground Transmission. All power transmission or other lines, wires, or conduits from a Ground Mounted PSES to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted PSES, they must be placed in a weatherproof secured container or enclosure.
 - f) Screening. Greenbelt screening is required around any Ground Mounted PSES and around any equipment associated with the system to obscure, to the greatest extent possible, the SES from any adjacent residences. The greenbelt must consist of shrubbery, trees, and other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque, meeting any requirements of this Zoning Ordinance applicable to fences, may be used if approved by the Board. The greenbelt shall be maintained for the life of the SES. A "private solar greenbelt waiver" may be approved by the Township. Applicants shall provide 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) Lot Area Coverage. In order to preserve the intent of the Township to maintain its rural characteristics, no more than ten (10%) percent of the total area of a parcel may be covered by a Ground Mounted PSES.
 - h) Appearance. The exterior surfaces of a Ground Mounted PSES must be generally neutral in color and substantially non-reflective of light.

- i) Nonconforming Buildings. A Ground Mounted PSES installed on a nonconforming building or structure is not considered an expansion of the nonconformity, but it must meet all height and placement requirements of the zoning district and this section.
- j) Inspection. The Zoning Administrator may inspect a Private Solar Energy System for compliance with this Zoning Ordinance upon providing reasonable notice to the property owner or occupant.

E. UTILITY-SCALE SOLAR ENERGY SYSTEMS.

Utility-Scale Solar Energy Systems (USES) are permitted in the Utility-Scale Solar Energy Systems Overlay District as a special land use when a Special Land Use Permit has been approved by the Board and a Site Plan has been approved by the Planning Commission both subject to the rules of this Zoning Ordinance for such approvals. In addition to any other requirements for special land use approval, USES shall be ground mounted and are subject to the following requirements:

1. Application Items as Substantive Requirements.

The information, plans, documents, and other items identified as application requirements in this Zoning Ordinance, including the Site Plan and Special Land Use Permit, are substantive requirements for obtaining approval for a 14 Utility-Scale Solar Energy System. The Planning Commission will review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis.

2. USES Special Land Use Permit Application Requirements.

A developer/operator of any USES shall follow the following procedures for application for a Special Land Use Permit to construct a USES in the Township in addition to any requirements in Article 17 Section 17.01 of this Zoning Ordinance.

The developer/operator or applicant for a USES Special Land Use Permit shall provide the following with the application:

- a) Applicant's full name, full address of applicant, full address, and parcel numbers of the property on which the USES will be located and for which any portion shall pass through,
- b) Payment of Special Land Use Permit application fees as established by the Board and payment of any required escrow amounts,
- c) Proof of who owns the subject property,

- d) A copy of any lease agreement, purchase agreement or easement for any parcels to be used for any portion of the USES including applicable attachments, documents establishing ownership of each parcel, all of which must be recorded with the Tuscola County Register of Deeds prior to application,
- e) 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,
- f) A general description of the proposed project including a legal description of the property or properties on which the project would be located including any which are used for interconnection purposes,
- g) Current ground and aerial photographs of the property being considered for the project in both printed and digital format,
- h) A copy of the applicant's power purchase agreement or other written agreement, with any exhibits or attachments thereto, with an electric utility showing approval of an interconnection with the proposed Utility-Scale Solar Energy System,
- i) An anticipated construction schedule with an anticipated date of completion,
- j) A certificate of insurance for the project representing \$5,000,000 in general liability coverage with the Township listed as an additional insured,
- k) Written certification that the Applicant will comply with all applicable local, county, state, and federal laws, and regulations and that all permits and approvals will be obtained before the installation of any portion of the USES has commenced including access roads and driveways,
- l) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management including a consultation report with the Tuscola County Drain Commissioner, which is subject to the Township's review and approval,
- m) Reports showing 100% inspection of all drain tiles that are within the footprint of any portion of the USES including any area used outside of the overlay district for interconnection purposes,
- n) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the USES, which is subject to the Township's review and approval,

- o) 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,
- p) 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 USES which is subject to the Township's review and approval,
- q) Noise Level: A sound modeling report for the project. The sound model report shall include a map with sound contour lines for dB(A) Lmax and dB(C) Lmax 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 SES locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant shall identify each operational component of the SES that will produce sound. The predicted values must include cumulative sound levels created by all existing, approved, and proposed SES. The sound study and accompanying map shall extend out to the 30 dB sound pressure contour line or one (1) mile from the proposed PSES, whichever is furthest. The sound studies shall include adjustments for seasonal changes,
- r) Glare Analysis to determine any travel hazards or hazards to aviation and impaired quality of life of surrounding residences or buildings. Analysis shall include all scheduled adjustments to the angle of the solar photovoltaics with dates over all seasons. The testing shall be done using the Sandia National Laboratories Solar Glare Hazard Analysis Tool (SGHAT) or documented equivalent,
- s) Environmental Impact Analysis,
- t) Avian and Wildlife Impact Analysis,
- u) Manufacturers' Material Safety Data Sheet(s), including the type and quantity of all materials used in the construction process and during use and maintenance of the USES,
- v) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the USES, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the USES and its components and restore the subject parcels,

- w) Financial security that meets the requirements of this Zoning Ordinance,
- x) A plan for managing any hazardous waste,
- y) A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant must identify its plan for providing those resources, such plan shall include a report from the Tuscola County Emergency Manager,
- z) A written description of the fire suppression system that will be installed, which must identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires. The plan shall include reports consulting with the Fire Department servicing the area where the USES will be located,
- aa) A transportation plan for construction and operation phases, including any applicable agreements with the Tuscola County Road Commission and Michigan Department of Transportation,
- bb) An attestation that the applicant will indemnify and hold the Township, and its elected and appointed officials, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the USES. The Township shall be named as an additional insured for such indemnity,
- cc) A copy of the manufacturer's directions, instruction manuals, and safety manuals/documents for installing, maintaining, and using the USES and any of its components,
- dd) A ground cover vegetation establishment and management plan that complies with this Zoning Ordinance.
- ee) Site Plan pursuant to Article 16, 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 USES will be connected to the power grid (interconnection) including any portion used for interconnection that will extend outside of the fence line for the USES and/or outside of the overlay district for interconnection purposes only.
- ff) If any portion of the USES or the interconnection portions of the USES is/are located at an airport or anywhere within an airport zoning district, 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 Authority or Airport Zoning Board of Appeals must be obtained before installation of the USES commences,

gg) Stray Voltage plan that consists of a preconstruction stray voltage test that shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Parcels. Post construction testing shall also be performed on all nonparticipating parcels within a one-mile radius from the perimeter of the USES upon completion or when a verified stray voltage complaint occurs. The tests shall be performed by an investigator approved by the Township. A report of the tests shall be provided to the owners of all the property included in the study area. The applicant shall seek written permission from property owners prior to conducting testing on such owners' property. Applicants/landowners shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any Participating Parcel shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the Participating Property, and

hh) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township,

ii) A groundwater analysis checking for the presence of any of all parcels in the participating property,

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

3. Procedure.

The procedure to process the application for a Special Land Use Permit for a USES is as follows:

The Planning Commission's review of a Special Land Use Permit application incorporates the provisions in Article 16 for review of a Site Plan and includes a public hearing and recommendation by the Planning Commission followed by a decision made by the Board to approve, approve with conditions, or disapprove the application, per the procedures for review in Article 17. The Board has final

authority to approve, approve with conditions, or deny a Special Land Use Permit application.

a) Site Plan and Application Requirements.

1) Contents of Site Plan.

In addition to the requirements in Article 16, the applicant must provide a boundary survey by surveyor licensed in the State of Michigan of the project and a detailed site plan draft to a scale of one (1") = two hundred feet (200') with the following:

- (a) Location of all existing and proposed dwellings, structures, panels, equipment, electrical tie lines, transmission lines, transformers, inverters, substations, security fencing, and all other components of the USES within the participating property and all dwellings and/or structures within one thousand (1000) feet of the property lines of the participating property.
- (b) Scaled depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access drives, and road rights of way.
- (c) Indication of how and where the system will be connected to the power grid (the interconnection points).
- (d) Plan for any land clearing and grading required for the installation and operation of the system.
- (e) Plan for ground cover establishment and management.
- (f) Description of measures to be taken to support the flow of rainwater and/or stormwater management.

2) The application must also include the following:

- (a) Security plan detailing measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the USES.
- (b) A maintenance plan, including landscaping upkeep, regular checks, and maintenance for the equipment, and decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the USES is decommissioned. The

maintenance plan must include a plan for maintaining all setback areas in the project.

- (c) Anticipated construction schedule including timeline to completion and scope of work.
- (d) Sound modeling study including sound isolines extending from the sound sources to the property lines.
- (e) Any additional studies requested by the Planning Commission, including but not limited to the following:
 - (1) Visual Impact Assessment: A technical analysis by a third-party qualified professional acceptable to the Township of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like including proposed landscaping and other screening measures, a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - (2) Environmental Analysis:
 - i The applicant shall have a third-party qualified professional, acceptable to the Township, 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.
 - ii 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 13 Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

- (3) Stormwater Study: An analysis by a third-party qualified professional acceptable to the Township studying the proposed layout of the Utility-Scale Solar Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information must be provided to demonstrate infiltration on-site without the use of engineered solutions.
- (4) Glare Study: An analysis by a third-party qualified professional acceptable to the Township to determine if glare from the Utility-Scale Solar Energy System will be visible from nearby residents and roadways. If required, the analysis will consider the changing position of the sun throughout the day and year and its influences on the USES.
- (5) Wildlife Impact: A wildlife impact study, including an analysis of the impact on the properties within one mile of the project. f. Utility-scale solar energy systems are not permitted on property enrolled in the Farmland and Open Space Preservation Act, being in PA 116, of 1974, now codified in Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1974, as amended.

3) Conceptual Layout Plan.

Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.

4) Approvals from Other Agencies.

Final site plan approval may be granted only after the applicant receives:

- (a) all required federal and state approvals, and
- (b) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), county building department, and any other federal, state, or local agency having jurisdiction or authority to grant permits related to the USES.

4. USES Standards and Location Requirements.

The standards and requirements for a USES are as follows:

- a) USES are only permitted within the Utility-Scale Solar Energy System Overlay District.

- b) USES must be ground mounted.
- c) The USES solar panels and other structures shall be set back five hundred (500) feet from all non-participating lot lines and all public road rights-of-way (regardless if it is a participating or nonparticipating parcel on the opposite side of a road), or the district setbacks stated in the underlying zoning district, whichever is greater.
- d) USES solar panels and other structures shall not be located within a one hundred (100) feet of a wetland, shoreline, or drain easement or further back if required by statute or this Zoning Ordinance.
- e) The height of the USES and any mounts, buildings, accessory structures, and related equipment shall not exceed twelve (12) feet from grade when oriented at maximum tilt.
- f) Any USES must be completely enclosed by a fence that is at least eight (8) feet in height. Any fence shall be kept in good repair, neat in appearance, and shall not have any signs, posted bills, or advertising symbols painted on it. Any signs or notices required as part of a safety law or regulation are allowed. Fencing must meet the fencing and grounding requirements of the National Electric Safety Code (NESC) and any other applicable safety regulations that apply.
- g) No utility-scale batteries designed to provide power to the grid will be allowed.
- h) Any batteries required for the operation of the USES must be identified in the Site Plan and must be maintained in weatherproof containers or buildings.
- i) No USES shall be installed until evidence has been provided that indicates that a public 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 Township prior to commencing any construction.
- j) 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 a 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.

- k) If the owner of the facility or the property owner fails to remove or repair a defective or abandoned USES, the Township, in addition to any other remedy under this Zoning 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.
- l) Decommissioning bonds, insurance, complaint logs, and compliance shall be reviewed annually by the Planning Commission annually and a report of their findings provided to the Board. The owner/operator may be required to attend an in-person meeting with the board and/or the Planning Commission to go over this information.
- m) Noise levels produced by the USES (including but not limited to the photovoltaic structure, sub-station, or inverters, and fans buildings shall not exceed 40 dB(A) Lmax or 50 dB(C) Lmax anywhere at any time on a nonparticipating property. In the event the noise levels resulting from the USES 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.
- n) Liability Insurance. The USES owner/operator shall, at all times insure for liability for the USES 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.
- o) Drainage. All parcels on which a USES 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 USES. The drainage must be designed so as to not drain onto adjacent non-participating properties. The drain tiles must be located and inspected internally with a crawler or other process and instrumentation as approved by the township at least once every two years, with the first inspection occurring post construction, but before the USES is in operation. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection. The agricultural drain tile system must be repaired prior to any installation activities. When the USES is abandoned or decommissioned, the drain system must be reevaluated, and repairs made at the expense of the developer or current landowner. A drainage and water

retention plan for the USES must be submitted and approved by the Township and the Tuscola County Drain Commission.

p) Visual Appearance & Maintenance

- 1) USES buildings and accessory structures shall utilize materials, textures, and neutral colors customary with USES 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 for review and approval.
- 3) Lighting of the USES shall be limited to the minimum necessary, supplied with downlighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the lots used for the USES. The Township may require use of a photometric study to make this determination.
- 4) No USES 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 Board, to the owners or operator of the USES that glare from the USES is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner or operator of the USES shall have a reasonable time, not to exceed three (3) months, from the date of such notice to remediate such glare.
- 5) The USES shall be screened from any adjacent property. The screen shall have a minimum landscape buffer width of fifty-three (53) feet extending outward from the perimeter fencing for the USES. The screen shall consist of four (4) rows of plantings. The first row shall start fifteen feet from the fence line and shall utilize Giant Green Arborvitae with not more than twelve (12) feet spacing between each. The second row shall also utilize Giant Green Arborvitae at no more than twelve (12) foot spacing between each and being staggered with the first row. The second row shall be out eight (8) feet further than the first row. The third row shall begin eight feet (15) feet further out from the second row and shall utilize a mix of Norway Spruce and White Pine spaced not more than twelve (12) feet from each other. A fourth row shall begin fifteen (15) feet further out from the third row and shall consist of shrubbery such as Burning Bush spaced no more than twelve (12) feet apart. The plantings on each row out may be planted up to two (2) feet off of the baseline for that row so that that plantings have a more natural appearance. Planted material must be within four (4) feet of the maximum height of the tallest USES component or a minimum of six (6) feet in height, whichever is greater, at the time of planting. All unhealthy and dead material shall be replaced in accordance with this Zoning Ordinance by the applicant

within six (6) months, or within the next appropriate planting period, whichever occurs first. Failure to continually comply with the required vegetative requirements shall constitute a violation of this Zoning Ordinance and all Special Land Use Permits shall be revoked unless unavoidable issues as determined by the Board are present.

- q) The developer shall furnish an assurance in a form acceptable to the Township that guarantees that ninety (90) percent of the PV panels, attendant electrical apparatus, wiring, metal support structures, or other USES components shall not enter the waste stream.
- r) Developer shall offer a property value guarantee acceptable to the Township that will make USES 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 one (1) mile of the project boundary. Complaints shall be made using a broker price opinion from three licensed real estate brokers in Tuscola County.
- s) The developer shall install and maintain pollinator habitat with a minimum score of seventy-six (76) as determined by the Michigan State University, Michigan Pollinator Habitat Planning Scorecard for Solar Sites as published in 2018.
- t) The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the USES.
- u) Environmental Impact Analysis:
 - 1) Any applicant for the installation of a USES 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.).

- 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.

v) Decommissioning:

1) Bond.

To ensure proper removal of the USES 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 USES as determined by the longest lease or easement within the project and including during any period of abandonment or non-operation of the USES. Security shall be in the form of:

(a) Cash deposit, or

(b) Performance (surety) bond, as selected by the Board. Failure to keep such financial security in full force and effect at all times while the USES exists or to otherwise fail to comply with the requirements of this Zoning Ordinance shall constitute a material and significant violation of the Special Land Use Permit and will subject the USES owner/operator to all available remedies to the Township, including enforcement action, fines, and revocation of the Special Land Use Permit. The USES 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 USES 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 noncompliant USES components.

3) Responsibilities and Penalties.

In the event the current USES 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 USES. Failure of the property owner's compliance with 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 USES will take place to cover such costs.

w) Escrow.

An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a USES. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Board to cover all costs and expenses associated with the 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, application process, 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 upon request.

x) Complaint Resolution.

- 1) The USES applicant shall submit a detailed, written complaint resolution process to resolve complaints from but not exclusive to a Township official, the Board, property owners, or residents concerning the construction or operation of the USES. The complaint resolution process must be approved by the Board as a condition of approval of the Special Land Use Permit.
- 2) The Board shall appoint a three (3) member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the Township or any of its representatives, property owners, or residents and the USES owner and or operator.
- 3) The complaint resolution committee shall consist of:
 - (a) A Board member,
 - (b) A Planning Commission member, and
 - (c) A qualified elector chosen by the Board from the community.
- 4) The 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.
- y) The applicant must certify and guarantee that the utility-scale solar energy system will comply with 47 CFR Part 15, subpart B and not produce any radio frequency interference or electrical magnetic interference at the property line of all non-participating property owners within 1,000 feet of the project.

5. USES Compliance.

- a) In addition to any other remedies or complaint resolution procedures set forth in this Article and/or Section, violations of this Article and/or Section shall also constitute a municipal civil infraction in accordance with Article 20 of this Zoning Ordinance. Each day on which any violation of this Article and/or Section continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense under Article 20.
- b) If an applicant, owner, or operator of a SES fails to comply with this Zoning Ordinance, the Township, in addition to any other remedy under this Zoning Ordinance, may revoke any approvals including but not exclusive to Special Land Use Permits after giving the applicant notice and an opportunity to be heard.
- c) Additionally, with any violation of this Zoning Ordinance, the Township may pursue any legal or equitable action such as an injunction or other action to

restrain, prevent or abate any violation and recover any and all costs, including the Township's actual attorney fees and costs.

6. Commercial Solar Energy Systems under PA 233.

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Commercial Solar Energy Systems with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in subsections 1 through 7 above, these provisions control as to such Commercial Solar Energy Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or other not in effect and does not apply to Commercial Solar Energy Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 1 through 5 above that do not conflict with this subsection remain in full force and effect.

a) Setbacks

Commercial Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

b) Fencing

Fencing for the Commercial Solar Energy System must comply with the latest version of the National Electric Code as of November 29, 2024, or as subsequently amended.

c) Height

Solar panel components must not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt.

d) Noise

The Commercial Solar Energy System must not generate a maximum sound in excess of fifty-five (55) average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property.

Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

e) Lighting

The Commercial Solar Energy System must implement dark sky-friendly lighting solutions.

f) Environmental Regulations

The Commercial Solar Energy System must comply with applicable state or federal environmental regulations.

g) Host community agreement

The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Commercial Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 13.18. UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

A. GENERAL PROVISIONS

All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

1. All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."
2. The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this Ordinance.
3. Utility-Scale Battery Energy Storage Systems are permitted in the Township as a special use in the following zoning districts and subject to any specific requirements for BESS in that district:

a) Utility-Scale Solar Energy Systems Overlay District

b) Industrial

B. APPLICATION REQUIREMENTS

The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

1. Application fee in an amount set by resolution of the Township Board.
2. A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
3. Current photographs of the subject property.
4. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts, and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.
5. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage System.
6. 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. This plan must include approval from the County Drain Commissioner.
7. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township's review and approval.
8. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
9. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval. All complaints received by

the operator, owner or the Township shall be maintained as part of the permanent record even if determined to be invalid following review or if repeat complaints.

10. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
11. A fire protection plan, which identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
12. A transportation plan for construction and operation phases, including any applicable agreements with the Tuscola County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
13. 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 Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.
14. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
15. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

C. SYSTEM AND LOCATION REQUIREMENTS

1. Setbacks

Setbacks are the same as for Utility-Scale Solar Energy Systems. An exception can be made for a BESS that is fully enclosed in a building and then only if it is completely located within the Industrial Zoning District. If a BESS meets those conditions, the setbacks shall be the same as for that Industrial District unless greater setbacks are deemed necessary by the Fire Plan approved by the Fire

Chief or as determined by the County Drain Commissioner. If a single Utility-Scale Battery Energy Storage System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.

2. Screening

Greenbelt screening is required around any Utility-Scale Battery Energy Storage System and around any equipment associated with the system to obscure, to the greatest extent possible, the Utility-Scale Battery Energy Storage System from any adjacent residences. The greenbelt shall be the same standard as established for Utility-Scale Solar Energy Systems unless the BESS is both fully located within the Industrial Zone and fully enclosed within a structure (walled with a roof) in which case it must meet the standards of that district, or any other restrictions established by the Zoning Ordinance or the Approved fire plan.

3. Lighting

Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.

4. Security Fencing

Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.

5. Noise

The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed forty (40) dBA Lmax / A-weighted scale, as measured at the property line of any non-participating property line or road right of way if the parcel on the opposite side of the road is nonparticipating.

6. Underground Transmission

All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

7. Drain Tile Inspections

The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three (3) years by means of robotic camera, with the first inspection occurring before construction begins on the Utility-Scale Battery Energy Storage System and again prior to operations commencing. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

8. Fire Protection

- a) Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department or fire department(s) with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief(s) will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief(s) determine(s) that the plan is adequate, then the fire chief will notify the Township Supervisor of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- b) The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
- c) The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).

9. Insurance

The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least five (\$5,000,000) million per occurrence.

10. Permits

All required county, state, and federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating.

11. Decommissioning

If a Utility-Scale Battery Energy Storage System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.

12. Financial Security

To ensure proper decommissioning of a Commercial Utility-Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to one hundred twenty five percent 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved 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. This financial security must be posted within fifteen (15) business days after approval of the special use application.

13. Extraordinary Events

If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within twenty-four (24) hours.

14. Annual Report

The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- a) Current proof of insurance;
- b) Verification of financial security; and
- c) A summary of all complaints, complaint resolutions, and extraordinary events.

15. Inspections

The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.

16. Transferability

A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

17. Remedies

If an applicant or operator fails to comply with this Ordinance, the Township may pursue any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

D. UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS UNDER PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours of more. To the extent these provisions conflict with the provisions in Sections A-C above, these provisions control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 does not take effect, is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in Sections A-C above that do not conflict with this subsection remain in full force and effect.

1. Setbacks

Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

2. Installation

The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section or any applicable successor standard.

3. Noise

The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

4. Lighting

The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.

5. Environmental Regulations

The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.

6. Host community agreement

The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

ARTICLE 14

Non-conforming Lots, Uses, and Structures

Section 14.01. CONTINUED NON-CONFORMING USES PERMITTED.

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

Section 14.02. NON-CONFORMING LOTS OF RECORD.

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

Section 14.03. NON-CONFORMING STRUCTURES.

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

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 14.04. NON-CONFORMING USES OF LAND OR STRUCTURES.

Where at the time of passage of this Zoning Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Zoning 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 Zoning 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 Zoning Ordinance.
- C. No additional structure not conforming to the requirements of this Zoning 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 Zoning 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 15

Planning Commission

Section 15.01. MEMBERSHIP.

- A. There is hereby established a Planning Commission as authorized by the Michigan Planning Enabling Act, Act 33 of 2008 as amended. The Planning Commission is assigned the duties of a zoning commission as authorized by the Michigan Zoning Enabling Act, Act 110 of 2006 as amended.
- B. The Planning Commission shall consist of five (5) members appointed by the Township Supervisor with the approval of the Board. The members shall be representative of major interests as they exist in the Township. One member of the Planning Commission shall also be a member of the Board.
- C. Each member shall be appointed for a term of three (3) years, except that the term of the member who also serves on the Board shall terminate if their membership on the Board terminates before the end of their elected term on the Board or are otherwise lawfully removed. The terms shall be staggered such that as close to one third (1/3) of the member's terms expire each year.
- D. The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one (1) calendar year.

Section 15.02. POWERS.

The Planning Commission shall have the power to review and approve Site Plans pursuant to Article 16 of this Zoning Ordinance, to hear and make recommendations to the Board on requests for Special Land Use Permits pursuant to Article 17 of this Zoning Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article 19 of this Zoning Ordinance. The Planning Commission shall also have the power to prepare and adopt a Master Plan as a guide for the development of the Township as provided for in the Planning Enabling Act, Act 33, Of 2008.

ARTICLE 16

Site Plan Review Requirements

Section 16.01. SCOPE.

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

Section 16.02. PROCEDURE.

- A. 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.
- B. The Zoning Administrator shall then refer the Site Plan to the Planning Commission for review and decision.
- C. The applicant shall provide five (5) copies of the application materials to the Planning Commission. The number of copies required may be reduced following a written request from the applicant and then only if approved by the Planning Commission.
- D. Once a Site Plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 16.03. CONTENT.

Each Site Plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 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 XI).
- 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 Article 13 Section 13.08).

- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Article 13 Section 13.06).
- J. Name, address, and telephone number of the person who prepared the Site Plan.

Section 16.04. STANDARDS.

In determining whether to approve, modify, or deny a Site Plan, the Planning Commission shall consider the following:

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

Section 16.05. BOND.

A cash deposit shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved Site Plan. Upon the completion of the project in accordance with the approved Site Plan, the bond shall be released. The amount of the bond shall be five (5%) percent of the project cost or as otherwise specified in this Zoning Ordinance, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars.

Section 16.06. TIME FOR COMPLETION.

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

ARTICLE 17

Procedures For Special Land Use Approval by Planning Commission

Section 17.01. 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 17.02. HEARING.

- A. Requests for Special Land Use Permits may be heard at a public hearing and decided at any Regular or Special meetings of the Planning Commission provided the petitioner has presented all required information and proper notice has been given.
- B. Notices of public hearing on Special Land Use Permit applications shall be sent to the person requesting the approval, the owner of the property, which is the subject of the request, and to owners of property within a minimum of one thousand (1,000) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll.
- C. Notice shall also be given to any occupants of structures within three hundred (300) feet if the occupants are different than the owners.
- D. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed, or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 17.03. STANDARDS.

Requests for Special Land Use Permits 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 conditions.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.

- D. All specific requirements of the Zoning District where the proposed use would be located shall be complied with.
- E. All specific requirements for the proposed Special Land Use and the application processes for that specific use must be complied with.

Section 17.04. DECISION.

- A. The Planning Commission shall make a recommendation to the Board to deny, approve, or approve with conditions any request for a Special Land Use Permit.
- B. The recommendation of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision was based, and any conditions imposed.
- C. The Board shall then deny, approve, or approve with conditions the Special Land Use Permit using the same criteria that the Planning Commission used in their recommendation.
- D. The Board decision shall be incorporated in a statement containing the findings and conclusions on which the decision was based, and any conditions imposed.
- E. Any condition imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Zoning Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Section 17.05. EXPIRATION.

Board permission approval for a Special Land Use Permit shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one (1) year period.

Section 17.06 INDEMNIFICATION.

Applicants for Special Land Use Permits shall be required to provide proof of the Township being listed as an additional insured in an amount described under each use in this Zoning Ordinance or in an amount determined by the Board whichever is greater. Proof shall be

submitted to the Board and shall be maintained with the Special Land Use Permit documentation.

Section 17.07 OWNERSHIP, OPERATOR, AND CONTACT INFORMATION

The names, addresses, and contact information of property owners and proposed operators of the premises shall be provided with an application. Any change in ownership or operator must be brought to the Board within thirty (30) days of the change or the permit will be revoked.

SECTION 17.08. REVOCATION OF SPECIAL LAND USE PERMITS

The privilege of a Special Land Use Permit is subject to all of the conditions that have been attached to it during the application process. The permit remains valid as long as all of those conditions are met. However, the Township Board shall revoke the Special Land Use Permit after it has been proven that any of the permit conditions have been violated.

A. FIRST NOTICE

The Township Board shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days, or the Township Board will revoke the Special Land Use Permit and order the use to cease.

B. TOWNSHIP BOARD ACTION

After the expiration of the thirty (30) days, the Township Board, at their next regular meeting or at a special meeting, shall hold a public hearing to consider revocation of the Special Land Use Permit. The Township shall notify the permit holder by certified mail of the public hearing. If it is determined that the permit holder is not in compliance with the permit conditions, the Township Board shall revoke the Special Land Use Permit.

C. SECOND NOTICE

If the Township Board revokes the Special Land Use Permit, the Township shall notify the permit holder by certified mail that the Special Land Use Permit has been revoked, and the use for which the permit was granted must cease within thirty (30) days from the date of this second notice. The Township Board shall also notify the Zoning Administrator that the Special Land Use Permit has been revoked and the date upon which the landowner must cease the use previously granted by the Special Land Use Permit.

D. ENFORCEMENT OF ORDER

Failure to comply with the order to cease an activity for which a Special Land Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

ARTICLE 18

Zoning Board of Appeals

Section 18.01. CREATION

There is hereby established a Zoning Board of Appeals, hereinafter called the "ZBA" which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and in such a way that the objectives of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Section 18.02. MEMBERSHIP

- A. Members of a ZBA shall be appointed by majority vote of the members of the legislative body serving.
- B. Regular Members. The ZBA shall be composed of the following three (3) regular members:
 - 1. One (1) of the regular members of the ZBA shall be a member of the Planning Commission.
 - 2. One (1) shall be a member of the Board.
 - 3. One (1) shall be selected from the electors of the Township.
- C. Alternate Members
 - 1. The Board may appoint up to two (2) alternate members who shall be selected from the electors of the Township.
 - 2. Only one regular or alternate member of the ZBA may also be a member of the Board.
 - 3. An alternate member may be called as specified in the Zoning Ordinance to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend 1 or more meetings.
 - 4. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made.
 - 5. An alternate member serving on the ZBA has the same voting rights as a regular member.

- D. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- E. Only one regular or alternate member may be a member of the Board.
- F. An employee or contractor of the legislative body may not serve as a member of the ZBA.
- G. Terms of Office
 - 1. The terms of office for an appointed member of the ZBA shall be 3 years, except for the members serving because of their membership on the Planning Commission or Board. Terms for those members shall be limited to the time they are a member of that body.
 - 2. When members are first appointed, appointments may be for less than 3 years to provide for staggered terms.
 - 3. Successors shall be appointed not more than 1 month after the term of the preceding member has expired.
 - 4. A vacancy on the ZBA shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- H. A regular or alternate member of the zoning ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- I. A member of the ZBA may be removed by the Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- J. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest and in accordance with the Elmwood Township Conflict of Interest Policy. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 18.03. QUORUM

- A. The ZBA shall not conduct business unless a majority of the regular members of the ZBA are present.
- B. A member of the ZBA who is also a member of the Planning Commission or the Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 18.04. OFFICERS

- A. The ZBA shall elect a Chairman, Vice-Chairman, and Secretary. The Board member may not serve as Chairman.
- B. A member of the Board shall not serve as chairperson of the ZBA.

Section 18.05. MEETINGS AND HEARINGS

- A. All meetings and hearings of the ZBA shall be held at the call of the Chairperson and at such times as the ZBA may determine.
- B. All meetings and hearings conducted by the ZBA shall be open to the public.
- C. They shall keep minutes of its proceedings showing the vote, indicating such fact; and shall also keep records of its hearings and other official action.
- D. The chairperson or, in their absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

Section 18.06. JURISDICTION

- A. The ZBA shall have the following powers and it shall be its duty:
- B. To interpret the Zoning Ordinance text and maps.
- C. To hear and decide questions that arise in the administration of the Zoning Ordinance.
- D. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrator or administrative body in the enforcement of this Zoning Ordinance.
- E. To hear and decide on all applications for variances or modifications of the provisions of the Zoning Ordinance.
- F. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body.

Section 18.07. VARIANCES

- A. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties within the meaning of this Zoning Ordinance, the ZBA shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit

of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done.

- B. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
1. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the property being used for a permitted purpose or would render conformity unnecessarily burdensome.
 2. A variance would do substantial justice to the applicant as well as other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
 3. The plight of the owner is due to unique circumstances of the property.
 4. The problem is not self-created.
- C. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Board in the manner hereinafter provided by law, nor shall they have the power to grant a use variance.

Section 18.08. APPEALS

- A. An appeal may be taken to the ZBA by any person, firm, or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such times as shall be prescribed by the ZBA by general rule, by filing with the Zoning Administrator and with the ZBA, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.
- C. The ZBA shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by a duly authorized agent or attorney. A fee shall be paid to the secretary of the ZBA at the time the notice of appeal is filed, which the Secretary shall forthwith

pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Board.

Section 18.09. INTERPRETATION OF ZONING ORDINANCE AND MAP

- A. The ZBA shall have the authority to interpret the provisions of this Zoning Ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a Zoning District, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.
- B. Interpretation of Zoning District boundaries. In interpreting the boundaries of zoning districts, the ZBA shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines, one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

Section 18.10. NOTICE OF MEETINGS AND HEARINGS

- A. All meetings and hearings of the ZBA shall be properly noticed as required in the Michigan Open Meetings Act, Act 267 of 1976, as amended.
- B. The ZBA shall make no recommendation except in a specific case and after a hearing conducted by the ZBA.
- C. A written notice of the time and place of such public hearings shall be provided as required under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Section 18.11. TIME LIMIT

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE 19

Amendments and Rezoning

Section 19.01. APPLICATION.

The Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Zoning Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. Proposed amendments to the regulations or district boundaries of the Zoning Ordinance may be initiated by the Township Planning Commission, the 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 Board.

Section 19.02. NOTICE OF HEARING.

A written notice of the time and place of such public hearing shall be provided as required under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS.

After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Zoning 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 19.04. BOARD.

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

ARTICLE 20

Violations

Section 20.01. ENFORCEMENT AND PENALTY.

Any person, firm or corporation who violates any of the provisions of this Zoning 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 Zoning Ordinance shall be subject to increased fines as provided for in the Elmwood Township Civil 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 Zoning Ordinance, is hereby declared to be a nuisance per se.

ARTICLE 21

Definitions

Section 21.01. DEFINITIONS.

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

ABANDONMENT. Any USES or WECS facility that is no longer producing power and includes the remainder of the accessory structures.

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

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

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "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 THEATER. 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.

ANSI. American National Standards Institute.

APPLICANT(S). The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval for a WECS, WECS Testing Facility, or USES as well as the applicant's successors, assigns and/or transferees. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS, WECS Testing Facility, or USES. The duties and obligations regarding a zoning approval for any approved WECS, WECS Testing Facility, or USES shall be with the owner of the WECS, WECS Testing Facility, or USES, and jointly and severally with the owner and operator or lessee of the WECS, WECS Testing Facility, or USES if different than the owner.

BATTERY MANAGEMENT SYSTEM ("BMS"). An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

BOARD. The duly elected or appointed Township Board of Trustees of the Township of Elmwood. (Formerly listed as Township Board)

BOARD OF APPEALS. The duly appointed Zoning Board of Appeals (ZBA) for the Township of Elmwood.

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

BUILDING INTEGRATED PHOTOVOLTAICS (BIPVs): A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

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

COMMUNICATION TOWER OR ANTENNA. A radio, telephone, cellular telephone, or television relay structure or antenna attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

CONCENTRATED SOLAR GLARE. The reflected solar glare beyond that produced by the sun.

CONCEPTUAL PLAN. A map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, where and how project will connect to the power grid, and any other information Applicant deems necessary to provide the Township with a general overview of the proposed project.

DECOMMISSION. To remove or retire a USES or WECS facility from active service.

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.

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

FEE OWNER. The person who owns the fee simple title to the real property

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

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

GROUND MOUNTED SOLAR ENERGY SYSTEM. A Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building and not intended for use as a USES.

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.

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.

MAXIMUM TILT. The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.

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.

MINIMUM TILT. The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.

NEC. National Electric Code.

NESC. National Electrical Safety Code.

NON-PARTICIPATING PARCEL. A parcel of property within Elmwood Township that is not subject to a lease or easement agreement, or any other contractual arrangement or agreement with any person or entity as part of an application submitted for a Special Approval Use Permit for the purposes of constructing or operating a WECS, WECS Testing Facility, or a USES.

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

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

PARTICIPATING PARCEL. A parcel of property within Elmwood Township that is subject to a lease or easement agreement, or any other contractual arrangement or agreement with any person or entity submitting a Special Approval Use Permit application for the purposes of developing a WECS, WECS Testing Facility, or a USES.

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

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

PRIVATE SOLAR ENERGY SYSTEM. A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

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.

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 BIVPs.

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

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

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

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

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

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.

SOLAR ENERGY SYSTEM HEIGHT. The height of a solar energy system and components, measured vertically from the natural grade to its highest point at maximum tilt.

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.

SURVIVAL WIND SPEED. The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

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

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

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

UTILITY-SCALE 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.

UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES. One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System (with a battery management system ("BMS")).

UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM ("BESS"). A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

WIND ENERGY CONVERSION SYSTEM (WECS). Means any combination of the following:

- a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft.
- b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power.
- c. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
- d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
- e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- f. Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM HEIGHT. The height of a WECS measured vertically from the natural grade to the blade tip when at its highest point.

WIND ENERGY CONVERSION SYSTEM (WECS) TESTING FACILITY. A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source. Such a facility shall not be deemed to be a communication tower regulated by subsection 12.12.C.

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

ARTICLE 22

Validity, Severability, and Repeal

Section 22.01. VALIDITY AND SEVERABILITY.

If any portion of this Zoning Ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Zoning Ordinance.

Section 22.02. REPEALER.

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

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 Elmwood.

Section 23.02. EFFECTIVE DATE.

This Ordinance takes effect seven days after the publication as provided by law.

Section 23.03. CERTIFICATION.

Ordinance 100, The Elmwood Township Zoning Ordinance, was duly adopted by the Elmwood Township Board at a meeting on June 21, 2006.

The Zoning Ordinance was amended by the Township Board on September 21, 2011

The Zoning Ordinance was amended by the Township Board on May 17, 2017.

This Ordinance as Amended was duly adopted by the Elmwood Township Board of Trustees at a meeting held on February 21, 2024.

The Ordinance Amendment was published on February 28, 2024 in the Tuscola County Advertiser.

Elmwood Township Clerk

This is a digital version transcribed for ease of use. It is a consolidation of the 2006 Zoning Ordinance and subsequent amendments.

EXHIBIT A

Elmwood Township Zoning District Map, 2023

US - Utility Scale Solar Energy System Overlay District is on the next page.

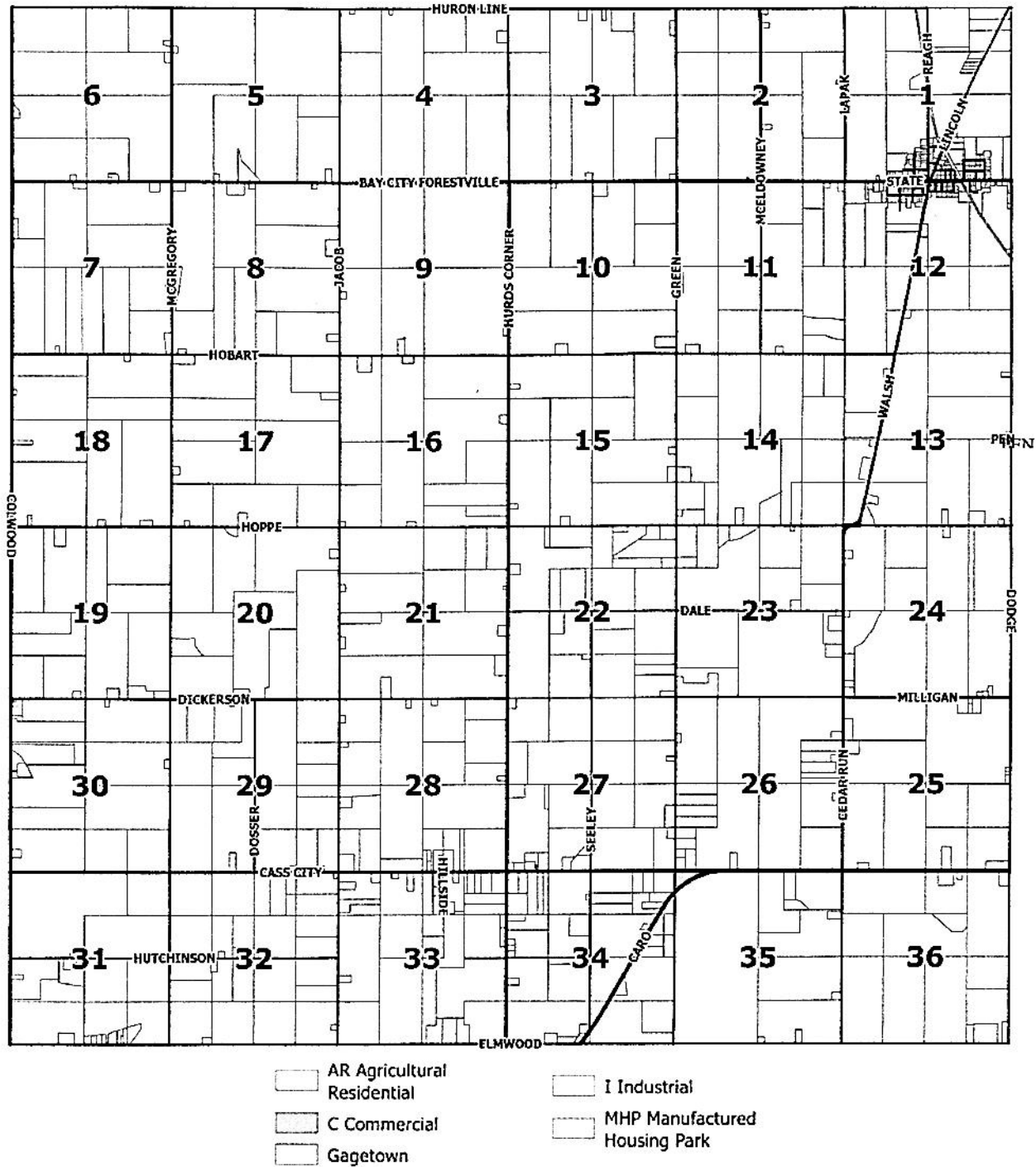


Exhibit A
Elmwood Township Zoning District Map, 2023
US - Utility Scale Solar Energy System Overlay District

