

**TURNER TOWNSHIP**

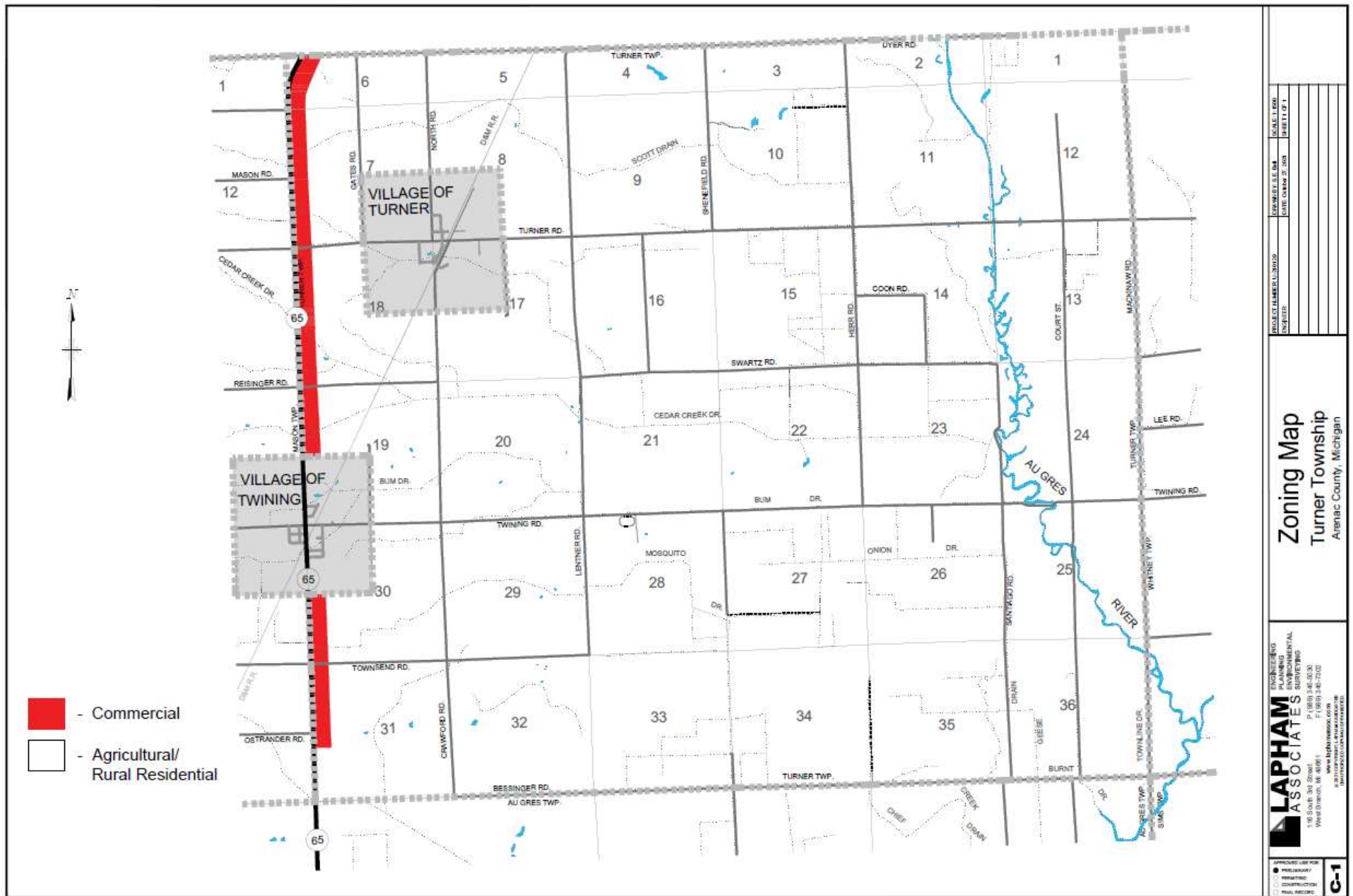
**ZONING ORDINANCE**

March 2022

**ARENAC COUNTY, MICHIGAN**

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# **ZONING ORDINANCE OF TURNER TOWNSHIP ARENAC COUNTY, MICHIGAN**

An ordinance to establish zoning districts and to enact provisions regulating the uses of land and natural resources in portions of Turner Township, Arenac County, Michigan in accordance with Public Act 110 of 2006, The Michigan Zoning Enabling Act, as amended.

## **CHAPTER 1 PREAMBLE**

### **SECTION 1.1 TITLE**

This Ordinance shall be known as the “Zoning Ordinance of Turner Township” and shall be referred to as “this Ordinance.”

### **SECTION 1.2 PURPOSE**

This Ordinance is based on the Turner Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations and standards for the uses of land, structures, and natural resources of the Township and for development, redevelopment or restoration of all property by establishing requirements requisite to proper land use. The regulations of this Ordinance accomplish the purposes and objectives as outlined below by providing for land uses within each district, by acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures by defining maximum residential density and specifying the percentage of a site available for building by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner, and by requiring various setbacks from property lines and public street rights-of-way.

The objectives of the Turner Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
- B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;
- C. To provide for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
- D. To provide for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs;
- E. To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not;
- F. To eliminate the improper use of land;
- G. To effect the proper and orderly development of the Township; and
- H. To accomplish the goals and objectives of the Township’s Master Plan.

To meet these objectives, the Turner Township Zoning Ordinance is divided into districts of such number, shape and area, and of such common purpose, adaptability or use, that are deemed most suitable to protect the common rights and interests within each district and the Township as a whole, to preserve the property owners’ rights to the use of their lands, and to promote quality of life and business vitality.

The Zoning Districts Map delineates land uses within the Township and is organized into three basic zones:

Agricultural / Rural Residential District  
Commercial

Regulations for each district are divided into six parts:

Intent and Purposes  
Permitted and Conditional Uses  
Property Development Standards  
Performance Standards  
Accessory Structures and Uses  
Miscellaneous Regulations

### SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- F. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.

### SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Public Act 110 of 2006, The Michigan Zoning Act, as amended.

### SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of the Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

### SECTION 1.6 EFFECTIVE DATE

- A. The existing zoning ordinance of Turner Township and its amendments to date are hereby repealed. However, the adoption of this ordinance shall not effect, hinder, or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior ordinance or its amendments if the use or violation is in violation of the provisions of this ordinance
- B. This Ordinance shall take effect on the eighth (8<sup>th</sup>) day after publication thereof.

## CHAPTER 2 DEFINITIONS

### SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules of construction shall apply to the text of this Ordinance.

- A. Except with respect to the headings contained in Section 2.2, the headings that title a chapter, a section or a subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions of the text that refer to them and shall not have the effect of enlarging or restricting those terms or provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof unless specifically excluded.
- F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be" or "designed to be" used or occupied.
- H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The particular shall control the general.
- J. Terms not herein defined shall have common, customary meanings.

### SECTION 2.2 DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

**Accessory Building or Structure** is a building or structure that is detached from the principal building located on the same lot and is customarily incidental to the principal building.

**Accessory Use** shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

**Agriculture** is farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

**Alley, Lane, or Service Drive** is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

**Battery Storage Facility or Energy Storage Facility** is a system that absorbs, stores, and discharges electricity and is a Public Utility Facility.

**Bed and Breakfast Establishment** is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

**Bona fide Commercial Agricultural Operation** is the raising of plants or animals, commonly grown in Central Lower Michigan, on a parcel of land appropriate for a continuing agricultural enterprise.

**Building** is any structure which is erected having a roof supported by columns or walls.

**Building Height** shall mean the vertical distance from the average grade to the highest point of the coping of a flat

roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

**Building Site** shall mean a legally created parcel or contiguous parcels of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

**Camping** is the temporary placement on a property of tents, travel trailers, or recreational vehicles.

**Commercial Cargo Container** is a metal or primarily metal, container designed and constructed to ship, store, or bundle bulk goods, also known as intermodal freight containers, or bulk shipping containers.

**Development Site Plan** is the documents and drawings required by the Zoning Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**Drive-through Business** is a business establishment organized so that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

**Driveway** is that portion of a lot or parcel of land devoted to affording the principal means of access for no more than two (2) dwellings to and from a Public Road.

**Dwelling, Multiple-Family** is a building containing three (3) or more dwelling units with a minimum 420 square feet per dwelling unit, designed for exclusive use and occupancy by three (3) or more families.

**Dwelling, Single-Family** is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family, complying with the following standards:

1. A single-family dwelling shall have a minimum of 225 square feet of living space.
2. It complies in all respects with the State of Michigan Construction Code as promulgated by the State of Michigan Construction Commission under the provisions of Public Act 230 of 1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in that event, such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. The dwelling is connected to a sewer and water supply or to such private facilities approved by the District Health Department.
5. The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less.
6. The dwelling contains no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal structure.
7. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park

except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

9. All construction required herein shall be commenced only after a zoning permit and building permit have been obtained in accordance with the applicable health and building code provisions and requirements.
10. A Tiny House is a single-family dwelling with the features of a customary house including cooking, sleeping, and normal housekeeping but with a footprint of a minimum of 225 square feet. Tiny houses must comply with all of the above standards for single-family dwellings.

**Dwelling, Two-Family (Duplex)** is a building containing two (2) separate dwelling units, one unit having a minimum 420 square feet and the other having a minimum of 420 square feet, designed for residential use by no more than two (2) families and connected by either a common wall or an attached garage area.

**Dwelling Unit** is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation (abbreviated as “d.u.”).

**Essential Service** is a service utility which is needed for the health, safety, and welfare of the community. In Michigan, these services are controlled by the Public Services Commission.

**Family** is an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

**Farm** is a tract of land that is directly devoted to the purpose of agriculture.

**Flag Lot** is a lot not fronting on or abutting a road where access to the road is by a minimum sixty-six (66) foot private right-of-way.

**Floor Area** is the total area of the floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.

**Frontage** is the continuous length along which a parcel of land fronts on a road or street, measured along the line where the property abuts the street or road right-of-way.

**Garage - Private** is a detached accessory building or portion of a main building used for the parking or storage of vehicles.

**Garage - Public** is a building other than a private garage used for the commercial purpose of parking, storing, repairing or equipping motor vehicles.

**Home Occupation** is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes. Outdoor storage shall be completely screened; and no activity shall become a nuisance to its immediate neighbors or neighborhood.

**Indoor Recreation Establishment** is a facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, e.g., health and fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

**Inn, Boarding or Lodging House** is an establishment other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more, but not exceeding twenty (20), persons.

**Kennel** is any land, building, or structure where twelve (12) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for profit.

**Land Division** is any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.



**Large Scale Livestock Enterprise** concentrated animal feeding operations are agricultural operations of more than fifty animals where animals are confined in “houses” on small plots of land and fed for market generally for more than 45 days.

**Loading Area** is a space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

**Lot** is a parcel of land separated from other parcels of land by a recorded description in a plat, by metes and bounds, or a condominium master deed, having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance.

**Lot Area** is the total area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

**Lot Coverage** is a part or percent of a lot occupied by buildings or structures and other impervious surfaces.

**Lot Depth** is the arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.

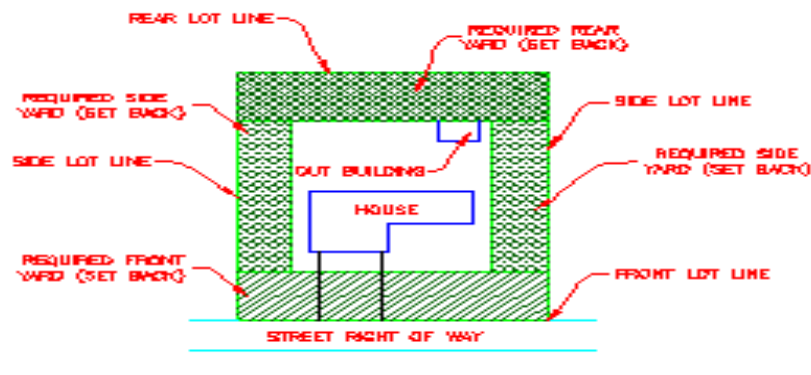
**Lot Line** is the line bounding a lot, parcel, or general or limited common element that separates the lot, parcel, general or limited common element from another lot, parcel, general or limited common element, existing street right-of-way, approved private road easement, or the ordinary high water mark.

**Lot Line, Front** is the lot line separating a lot or parcel from a street right-of-way (refer to Figure 1), or in the case of a lake lot, the ordinary high water mark.

**Lot Line, Rear** is the lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure 1).

**Figure 1**

**LOT LINES AND MINIMUM REQUIRED YARDS**



**Lot Line, Side** is any lot line not a front or rear lot line (refer to Figure 1).

**Manufactured Home** is a post 1970 residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected.

**Marijuana Use Definitions:** See below.

**Mobile Home** is a pre 1978 structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, HVAC, and electrical system in the structure. Mobile home does not include a recreational vehicle or motor home.

**Motor Vehicle Sales and/or Repair Facility** is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pick-up trucks, recreational vehicles, or travel trailers, or a business performing repairs on such vehicles.

**Motor Vehicle Service Facility** is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or repair for automobiles, vans, pick-up trucks, or other motor vehicles.

**Non-Conforming Structure** is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective and fails to meet the minimum requirements of the zoning district in which it is located.

**Non-Conforming Use** is the use of a building or of land lawfully existing at the time this Ordinance or any amendments become effective but does not conform with the use regulations of the district in which it is located.

**Off-Site Sign** is a sign which advertises or directs attention to products or activities that are not provided on the parcel upon which the sign is located.

**Ordinary High Water Mark** is the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland, and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, levee, or other water controlling device, it shall be the natural ordinary high-water mark.

**Outdoor Recreation Establishment** is a facility designed and equipped for the conduct of sports, amusement or leisure activities, and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and amusement parks.

**Owner(s)** shall mean any combination of persons who have equitable or legal title to a property, the premises, dwelling, or dwelling unit.

**Paved** shall mean the same as a gravel, asphalt, or concrete surface.

**Planned Development** is an area of a minimum contiguous size, as specified by this Ordinance, developed according to a plan as a single entity to contain one or more structures with appurtenant common areas.

**Principal Use** is the main use to which a premises is devoted and the principal purpose for which a premises exists.

**Private Road** is any road or thoroughfare for vehicular traffic which is privately owned and maintained and provides the principal means of access to three (3) or more abutting properties.

**Public Road or Street** is a public thoroughfare for vehicular traffic which is publicly owned and maintained and provides the principal means of access to a number of abutting properties.

**Public Utility Facilities and Wind Conversion Systems (WECS) definitions:** See below.

**Recreational Vehicle** is a vehicle designed and intended primarily for recreational use, such as a motor home, camper trailer, boat, snowmobile, off-road and all-terrain vehicle, or similar vehicle or trailer. The term "recreational vehicle" shall not include a motorcycle or motor bike, or other similar means of transportation intended primarily for on-street use.

**Retail Store** is any building or structure in which goods, wares, or merchandise are sold to a customer for direct consumption and not for resale.

**Right-of-way** is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the rights-of-way. Public rights-of-way

shall meet road commission and/or MDOT requirements; the minimum private road right-of-way shall be thirty-three (33) feet in width.

**Road** refer to definition of “street”.

**Salvage** is material saved for future use, recycling, or sale.

**Salvage Yard** is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “salvage yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Screen** is a structure such as a fence or wall, providing enclosure and visual barrier between the area enclosed and the adjacent property.

**Seasonal** is any use or activity that is not or should not be performed during the entire year.

**Setback** is the required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

**Short Term Rental** is the lease or use for a fee of a residential dwelling for a month or less.

**Sign** is an outdoor sign, display, figure, painting, drawing, message, placard, or poster which is designated, intended, or used to advertise or inform.

**Site Condominium Projects** are land developments done in accordance with the Condominium Act (Public Act 59 of 1978), as amended. All such developments shall follow the standards and procedures of Section 5.8, Planned Developments, and meet the requirements of the district(s) for which they are intended.

**Solar Energy Facilities:** See Below.

**State Licensed Residential Facility** is a structure that is constructed for residential purposes that is licensed pursuant to Public Act 287 of 1972 or Public Act 116 of 1973 which provides resident services for six (6) or less persons or the Public Act 218 of 1979 regarding Adult Foster Care Group Homes of 12 or less.

**Street** is an approved thoroughfare which affords the principal means of access to abutting properties.

**Structure** is anything constructed, assembled or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word “structure” shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground, or to agricultural fencing.

**Telecommunication Tower or Antenna** is any device erected for receiving or transmitting radio, television, or data communication signals excluding satellite dish antennas, television antennas, amateur radio antennas for residential non-commercial use accessory to the residence located on the parcel upon which the equipment is located.

**Uniform Setback** is where fifty (50%) percent or more of the frontages of existing structures along a roadway between two (2) intersecting streets maintain the same minimum setback.

**Use** is the purpose for which land, or a building (or buildings) is arranged, designed, or intended, or for which land or a building (or buildings) is or may be occupied and used.

**Variance** is a modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty or a necessary hardship in the way of carrying out the strict regulation of this Ordinance.

**Vehicle** is any device in, upon, or by which any person or property is or may be transported or drawn upon any

street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**Yard** is a space open to the sky and unoccupied or unobstructed, except by structures or uses specifically permitted by this Ordinance. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

**Yard, Front** is the yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the main building (refer to Figure 1).

**Yard, Rear** is the yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear foundation line of the main building (refer to Figure 1).

**Yard, Side** is the yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (refer to Figure 1)

### **MARIJUANA USE DEFINITIONS**

**Adult-use Marijuana Establishment or Establishment** is a Marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, marijuana designated consumption establishment, or any other type of marijuana-related business licensed to operate by the marijuana regulatory agency under the Medical Marijuana Facilities Licensing Act (MMFLA), 2016 PA 281, MCL 333.27101 to 33.27801 or the rules of the M.R.A.

**Application Package or Application** is an application for a marijuana facility or establishment permit under this ordinance and includes all supplemental documentation attached or required to be attached thereto; the person filing the Application shall be known as the APPLICANT.

**Commercial Medical Marijuana Facility, Marijuana Facility or Facility** is an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421, et seq.

**Designated Marijuana Consumption Establishment** is a commercial space that is licensed by the Marijuana Regulatory Agency and is authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.

**Excess Marijuana Grower** is a license issued to a licensee holding 5 class C Marijuana grower licenses and licensed to cultivate marijuana and sell or otherwise transfer marijuana to a processor, provisioning center or retailer.

**Marijuana or Marihuana** is a term as defined in the Public Health Code. MCL 333.1101, et seq.; the Medical Marijuana Act, MCL 333.26421, et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marijuana Tracing, MCL 333.27901. et Seq.; and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq. For the purpose of this ordinance, the spellings are interchangeable.

**Marijuana Grower** is a licensee that is a commercial entity located in this stat that cultivates, dries, trims or cures and packages marijuana for sale to a processor, provisioning center or retailer.

**Marijuana Microbusiness** is a licensee, in a single location, that is authorized to cultivate not more that 150 plans, process and package marijuana and to sell or transfer to only an individual 21 years of age or older, but not to other marijuana establishments.

**Marijuana Processor** is a licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center, retailer, or other processor.

**Marijuana Retailer** is a licensee authorized to purchase or transfer marijuana only from a marijuana grower or marijuana processor and sell or transfer to only an individual 21 years of age or older.

**Marijuana Safety Compliance Facility** is a licensee that is a commercial entity that receives marijuana from a marijuana facility, establishment, or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility, establishment, or registered primary caregiver.

**Marijuana Secure Transporter** is a licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities and/or establishments for a fee.

**Medical Marijuana Facilities Licensing Act or MMFLA** is the State of Michigan 2016 PA 281, MCL 333.27101 to 333.27801, which allows for the licensing of medical marijuana facilities.

**Michigan Regulation and Taxation of Marijuana Act or MRTMA** is the State of Michigan 2018 Initiated Law 1, MCL 333.27951 to 333.27967, which allows for the licensing of adult-use marijuana establishments.

**Outdoor Grow** is growing marijuana in an expanse of open or cleared ground or in a greenhouse, that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

**Permit** is an approval issued by the Township pursuant to the MMFLA or MRTMA that allows a person to operate a facility or establishment in the Township under this Ordinance, which permit may be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.

**Permit Holder** is the person or legal entity that holds a current and valid Permit issued under this Ordinance.

**Permitted Premises** is the particular building or buildings within which the Permit Holder will be authorized to conduct the facility's or establishment's activities pursuant to the permit.

**Process or Processing** is to separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse or otherwise make or prepare marijuana concentrate or marijuana-infused products.

**Provisioning Center** is a licensee that is a commercial entity located in this state that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marijuana registration process in accordance with the Michigan Medical Marijuana Act, 333.26421, et seq., is not a provisioning center for the purposes of this act.

**Registered Primary Caregiver** is a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26423.

**Registered Qualifying Patient** is a qualifying patient who has been issued a current registry identification card under the Michigan medical marijuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.

**Special Approval** is, for the purpose of this ordinance, the same as "Special Land Use Permit" and vice versa.

**Temporary Marijuana Event** is a state license held by a marijuana event organizer for an event where the onsite sale or consumption of marijuana products, or both are authorized at the location indicated on the state license during the dates indicated on the state license.

## **PUBLIC UTILITY FACILITIES AND WIND CONVERSION SYSTEMS DEFINITIONS**

**Participating Landowner** A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Arenac County Register of Deeds said agreement, and has a contract with the WECS Applicant. A Participating Landowner may also be called a WECS contract leaseholder. A Participating Landowner may or may not have turbines or infrastructure located on his or her

property.

**Non-Participating Landowner** A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to his or her owned land to the WECS Applicant.

**SCADA (supervisory control and data acquisition)** A computer system that monitors and controls WECS units.

**dBA** The A-weighted sound level.

**dBC** The C-weighted sound level.

**Pasquill Stability Class** Reference, wikipedia.org "Outline of air pollution dispersion".

**Adverse Sound Character** Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.

**ANSI** the American National Standards Institute.

**Audible** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.

**Decibel (dB)** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."

**Emergency work** Any work or action necessary to deliver essential services in an emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.

**Equivalent Sound Level (or Leq)** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.

**Excessive noise** Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.

**Ambient** Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.

**Noise** A sound, especially one that is loud or unpleasant or that causes disturbance. Any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare (well-being) or that would unreasonably interfere with activities or the enjoyment of life or property.

**Quiet Rural or Residential property** Any property where there is an inherent expectation of quiet, including, but not limited to, residences, businesses, single family homes, and retirement homes.

**Sound level meter** An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).

**GIS:** Geographic Information System and is comparable to GPS (global positioning system) coordinates.

**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.

**Tip Height** The height of the turbine with a blade at the highest vertical point.

**Wind Energy Conversion System (WECS)** 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 another 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.

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

**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, shall not be deemed to be a communication tower.

**L10** Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.

**L90** Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.

### **SOLAR ENERGY FACILITIES DEFINITIONS**

**Abandonment** is to give up, discontinue, or withdraw from. Any solar farm that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.

**Decommissioning Plan** is a document that details the planned shut down or removal of a solar farm from operation or usage, including abandonment as defined in this ordinance.

**Fence** is a continuous barrier extending from the surface of the ground to a uniform height (to be established through the special use permit process), constructed of steel, or other metal, or any substance of a similar nature and strength.

**Gate** is a door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence or wall to which it is attached.

**Medium Voltage Cable** are lines which provide electricity to homes.

**Non-commercial Solar Panel Installation** is a small, proprietor solar energy system installed for use by a residence or business to produce solar or photo electric power for use on a single parcel.

**Photovoltaics** is a technology that converts light directly into electricity.

**Power Switchyard** is the structure needed to tie the solar energy facility to electric transmission lines.

**Solar Farm** is land designated or used for the purpose of producing solar or photovoltaic electricity, which includes, but is not limited to, the use of solar panels or other solar energy systems. The power generated is sold or transferred to electric companies or other third parties for distribution through a power grid. A solar farm is comprised of solar panels, photovoltaic cells, or similar facilities.



## CHAPTER 3 NON-CONFORMITIES

### SECTION 3.1 INTENT AND PURPOSE

It is the intent of this Chapter to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue, even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such non-conforming lots, uses of land, structures, and uses of structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and non-conforming uses, buildings, and structures, the regulations that follow are enacted.

### SECTION 3.2 NON-CONFORMING LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance providing the Lot or parcel meets the requirements of Section 4.4 Substandard Lots. Refer to Chapter 4 General Provisions.

### SECTION 3.3 NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a parcel of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful.

### SECTION 3.4 NON-CONFORMING STRUCTURES

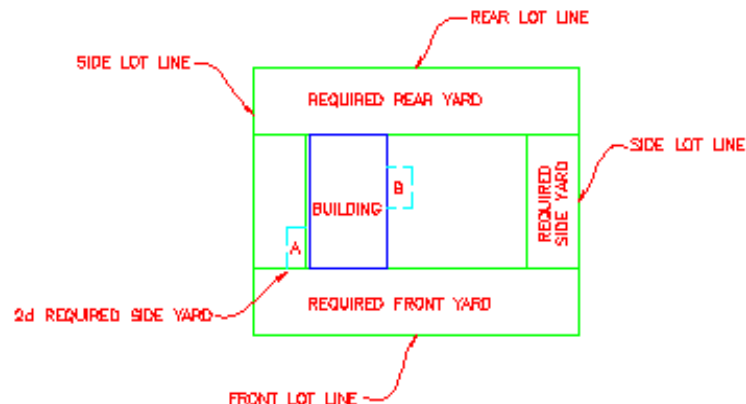
Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction of area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions (refer to Figure 2):

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.
- B. Any such structure destroyed by fire or an act of God may be reconstructed, but as nearly conforming with the provisions of this Ordinance as possible.
- C. Should such structures be moved for any reason for any distance whatever, it shall hereafter conform to the regulations for the area into which it is located.

### NON-CONFORMING STRUCTURES

**Figure 2**

Proposed addition "A" not permissible unless authorized by variance as it increases non-conformity. Proposed addition "B" permissible without variance as it does not increase non-conformity.



### SECTION 3.5 REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, ordinary maintenance may be done. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be change of tenancy, ownership or management of any existing non-conforming use of land, structure, or premises provided there is no change in the nature of the character of such non-conforming use that would be at variance with the provisions of this Chapter and Ordinance.

### SECTION 3.7 ABANDONMENT OF NON-CONFORMING USES AND STRUCTURES

- A. If for any reason a non-conforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to be re-established, and any subsequent use shall conform to all the requirements and provisions of this Ordinance. Under extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the non-conforming use.
- B. If for any reason the use of a non-conforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

## **CHAPTER 4 GENERAL PROVISIONS**

### **SECTION 4.1 INTENT AND PURPOSE**

In addition to the development and performance requirements set forth in Chapter 5, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. **It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.**

### **SECTION 4.2 ACCESSORY BUILDINGS**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to a main building, except where otherwise noted, it shall be subject to and must conform with all regulations applicable to the main building.
- B. Accessory buildings shall not be erected in any required front yard.

### **SECTION 4.3 LOT ALLOCATION**

No portion of any lot or parcel used once to comply with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

### **SECTION 4.4 SUBSTANDARD LOTS**

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided:

- A. That the lot or parcel complies with Section 4.3 of this Chapter.
- B. That a proposed building, structure, or use for the lot satisfies the yard requirements set forth in Chapter 5 of this Ordinance to the greatest extent possible.
- C. That the requirements set forth in Section 4.15 of this Chapter are fulfilled.

### **SECTION 4.5 CORNER CLEARANCE**

No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) inches within a triangular area formed by the intersection of any street or road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.

### **SECTION 4.6 NUMBER OF DWELLING UNITS PER LOT**

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one lot meeting the minimum lot area requirements set forth in Chapter 5. In the case of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements; general common areas shall not be applied toward satisfying minimum lot area requirements.

### **SECTION 4.7 MISCELLANEOUS STORAGE**

The accumulation of possessions, goods, or effects on a parcel that would affect the attractiveness or the value of neighboring parcels or are deleterious to the health and safety to the citizens of the township shall not be allowed. Storage of any goods shall be in rear yards or shall be contained either within a structure or behind fencing or opaque screening that hides them from public view.

### **SECTION 4.8 COMMERCIAL CARGO STORAGE CONTAINERS**

- A. Commercial Cargo Containers may be used for storage as an accessory structure in all districts subject to development site plan approval & a zoning permit.
- B. Generally, one (1) container is allowed for storage on a parcel of one to three acres; two (2) containers on a parcel of 3 to 5 acres; six (6) or more acres a maximum of four (4) containers.

- C. A cargo container may be used for another purpose other than individual storage and will follow the regulations for that use, e.g., a workshop, living quarters, a multiunit storage facility.
- D. Standards
  - 1. All containers shall be free of damage and/or severe rust and shall not have exposed bare metal. Containers shall be maintained to remain in said condition.
  - 2. Containers shall not display advertising, company names, logos or other markings.

#### SECTION 4.9 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas or other similar utilities, are permitted in all districts, provided, that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in this Ordinance. Telecommunication towers and antennas are not essential services (see Section 4.11), nor are Wind Energy Conversion Systems or Solar Energy Facilities.

#### SECTION 4.10 FENCES, WALLS AND SCREENS

Fences, walls, or screens are permitted in all yards, but shall be subject to sight distance requirements at drives and roadways. Any fence or wall over eight (8) feet in height shall require a Special Use Permit.

#### SECTION 4.11 PORCHES AND DECKS

Open, unenclosed porches and decks without foundations, or paved terraces may project into a required rear, side or front yard provided that the porch, deck or terrace is located no closer than ten (10) feet from any lot line.

#### SECTION 4.12 SATELLITE DISH ANTENNAS, TELECOMMUNICATION TOWERS AND ANTENNAS, AND SIMILAR STRUCTURES

- A. Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:
  - 1. All satellite dish antenna, television antenna, amateur radio antennas and other similar structures shall be subject to the following setback requirements:
    - a. All satellite dishes shall be located no closer than ten (10) feet from any side or rear lot lines.
    - b. All antennas and antenna towers shall be located no closer than the height of the tower from any lot line. Antennas and antenna towers greater than ninety (90) feet in height shall require a Special Use Permit.
    - c. Satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard unless there is no other placement suitable for acceptable reception.
    - d. Satellite dishes may be placed or mounted on poles, however, they shall be subject to building height limitations.
- B. Telecommunication towers and antennas shall be subject to the regulations of the districts in which they are allowed in addition to the following:
  - 1. All towers, tower structures, poles for holding telecommunication antennas, and other like structures require zoning and building permits.
  - 2. All towers and antennas must meet applicable state and federal regulations.
  - 3. All towers shall be designed to accommodate co-location of antennas by additional users.
  - 4. Tower height shall be limited to 199 feet.
  - 5. No tower shall be closer to any boundary of the lot on which it is sited than its height.
  - 6. Towers shall be separated from one another in accordance with the following table:

**Table 1: Separation distances between towers (feet)**

	Lattice	Guyed	Monopole Greater Than 75 Ft in Height	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole Greater Than 75 Ft in Height	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

7. Towers shall be of galvanized steel or be painted to blend with the surrounding environment.
8. No advertising or signage of any kind shall be attached to a tower or its appurtenant structures.
9. No lighting of any kind shall be allowed on or to illuminate a tower or its appurtenant structures except that required by FAA requirements.
10. Plantings and fencing are required to screen a tower and its appurtenant structures from public view as much as possible. Native trees and other vegetation may be retained on site and landscaping installed to achieve this objective.
11. An applicant for the installation of a telecommunication tower shall provide the Township a statement explaining the necessity for such a proposed tower.
12. The owner of any tower installed in the Township shall provide a Certificate of Insurance listing Turner Township as an additional insured party.
13. The Township may require the owner of any tower installed in the Township to provide a bond or performance guarantee that will ensure the removal of its tower and all appurtenance structures and equipment if its use shall be discontinued for more than 365 consecutive days.
14. The Township may retain a qualified expert to aid in its review of an applicant's request; the expense of this review shall be borne by the applicant.

#### **SECTION 4.13 ROAD ACCESS REQUIREMENTS**

- A. Every lot shall have access to a public road by either abutting a public road or access by way of private road and/or driveway to a public road.
- B. A new road to an existing public road shall be allowed no closer than three hundred fifty (350) feet from another existing or proposed public or private road or driveway. If the lot and driveway configurations existing prior to the date of adoption of this Ordinance preclude this action, or the lay of the land is such that meeting this requirement would create an unsafe or non-functional condition, the Zoning Administrator shall approve the location for a new proposed driveway which will meet the required distance as closely as possible.
- C. Driveways providing access to two (2) dwellings shall allow for unobstructed passage for a minimum width of thirty-three (33) feet.

#### **SECTION 4.14 PRIVATE ROAD STANDARDS**

Landowners installing a private roadway for three (3) or more dwellings shall meet the following standards:

- A. Road construction details shall be provided as part of a site plan review in accordance with the requirements of Chapter 9 Development Site Plan Review. Review and approval of a private road will be based upon at minimum:
  1. The number of parcels to be served;
  2. How the proposed road will fit into the thoroughfare system of the township and county;
  3. The topography and design of the development.

The Township may hire or require an analysis by a qualified engineer or other traffic expert at the

applicant's expense to aid in its review. If reasonable standards for road design and construction cannot be agreed upon, Arenac County standards for subdivision plat development shall be required.

- B. The edge of the travelway or paved portion of the road shall be a minimum of six (6) feet from the property boundary unless it is a shared driveway. The Planning Commission may require a greater distance if surrounding uses indicate a greater distance necessary to separate existing or future incompatible uses.
- C. All dead end roads shall terminate in a cul-de-sac with at least a forty-eight (48) foot radius or a T-shaped or hammer-head turn-around sufficient for emergency vehicle turn-around.
- D. Roads shall be named and names shall be approved by the County Road Commission and County Emergency Management Authority. Road signs shall be installed and maintained. Where stop signs or other traffic regulations signs are indicated, they shall conform to uniform traffic sign size, shape, color and installation.
- E. The Township may require installation of a private road, and the posting of a sufficient bond for construction thereof, before zoning or building permits are issued.
- F. As-built drawings of installed roads certified by a registered engineer shall be supplied to the Township upon completion of road construction.
- G. A copy of the maintenance agreement providing for safe travel on the road at all times, which shall be a deed-recorded covenant for all parcels to be served by a private road, shall be provided to the Township.
- H. Landowners creating private roads shall provide the Township with a recorded easement, master deed, or plat containing the said private road(s) and an affidavit that:
  - 1. the road(s) to be constructed shall never become public roads, unless brought to the Arenac County Road Commission standards in effect at the time of application and are accepted by the Road Commission, and
  - 2. that these landowners shall indemnify and hold harmless the Township and its representatives from any and all claims for personal injury or property damage arising from the use of the private road(s). This recorded affidavit shall become a deed restriction of all parcels to which the proposed road will provide access and shall be disclosed at the time of sale or transfer of any parcel.

#### SECTION 4.15 TEMPORARY OUTDOOR EVENT USES

Temporary outdoor event uses may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any others require a review by the Planning Commission and may require an approved site plan at the Commission's discretion in accordance with Chapter 9.

A zoning permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by an event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

#### SECTION 4.16 PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a zoning permit and building or grading permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one year after the date the permit was issued.

#### SECTION 4.17 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, or industrial waste. All such installations and facilities shall conform with the requirements of the District Health Department and applicable state agencies and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit shall demonstrate the availability of potable water and public sewer connections or adequate space for septic fields with appropriate reserve areas and setbacks specific to site conditions. In no case shall a septic field be closer than ten (10) feet to a lot line.

#### SECTION 4.18 CORNER LOTS

Lots or parcels which have frontage on two (2) or more streets shall be subject to the following (refer to Figure 3):

- A. All yards having frontage on a street shall be considered front yards for the purposes of satisfying dimensional requirements.
- B. The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.

**Figure 3**

### **CORNER LOTS**



### **SECTION 4.19 LANDSCAPING, SCREENING, BUFFERS AND FENCING**

- A. The intent of this Section is to promote the public health, safety, and general welfare by:
  1. Minimizing the nuisances that new development may cause, including additional noise, air and water pollution, and the destruction of scenic views.
  2. Improving the appearance of off-street parking and other vehicular use areas.
  3. Requiring buffering between incompatible land uses.
  4. Regulating the appearance of property abutting the public rights-of-way.
  5. Protecting and preserving the appearance, character and value of the community and its neighborhoods.
  6. Preventing soil erosion and soil depletion.
  7. Promoting soil water absorption.

Sizes and amounts of landscaping and plant types shall be dependent upon what is already present in the area and landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set forth in this Section, and other applicable sections of this Ordinance, but plantings covering a minimum of twenty (20%) percent of any site shall be used as a guideline.

- B. The following standards shall be followed:
  1. Additional landscaping shall be added to the retained natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
  2. Except in urban areas where more exacting conditions may require selection of more specific and hardy species, plant materials shall be used that complement the natural landscape. Minimum required plant material sizes shall be as follows: evergreen trees, six (6) feet in height; deciduous trees, two (2) inch caliper; shrubs, three (3) gallon pot or 18-24" in height and width.
  3. Ground cover shall be primarily of living materials.
  4. Areas that are intended to be planted shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.
  5. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.
- C. The Township may retain a qualified expert to aid in reviewing landscaping requirements. The expense of a

review shall be borne by the applicant.

#### SECTION 4.20 SUBDIVISIONS, LAND DIVISIONS, AND SITE CONDOMINIUM DEVELOPMENTS

Subdivisions, land divisions, and site condominium developments are reviewed and permitted as Planned Developments in any district where planned developments are allowed subject to the standards and conditions of Section 5.8 of this Ordinance.

#### SECTION 4.21 MOBILE HOME SITUATED OUTSIDE A PARK REGULATED BY THE MICHIGAN MANUFACTURED HOUSING COMMISSION AND MANUFACTURED HOMES

- A. No mobile home or manufactured home shall be located within Turner Township unless the mobile home or manufactured home:
  - 1. complies with U.S. Department of Housing and Urban Development standards or current township and/or county building codes; and, if not a new structure,
  - 2. the dwelling or structure has been examined and passed inspection by a licensed home or building inspector. A bonafide inspection certification shall be provided before a zoning permit is issued;
  - 3. meets all other requirements as set forth in this ordinance for dwellings or structures.

#### SECTION 4.22 NON-COMMERCIAL SOLAR PANEL INSTALLATIONS

Small, proprietor solar energy systems shall be allowed in all districts subject to Development Site Plan Review. These systems are generally roof or ground mounted. Installations are subject to the following requirements:

- A. Ground mounted panels are limited to 20' in height.
- B. The installations shall follow district setbacks.

#### SECTION 4.23 KEEPING OF ANIMALS

- A. Livestock, animals, or fowl, other than customary household pets, are allowed in all districts. The parcel size required is one and one half (1 ½) acres for large animals, and one (1) acre for small animals or fowl. Any structure housing livestock, animals, or fowl, other than customary household pets shall be at least ten (10) feet from any lot line.
- B. The keeping of more than four (4) dogs, six (6) months or older, may be permitted on any lot provided all of the following conditions are met.
  - 1. The size of the lot in question is at least three (3) acres.
  - 2. The animals are housed at least fifty (50) feet from any adjoining property line.
  - 3. A kennel permit is obtained from the office of the Arenac County Animal Control Department.
- C. Predatory animals shall not be kept as pets in any district in the Township.
- D. Animals shall be licensed according to County and State regulations.



## **CHAPTER 5 DISTRICT REGULATIONS**

### **SECTION 5.1 INTENT AND PURPOSE**

For the purposes of this Ordinance, all land within Turner Township, excepting the roadways and alleys, is divided into the following Zoning Districts:

AR	Agricultural / Rural Residential District
C	Commercial

For the specific regulations and requirements of each of the districts listed above, refer to Sections 5.5 - 5.7. Section 5.10 allows for and regulates Planned Developments (PD) within the above districts.

### **SECTION 5.2 OFFICIAL ZONING MAP**

The boundaries of zoning districts are defined and established as shown on a map entitled the Turner Township Zoning Map. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept by the Township Clerk and shall be maintained by the Zoning Administrator.

### **SECTION 5.3 INTERPRETATION OF BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries shown following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries shown approximately parallel to the centerline of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

### **SECTION 5.4 CLASSIFICATION OF USES NOT LISTED**

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Chapter 11. Said use shall be treated in a like manner with comparable uses, as determined by the Zoning Board of Appeals, and regulated in accordance with the District Regulations found in the appropriate Zoning District.

## **SECTION 5.5 AGRICULTURAL / RURAL RESIDENTIAL DISTRICT ( AR )**

The purpose and intent of the Agricultural / Rural Residential District is to provide areas for commercial agricultural and farming operations, as well as residences and residential uses. This district is established to conserve and protect agricultural lands as an ecologically and economically valued resource by preventing the encroachment of urban land uses in predominantly agricultural areas where geographic and social conditions favor continued agricultural production. A range of farming activities shall be permitted in this zone in order to foster the continuation of agriculture in the Township.

### **SECTION 5.5.1 PERMITTED PRINCIPAL USES**

In the Agricultural / Rural Residential District, no building, structure, land or water use shall be permitted except for one or more of the following:

- A. All historically practiced general agricultural uses. (Large scale livestock enterprises see “Conditional Uses.”)
- B. Farm dwellings, accessory buildings, farm labor housing:
  - 1. More than one farm dwelling shall not be permitted unless substantial evidence is provided that shows that the additional farm dwelling is necessary for the operation of the commercial farm. In

making the determination whether the additional farm dwelling is necessary for the farm operation, the Zoning Administrator shall take into consideration whether any non-farm dwellings already exist on the farm that may be used for that purpose. Migrant housing shall be allowed in accordance with state regulations.

2. A dwelling may be considered to be in conjunction with farm use or the propagation or harvesting of a forest product when located on a lot or parcel that is managed as part of a farm operation or woodlot. A separate parcel of one-half acre or larger must be created for a new dwelling unit.
  3. Farm buildings, farms, or equipment storage structures may be the principal structures on a farm parcel.
- C. Single-family dwellings, including “tiny houses.”
  - D. Churches and other religious institutions.
  - E. State Licensed residential facilities and family childcare homes, but not adult foster care homes.
  - F. Home Occupations (see Section 5.5.5).
  - G. Planned Developments (see Section 5.8).
  - H. Camping.

#### SECTION 5.5.2 CONDITIONAL USES

- A. The following uses are permitted in this district upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9 and are subject to lot, building and other requirements of Section 5.5. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or surrounding properties:

Large scale livestock enterprises.  
Agricultural research and development facilities, public and private.  
Agricultural businesses.  
Adult foster care homes.  
Group childcare homes.  
Schools and day care operations.  
Bed and breakfast establishments.  
Inn, Boarding or Lodging Houses  
Slaughterhouses.  
Salvage yards.  
Riding stables.  
Kennels.  
Cemeteries.  
Sand and gravel mining operations.  
Public or private outdoor recreation or park facilities.  
Sawmills and other forestry related businesses.  
Small contractors and builders establishments.  
Telecommunication towers and antennas (see Section 4.11).  
Two-family dwellings.  
Outdoor Advertising Structures (see Chapter 7).  
Short Term Rentals  
Marijuana Uses:

MMFLA Medical and MRTMA Adult-Use Marijuana Grower. Indoor & Outdoor.  
MMFLA Medical and MRTMA Adult-Use Marijuana Processor.  
MMFLA Medical and MRTMA Adult-Use Marijuana Secure Transporter.  
MMFLA Medical and MRTMA Adult-Use Marijuana Safety Compliance Facility.  
MMFLA Medical Provisioning Center and MRTMA Adult-Use Retailer.  
MRTMA Microbusiness.  
MRTMA Excess Marijuana Grower.  
(see Chapter 8)

Public Utility Facilities and Wind Conversion Systems (see Chapter 8)  
Solar Energy Facilities (see Chapter 8)

- B. A roadside stand for the sale of agricultural products, provided that:
  - 1. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
  - 2. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary house trailer or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member during the period of convalescence or debility, provided that:
  - 1. The trailer house will be removed within eighteen (18) months or as soon as the original reason for the temporary dwelling has ceased whichever comes first;
  - 2. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for an additional one year.
  - 3. The trailer will be connected to an approved well and septic system—a separate septic system is required for each dwelling unit and no more than two dwelling units per well; and,
  - 4. Will be anchored securely and properly and will follow all other applicable township, county, state, and federal regulations.

### SECTION 5.5.3 DEVELOPMENT STANDARDS

- A. Minimum farm parcel size: Ten (10) acres, or as specified in a project for which a Special Use Permit has been secured.

	<u>Farm Buildings</u>	<u>Commercial or other non-farm Structures</u>
Minimum frontage	330 feet	330 feet
Minimum front setback	50 feet	50 feet from road R.O.W.
Minimum side setback	50 feet	50 feet
Minimum rear setback	50 feet	50 feet
Maximum height	95 feet	40 feet

- B. Residential development shall be permitted within these areas by designing a Planned Development in accordance with Section 5.8 of this Ordinance, with an underlying allowable dwelling unit density of one (1) dwelling unit per one-half (½) acre and a minimum of sixty-five (65%) percent permanently preserved unbuilt open space. Minimum project area twenty (20) acres.
- C. Metes-and-Bounds or platted lots for residential uses on non-productive farmland shall meet the following standards:

Minimum parcel size	½ acre
Minimum frontage	100 feet
Minimum front setback	50 feet from road R.O.W.
Minimum side setback	25 feet
Minimum rear setback	25 feet
Maximum height	35 feet

Flag lots may be created by Planning Commission action: driveway leg must have a minimum access of thirty-three (33) feet of frontage on a public road.

### SECTION 5.5.4 PERFORMANCE STANDARDS

- A. Farming and approved ancillary activities shall be carried out conscious of neighboring uses. Wherever feasible and justifiable, buffers of hedgerows, tree lots or other barriers should be maintained between different districts and uses to minimize conflicts. Michigan Department of Agriculture “Generally Accepted Management Practices” (GAMPS) shall be used to determine whether a new use may be sited as proposed. Setbacks prescribed in the GAMPS shall be used to assess the distances needed by a new use from existing residences and other uses.
- B. Variances for farm lot size may be granted by the Zoning Board of Appeals if applicant can prove the desired agricultural operation is a bonafide commercial agricultural operation.

- C. To the greatest degree practicable, land divisions, including single lot splits, must be designed to protect and preserve natural resources, productive farmland, and the culture and character of the area.
- D. Within all setbacks, landscape plantings shall be required by residential developments to buffer them from adjacent agricultural, or potential agricultural operations, and to retain the rural character of the area.
- E. All residential developments, or residential plots, units or parcels, and any other non-farm use within this district shall be devised with the understanding that agricultural operations are the primary use of this district and therefore layouts for residences and other non-farm uses shall be designed in such a manner as to protect farming and other agricultural operations from interference and nuisances.

#### **SECTION 5.5.5 ACCESSORY STRUCTURES AND USES**

Any use or structure customarily incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures shall generally be located in side or rear yards. Accessory structures may be used for home occupations as prescribed by this Ordinance and shall meet all District Health Department regulations.

- Commercial Cargo Containers (see Section 4.8)
- Secondary Dwellings (see Section 5.5.1c)
- Non-commercial Solar Panel Installations (see Section 4.22)

#### **SECTION 5.5.6 MISCELLANEOUS REGULATIONS**

The keeping of horses, ponies and other livestock is allowed on residential parcels of two (2) acres or larger within this district. No manure piles or other debris shall be kept within fifty (50) feet of any lot line.

- General Provisions as permitted in Chapter 4.
- Parking as permitted in Chapter 6.
- Signs as permitted in Chapter 7.

### **SECTION 5.6 COMMERCIAL DISTRICT ( C )**

The purpose of this district is to encourage the development of general retail, and service businesses. All proposed commercial businesses shall submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

#### **SECTION 5.6.1 PERMITTED PRINCIPAL USES**

- General retail and service businesses.
- Restaurants and taverns.
- Motels.
- Drive-through businesses.
- Motor vehicle service operations.
- Telecommunication towers and antennas (see Section 4.11).
- Storage facilities.
- Contractors and builders establishments.
- Commercial recreation.
- Agricultural operations.
- Single family, two family, and multifamily dwellings
- Short-term rentals.
- Planned developments.
- Home Occupations.

#### **SECTION 5.6.2 CONDITIONAL USES**

The following uses require a Special Use Permit in accordance with Chapter 8 of this Ordinance.

- Light manufacturing operations.
- Outdoor advertising structures.
- Marijuana Uses:

MMFLA Medical and MRTMA Adult-Use Marijuana Grower. Indoor & Outdoor  
 MMFLA Medical and MRTMA Adult-Use Marijuana Processor.  
 MMFLA Medical and MRTMA Adult-Use Marijuana Secure Transporter.  
 MMFLA Medical and MRTMA Adult-Use Marijuana Safety Compliance Facility.  
 MMFLA Medical Provisioning Center and MRTMA Adult-Use Retailer.  
 MRTMA Microbusiness.  
 MRTMA Excess Marijuana Grower.  
 (see Chapter 8)

Public Utility Facilities & Wind Conversion Systems (see Chapter 8).  
 Solar Energy Facilities (see Chapter 8).

### SECTION 5.6.3 DEVELOPMENT STANDARDS

Minimum lot area	25,000 square feet
Minimum frontage	100 feet
Minimum front setback	50 feet from road R.O.W.
Minimum side setback	35 feet
Minimum rear setback	30 feet
Maximum height	45 feet

### SECTION 5.6.4 PERFORMANCE STANDARDS

- A. Provision of adequate public services is necessary for large, intensive uses.
- B. Ingress and egress drives shall be kept to a minimum, and where appropriate, service drives shall connect businesses. Flare or turning lanes may be required at highway entries.
- C. Buffers and proper drainage devices shall be provided.
- D. All storage shall be within a structure or screened from public view.
- E. Commercial businesses adjacent to residences shall provide an opaque screen (landscaping, fencing, or berms) at the property boundaries and carry on no activities within a rear or side yard adjacent to a residence.

### SECTION 5.6.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right in accordance with site plan approval and must be located in side or rear yards.

Non-commercial Solar Panel Installations (see **Section 4.22**)

### SECTION 5.6.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

### SECTION 5.7 TABLE OF DIMENSIONAL REQUIREMENTS

ZONING DISTRICT		MINIMUM LOT AREA	MINIMUM FRONTAGE REQUIREMENT (FEET)	MINIMUM FRONT YARD SETBACK (FEET) <sup>4</sup>	MINIMUM SIDE YARD SETBACK (FEET)	MINIMUM REAR YARD SETBACK (FEET)	MAXIMUM STRUCTURE HEIGHT <sup>2</sup> (FEET)
<b>AR</b>	FARM	10 acres <sup>1</sup>	330	50	50	50	95
	COMMERCIAL	1 acres <sup>1</sup>	100	50	50	50	40
	RESIDENTIAL	1 acre <sup>3</sup>	200	50	25	25	35
<b>C</b>		25,000 sq ft	100	50	35	30	45

<sup>1</sup>Parcel size variations may be granted by Planning Commission as part of a Special Use Permit.

<sup>2</sup>Telecommunication tower and antenna heights are governed by Section 4.11.

<sup>3</sup>For specific dwelling unit parcels, see Section 5.5.

<sup>4</sup>From road right-of-way.

## **SECTION 5.8 PLANNED DEVELOPMENTS (PD)**

### **SECTION 5.8.1 PURPOSE**

Planned Development regulations furnish a beneficial and productive means to design site plans within areas designated in the Master Plan for housing, commercial, or special purpose developments. These regulations, while adhering to the underlying densities specified in the various districts of the zoning ordinance, provide for better design and planning of land uses by making the geography, the history and culture, and the ecology of the area the standards and determinants of that design rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land, while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

Projects approved hereunder shall be designated (PD) Planned Development.

### **SECTION 5.8.2 PERMITTED AND CONDITIONAL USES**

- A. Planned Developments, when approved by the Township Board pursuant to this Ordinance, shall constitute an overlay district. As an overlay district, the portions of this Section 5.8 and the conditions, if any, placed on the Planned Development by the Township Board shall apply and control over conflicting provisions in the underlying zoning district.

All legal methods of land subdivision may be used in the design of a Planned Development. All pertinent regulations addressed elsewhere in the zoning ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, mobile home parks, and land divisions shall be administered and reviewed under this Section.

- B. Permitted and conditional uses of the property prior to PD zone designation as uses compatible with surrounding zoning districts.

### **SECTION 5.8.3 TABLE OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENTS**

<b>ZONING DISTRICT</b>	<b>MINIMUM PROJECT AREA</b>	<b>MINIMUM CONTINUOUS PROJECT FRONTAGE<sup>1</sup></b>	<b>MAX. DU/ DEVELOPABLE ACREAGE</b>	<b>REQUIRED PERCENT OF PROJECT AS OPEN SPACE<sup>2</sup></b>	<b>AREA, YARD AND OTHER REQUIREMENTS<sup>3</sup></b>
<b>AGRICULTURE / RURAL RESIDENTIAL</b>	20 acres	110 feet	1 d.u./ 1 acre	65%	See Section 5.7
<b>COMMERCIAL</b>	2 acres	300 feet	Varies by types of uses	25%	5.7

<sup>1</sup> On a county or state highway.

<sup>2</sup> Public or private easements, rights-of-way, drives, streets or alleys, parking areas or required lots shall not be counted as part of required open space.

<sup>3</sup> Standards set forth in Section 5.9 shall be used as guides to development design; modifications shall be reviewed and approved based upon standards of this chapter.

<sup>4</sup> d.u. is a Dwelling Unit

### **SECTION 5.8.4 DIMENSIONAL REQUIREMENTS**

- A. See Section 5.8.3, above, and Section 5.9.
- B. "Open space" as used in this section shall be defined as land areas that are open and unbuilt and permanently preserved as such by easement or other means suitable to the Township Board. It may include recreational facilities and structures.

#### SECTION 5.8.5 PERFORMANCE STANDARDS

The following development requirements shall apply to all Planned Developments:

- A. The Planned Developments should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
- B. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat, and to prevent erosion and control drainage. Open space let in its natural state shall be kept free of litter. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.
- C. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total development.
- D. All or any part of designated open space shall be reserved for use in common by the owners or residents of the Planned Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, require that open space easements be conveyed to the Township or to another responsible entity.
- E. All public streets within or abutting the proposed Planned Development shall be improved to Township and County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be maintained for their intended purposes by the development's landowners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
- F. Planned Developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded area, rough terrain, and similar natural features and areas.
- G. All utilities within a Planned Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.
- H. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
- I. A property owners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
- J. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Development shall be granted final approval until all necessary approvals are obtained.
- K. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including construction of roads, utilities, dwellings and amenities--all the major components of the project. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.

#### SECTION 5.8.6 ACCESSORY STRUCTURES AND USES

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

## SECTION 5.8.7 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 4.

Parking as permitted in Chapter 6.

Signage as permitted in Chapter 7.

## SECTION 5.8.8 CONCEPTUAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

- A. Twelve (12) copies of a conceptual development plan encompassing all phases of the proposed PD, prepared at a scale not one (1) inch equals one hundred (100) feet, containing the following information:
  - 1. Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
  - 2. Zoning and use of all adjoining properties.
  - 3. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
  - 4. Existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
  - 5. Existing site elevation contours at a minimum of twenty (20) foot intervals.
  - 6. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary and existing wetlands.
  - 7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
  - 8. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Development zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the Planned Development and the acreage allotted to each use.
  - 9. Locations of proposed access driveways and parking areas.
  - 10. If multi-phase development is proposed, identify areas included in each proposed phase.
- B. A legal description of the land to be included in the Planned Development.
- C. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five-hundred (500) feet of the Planned Development.
- D. A narrative statement describing the overall objectives of the Planned Development.
- E. A complete application on a form supplied by the Township.
- F. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Development project review.

## SECTION 5.8.9 PLANNING COMMISSION REVIEW OF CONCEPTUAL DEVELOPMENT PLAN

- A. The Planning Commission shall review the conceptual development plan at a public meeting. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a Planned Development contained in this section and based upon the intent of the Ordinance. The recommendation of the Planning Commission shall be transmitted in written form to the Township Board and a copy of the recommendations transmitted to the applicant.
- B. In the course of its review of a conceptual development plan for a Planned Development, the Planning Commission shall notify adjoining property owners within three hundred (300) feet of the property to provide an opportunity for public comment on the proposed Planned Development.
- C. Review Procedure:
  - 1. The Planning Commission shall review the conceptual site plan to ensure that:
    - a. The uses, buildings, and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
    - b. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the conceptual site plan.
    - c. That the plan meets the applicable development and performance standards of this section and of the district in which it is proposed to be situated.
  - 2. Based on the findings of its review, the Planning Commission shall do one of the following:
    - a. Grant conceptual site plan approval.



- b. Grant conceptual site plan approval subject to conditions and the submission of a revised site plan.
- c. Reject the conceptual site plan, stating the specific reasons for the rejection.

#### SECTION 5.8.10 APPLICATIONS FOR REZONING

Once the Planning Commission has granted concept development plan approval subject to conditions, an application for Planned Development zoning may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

#### SECTION 5.8.11 SITE PLAN REVIEW REQUIRED

Either concurrent with the application for rezoning or upon rezoning approval, the applicant must apply for development site plan approval in accordance with Chapter 9. Prior to any new construction, site plan approval must be obtained.

In addition to the information required for development site plan approval, the applicant shall submit, where relevant, the following:

- A. Lot lines and building pads.
- B. Details of proposed project lighting.
- C. A copy of all of the following that are applicable: proposed deed restrictions, covenants, condominium or landowner association documents.
- D. Summary data schedules:
  - 1. Number and sizes of proposed units, including accessory or ancillary structures.
  - 2. Area and percentage of building site coverage.
  - 3. Area and percentage of impervious surface coverage.
  - 4. Area and percentage of open, undeveloped space.
  - 5. Parking space calculations, if applicable.

#### SECTION 5.8.12 CHANGES TO AN APPROVED PLANNED DEVELOPMENT

- A. No changes to an approved development plan for a Planned Development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval, with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5%) percent, shall be processed in the same manner as an application for approval of a Development Site Plan, as specified in Chapter 9.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

#### SECTION 5.8.13 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved Planned Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Planned Development by the Township Board.
- B. The owner or applicant of the Planned Development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
  - 1. The Planned Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
  - 2. The Planned Development is likely to commence and to be completed.
- C. If the Planned Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one permitted extension thereof, then the Planned Development approval shall automatically become invalid and void.

## CHAPTER 6 PARKING

### SECTION 6.1 INTENT AND PURPOSE

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

### SECTION 6.2 ADEQUATE OFF-STREET PARKING

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a county street or an approved private street, service drive, or alley. Street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of Development Site Plan Review, Chapter 9.

### SECTION 6.3 TABLE OF OFF-STREET PARKING RECOMMENDATIONS

The following table provides a guide for surfaced parking areas. The total parking recommended is the sum of spaces for all land uses proposed on the site, plus employee parking, as outlined by table.

<u>Land Use</u>	<u># Spaces</u>	<u>Per Activity Unit</u>
Mobile Home Park	2	Dwelling Unit
Senior Citizen Housing	1	Dwelling Unit
Day Nursery	1	4 Children, per License
Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
Retail, Office, Service, Financial	1	250 sq. ft. of Public Area
Vehicle Sales	1	800 sq. ft. of Public Area
Vehicle Service/Wash, Gas Station	3	Wash, Stall or Fuel Pump
Truck Stop	5*	Fuel Pump (12' x 70' / truck)
Barber Shop or Beauty Salon	1	Chair
Bar or Restaurant (Not Drive-In)	1	2 Seats
Drive-In or Drive-Thru Restaurant	1	200 sq. ft. Gross Floor Area
Hotel, Motel, Bed & Breakfast	1	Guest Room
Meeting Hall, Skating Rink, Community Center, Gymnasium, Auditorium	1	3 Persons Allowed in Bldg. based on Fire Code
Bowling Alley	4	Lane
Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
Church, Theater, Arena,	1	2 Seats or 4 feet of Bench or Pew
Grade School	1	10 Students
High School	1	5 Students
College, Technical School	1	3 Students
<u>Land Use</u>	<u># Spaces</u>	<u>Per Activity Unit</u>
Hospital, Visitor Parking	1	3 Beds
Hospital, Doctors Parking	1	2 Medical Staff Members
Nursing Home	1	6 Beds
Library, Museum, Gallery, Post Office	1	800 sq. ft. Gross Floor Area
Private Club	1	2 Member Families
Any Employment Site	1	Employee at Peak Shift

\*Spaces should be sized as noted.

Where an applicant can substantiate a different parking need than those indicated above, upon submittal of convincing written evidence to the Planning Commission, a deviation may be allowed. Unpaved parking areas may be allowed to handle special events or high non-routine parking requirements. These areas, though, must have a properly stabilized subsoil and meet regular landscape requirements.

#### SECTION 6.4 USES NOT LISTED

The Zoning Administrator and Planning Commission shall determine the number of parking spaces required for all uses, including those not listed in the table above. If the use is not listed, the Zoning Administrator and for Planning Commission shall determine the number of required spaces based on a comparison of the proposed use and a similar use that is listed in the Table of Off-Street Parking Recommendations. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

#### SECTION 6.5 BUILDING, STRUCTURE, OR USE EXPANSIONS OR ADDITIONS

Additional parking shall be provided for any increase in floor area, change in use, addition, or expansion of a building or site.

#### SECTION 6.6 JOINT PARKING

The use and construction of shared parking is encouraged and allowed when it can be demonstrated that the parking requirements of this Chapter can be met. In no event, shall any parking space be used to meet the minimum parking requirements for more than one use.

#### SECTION 6.7 OFF-STREET PARKING AREA CONSTRUCTION REQUIREMENTS

- A. The off-street parking areas shall be surfaced with a durable material that shall be graded to drain and dispose of storm water.
- B. Storm water collection, drainage and retention structures meeting all requirements of the Arenac County Road Commission and the Arenac County Drain Commissioner shall be installed for all off-street parking areas.
- C. Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
  - 1. Each driveway lane shall be a minimum of nine (9) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
  - 2. A driveway shall intersect the abutting street at a ninety (90°) degree angle.
  - 3. Aisles shall be at least eighteen (18) feet wide.
- D. Each parcel shall have no more than one (1) driveway entrance and exit opening to an abutting public thoroughfare for each three hundred fifty (350) feet of frontage, or fraction thereof. Where more than one (1) driveway is allowed because of an existing driveway, it will be as far as possible from the nearest driveway(s), except in high density area. No parking lot driveway shall be located closer than ten (10) feet from a neighboring property line.
- E. All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is directed toward the ground and is not directed toward a public thoroughfare or adjacent properties.
- F. Parking and loading areas in general shall be located beside or behind structures, but in no case closer than fifty (50) feet from any road right-of-way and shall not be located any closer than ten (10) feet from any lot line.
- G. Any parking area larger than ten (10) spaces shall have a visual screen not less than four (4) feet high between the parking area and adjacent property zoned for residential uses.
- H. A zoning permit shall be required for construction of any parking lot.

## CHAPTER 7 SIGNS

### SECTION 7.1 INTENT AND PURPOSE

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Turner Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors
- Reduce hazardous distractions to motorists and pedestrians
- Protect commercial districts from visual clutter and ugliness
- Protect property values
- Protect the rural character and natural beauty of the Township.

### SECTION 7.2 DEFINITIONS

**Sign** - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building, structure, or lot, and which directs attention to an object, project, service, activity, person, institution, organization, or business.

**Sign Area** - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one face of a sign shall be used.

**Building Sign** - A sign attached to a building as either a wall sign, projecting sign, awning sign, window or canopy sign. No sign shall be placed above the roof line (refer to Figure 4).

**Directional Sign** - A sign directing vehicular or pedestrian traffic or parking but bearing no advertising matter except for the logo of the business for which the directional signs are associated.

**Freestanding Sign** - A sign supported by one or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs.

**Illuminated Sign** - Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection.

**Outdoor Advertising Structure** - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

**Portable Sign** - Any sign so constructed to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.

### SECTION 7.3 SIGN REGULATIONS

The following regulations shall apply to on-premises signs:

- A. Unless a sign is exempt from permit requirements as specified in Section 7.3.B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign. Outdoor advertising structures require a Special Use Permit in accordance with Chapter 8.
- B. Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:
  - 1. One (1) temporary construction sign shall be permitted for a construction project, not to exceed thirty-two (32) square feet in area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.

2. On-premise directional signs, not to exceed six (6) square feet in area per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.
  3. Public signs or notices of Turner Township, Arenac County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
  4. Real estate signs not exceeding six (6) square feet of display area per side shall be permitted. These signs must be removed within thirty (30) days of the sale of the property upon which they are placed.
  5. One (1) nameplate sign per premises not to exceed six (6) square feet shall be permitted.
  6. Garage or yard sale signs may be installed twenty-four (24) hours in advance of sale and shall be removed within twenty-four (24) hours after the sale.
- C. Outdoor advertising structures are permitted in the Commercial District, only with the following conditions:
1. Special use requirements shall be followed (see Chapter 8).
  2. Minimum setback from any highway - 100 feet or in line with existing outdoor advertising structures.
  3. Minimum spacing between advertising structures 5,280 feet measured along a line parallel to the right-of-way of the highway upon which the structure may be located. [This measurement is to be between signs on the same (or opposite) side of the highway.]
  4. Maximum sign size - 300 square feet in surface display area per side.
  5. Maximum sign height - 50 feet
- D. Any sign not specifically permitted is prohibited, but the Zoning Board of Appeals shall have the authority to classify other signs not specifically permitted.
- E. General Sign Standards:
1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent highways. The source of any illumination shall not be visible beyond the property lines of the parcel upon which the advertising structure is located.
  2. All signs shall be subject to the Building and Safety Codes of Turner Township.
  3. All signs shall be setback a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Ordinance.
  4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted signs shall not exceed eight (8) feet in height.
  5. Freestanding signs shall have a minimum clearance of eight (8) feet between the ground surface and lowest point of the sign.
  6. No signs shall be placed in required clear vision areas.
  7. New signs in areas that have many existing signs shall be placed in line with existing signs as much as possible while attempting to adhere to required setbacks.
  8. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.
- F. Sign Size and Height:
1. On premise freestanding signs shall not exceed forty-eight (48) square feet total face size.
  2. On premise freestanding signs shall not exceed fourteen (14) feet total in height.
  3. Township commercial establishments are allowed one freestanding sign.
  4. Township commercial establishments are allowed building signage, including wall, roof, awning, window and canopy signage, for identification and advertisement of goods sold on premises not to exceed ten (10%) percent of one face of the building fronting on the road of access to the building.
  5. Signs for home occupations shall not exceed six (6) square feet.
- G. Temporary signs, a maximum of thirty-two (32) square feet, shall be allowed for special events, subject to Zoning Administrator approval, not to exceed sixty (60) days total in one year.

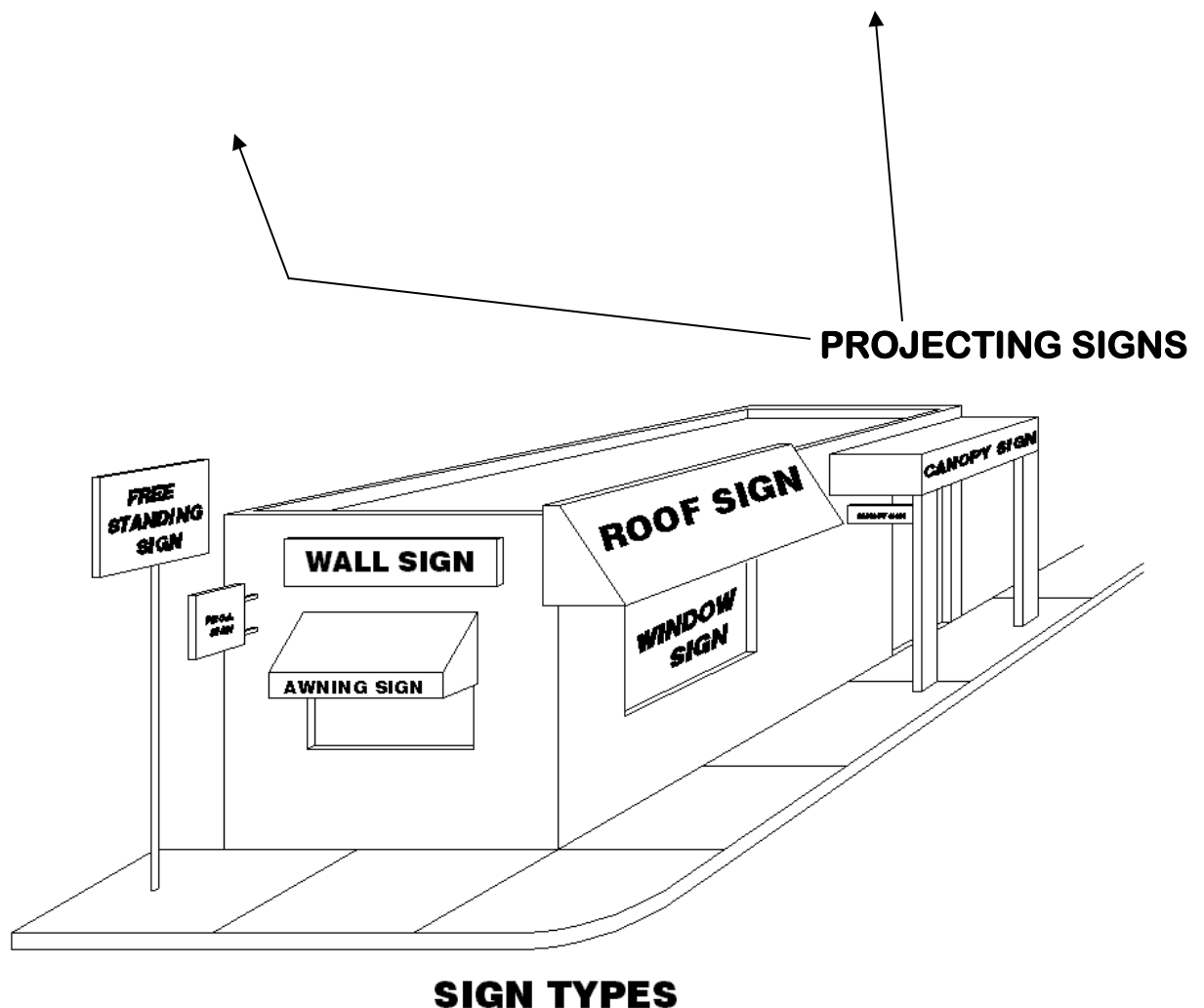
#### SECTION 7.4 NON-CONFORMING SIGNS

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter SHALL NOT:

- A. Be changed to another non-conforming sign.
- B. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

#### SIGN TYPES

**Figure 4**



## **CHAPTER 8 SPECIAL USES**

### **SECTION 8.1 INTENT AND PURPOSE**

Rather than attempting to foresee and regulate all the possible land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for special uses of land or structures that allows latitude for a landowner or developer, and, at the same time, maintains sound provisions for the protection of the health, safety, and general welfare of Township inhabitants. Such uses may be authorized within certain zoning districts through the issuance of a Special Use Permit as provided in the 1979 amendments to the Township Zoning Act, Public Act 184 of 1943.

### **SECTION 8.2 PRE-EXISTING USE**

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a special land use. Any expansion or enlargement of the original permissible use, designated now as a special use, must proceed through the special land use process for approval.

### **SECTION 8.3 REVIEWING AUTHORITY**

All applications for Special Use Permits shall be considered by the Planning Commission, hereafter referred to as the "Commission," and a recommendation made to the Township Board. The Township Board shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits. Any appeal shall be filed with the circuit court.

All applications for Special Use Permits shall include the requirements for site plan review in accordance with Chapter 9, for development site plan review and site plan approval by the Planning Commission.

### **SECTION 8.4 APPLICATION AND FEE**

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with seven (7) copies of the application, and seven (7) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application.

### **SECTION 8.5 DATA REQUIRED**

- A. Each application shall include the following information:
  - 1. The name, address, telephone number, and signature of the property owner and applicant;
  - 2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable options on the property, if any;
  - 3. A detailed description of the proposed special use for which the permit is requested;
  - 4. Project schedule and developments plans;
  - 5. A vicinity map with north arrow indicated;
  - 6. Land uses and existing structures on the subject parcel and adjoining parcels within five hundred (500) feet of the subject parcel; and
  - 7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, and existing utilities, and upon the natural environment.
- B. A site plan in accordance with Chapter 9 - Development Site Plan Review.

### **SECTION 8.6 PROCEDURE UPON RECEIPT OF APPLICATION**

Upon receipt of a Special Use Permit application, which is supported by all the data and fees required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable.

The Planning Commission's preliminary consideration shall be to offer preliminary review of the Special Use Permit application. This preliminary review shall not constitute final review necessary for approval. The applicant shall be notified of the time and date of this preliminary consideration. At the meeting wherein preliminary consideration is given, the Planning Commission shall set the time and date for the public hearing on the application unless the applicant agrees to deferral of that public hearing.

- A. Notice Requirements. Notice that a special use application has been received and will be considered by the Commission must be given and shall meet the requirements of Section 10.10 of this Ordinance:
- B. The Planning Commission shall hold a public hearing on the Special Use Permit request.
- C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- D. Following its review of the request, the Planning Commission shall take one of the following actions:
  - 1. To recommend approval of the Special Use Permit to the Township Board if it is found to satisfy the requirements of this Chapter;
  - 2. To place conditions on, and then recommend the Special Use Permit approval with conditions to the Township Board; or
  - 3. To recommend the Township Board not approve the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter, and then forward the recommendation in writing to the Township Board.

#### SECTION 8.7 TOWNSHIP BOARD ACTION

Upon receiving the Commission's written recommendation on the proposed special use, the Township Board shall schedule deliberations on the application at its next regular meeting. The Township Board may hold another public hearing on the matter if requested or at its discretion. Upon examining the application, the recommendation of the Commission, and any other evidence brought before it, the Township Board may take one of the following actions:

- 1. Refer the matter back to the Commission for further deliberations whereupon the Commission will re-examine the evidence and information referred to it by the Township Board and resubmit a recommendation to the Township Board.
- 2. To approve the Special Use Permit if it is found to satisfy the requirements of this Chapter;
- 3. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
- 4. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

#### SECTION 8.8 BASIS FOR DETERMINATION

Before approval of a Special Use Permit, the Township Board shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious in affect and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.
- E. Not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any other harmful affects.
- F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
- G. Will not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, wildlife areas.



- H. Structures, landscaping, or other land uses will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Arenac County Drainage Commissioner requirements.
- I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, area fire departments, Department of Natural Resources and any other applicable township, county, state and federal statutes.

#### SECTION 8.9 CONDITIONS AND SAFEGUARDS

Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall meet the following requirements:

- A. To ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use of activity;
- B. To protect the natural environment and conserve natural resources and energy;
- C. To ensure compatibility with adjacent uses of land;
- D. To promote the use of land in a socially and economically desirable manner;
- E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed special land use or activity under consideration;
- F. To protect the health, safety, welfare, social and economic well-being of Township residents, and parcel owners adjoining the proposed special land use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which operations may occur or during which special land use activities may be carried on;
- G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards;
- H. Be necessary to ensure compliance with any part of the application received and approved by the Township Board.
- I. Be recorded as part of the Special Use Permit.

When requiring conditions for a Special Use Permit, the following findings shall be made and documented as part of the special use review:

- 1. That such requirements and conditions will mitigate negative affects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other harmful effects upon adjoining parcels.
- 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

#### SECTION 8.10 VARIANCES

Where a Special Use Permit is granted conditionally, based upon the necessity for the applicant to obtain a variance, or variances, from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.

#### SECTION 8.11 GRANT OR DENIAL OF THE SPECIAL USE PERMIT

The Township Board may approve, deny, or approve with conditions, a request for Special Use Permit approval. The decision on a Special Use Permit under consideration shall be incorporated in a statement containing the conclusions which form the basis of the decision and any conditions and safeguards imposed. One copy shall be distributed to each of the following: Zoning Administrator, Township Clerk, and the Planning Commission. Only upon approval by the Township Board may a Special Use Permit be issued by the Zoning Administrator.

#### SECTION 8.12 PERMIT EXPIRATION

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void. An unfulfilled Special Use Permit may be renewed for a period of time not to exceed two (2) years.

#### SECTION 8.13 BINDING EFFECT

Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed, unless the Special Use Permit holder obtains a new or amended Special Land Use Permit in accordance with the procedures of this Chapter. Further, such conditions shall run with the land, and shall be binding on the landowner, his successors, heirs and assigns. If at any time during the existence of a permitted special land use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and the permit may be revoked and the previously permitted special use activities shall cease.

#### SECTION 8.14 INSPECTIONS

The Zoning Administrator shall be responsible for the inspection of all conditions imposed by the Special Use Permit and for all improvements required by the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Commission on the progress of each Special Use Permit. He shall notify the Township Board and Commission in writing of any failure on the part of the applicant to meet the requirement of the site plan and Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Township Board may include an amount to cover such inspections.

#### SECTION 8.15 FINANCIAL GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a proposed Special Use Permit has been submitted, the Township Board may require the applicant to:

- A. Deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to: roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, and reclamation.
  1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of any improvements to be made as determined by the applicant and verified by the Township Board.
  2. The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project. No Special Use Permit may be issued before the receipt of all required performance guarantees by the Township Board.
  3. An approved Special Use Permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the permit.
  4. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Township Board shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Township Board, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%) percent of the required improvements are completed as confirmed by the Township Board. If a request is made by the applicant for a temporary certificate of occupancy without completion of the required improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of this Ordinance and the specifications of the approved site plan.
  5. Upon the satisfactory completion of the improvements for which the performance guarantee was

required, the Township Board shall return to the applicant the performance guarantee deposited and any interest earned thereon.

6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to Township administrative costs in completing the improvements, with any balance remaining being refunded to the applicant. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvement exceeds the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

#### SECTION 8.16 OTHER SPECIAL USES

Land and structural uses that are not specified in any other section of this Ordinance, but upon being applied for under the provisions of Chapter 8, may be considered by the Planning Commission and Township Board as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

#### SECTION 8.17 SPECIFIC SPECIAL USE REQUIREMENTS

##### **A. MARIJUANA USES**

1. Uses allowed by Special Use approval in Agricultural / Rural Residential and Commercial Districts:
  - a. MMFLA Medical and MRTMA Adult-Use Marijuana Grower
  - b. MMFLA Medical and MRTMA Adult-Use Marijuana Processor
  - c. MMFLA Medical and MRTMA Adult-Use Marijuana Secure Transporter
  - d. MMFLA Medical and MRTMA Adult-Use Marijuana Safety Compliance Facility
  - e. MMFLA Medical Provisioning Center and MRTMA Adult-Use Retailer
  - f. MRTMA Microbusiness
  - g. MRTMA Excess Marijuana Grower
2. Marijuana Facility and Establishment Requirements:
  - a. A Medical and/or Adult-Use Marijuana Grower, Marijuana Processor, Marijuana Provisioning Center and/or Retailer Establishment, Marijuana Secure Transporter, Marijuana Safety Compliance Facility, Temporary Marijuana Event, and Designated Marijuana Consumption Establishment, in accordance with the provisions of State law, may be permitted through the issuance of a special land use permit pursuant to Article 10 of the Turner Township Zoning Ordinance, in the specified zones, provided that:
    - 1) Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Turner Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Turner Township shall suspend the acceptance of applications for special land use permits pending the resolution of the legal issue in question.
    - 2) At the time of application for the special land use permit, the Marijuana Facility and/or Establishment must be in compliance with the laws of the State of Michigan including, but not limited to, the Michigan Medical Marihuana Act, MCL 333.26421. et seq.; the Medical Marihuana Facilities licensing Act, MCL 333.27101, et seq.; the Marihuana Tracking Act, MCL 333.27901. et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951. et seq.; and all other applicable rules promulgated by the State of Michigan.
    - 3) At the time of application for a special land use permit (SLUP), the Marijuana

Facility and/or Establishment must have the Turner Township permit application concurrently in process with the special land use permit and site plan approval and then must be at all times in compliance with the zoning ordinance of Turner Township.

- 4) A Marijuana Facility and/or Establishment, or activities associated with the licensed growing, processing, testing, sales, or consumption of marijuana may NOT be permitted as a home occupation or accessory use nor may they include accessory uses, except as otherwise provided in this ordinance. Secure Transporters are permitted as home occupations where home occupations are allowed by the Turner Township Zoning Ordinance.
  - 5) Signage requirements for Marijuana Facilities and Establishments: No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any Facility or Establishment, nor be visible from outside the premises. Signage must also comply with Section 4.01 C. of the Turner Township Zoning Ordinance.
  - 6) Security – Medical Marijuana and Adult-Use Permit Holders shall at all times maintain a security system that meets State Law Requirements and shall also include the following.
    - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
    - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
    - c. A locking safe permanently affixed to the permitted premises that shall store all cash remaining in the Permitted Premises when it is not open;
    - d. For usable marihuana - dedicated, separate, locked storage that is hidden from view when the Permitted Premises is not open;
    - e. All marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the facility or Establishment, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the Permitted Premises;
    - f. All security recordings and documentation shall be preserved for a minimum 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
  - 7) All Marihuana Facilities and Establishments, with the exception of Secure Transporters and outdoor growers, must comply with the following requirements to ensure no marihuana odor is detectable at the property line of the permitted premises. As used in this subsection, building means the building, or portion thereof, used for marihuana growing, processing or storage.
    - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
    - c. Negative air pressure shall be maintained inside the building.
    - d. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
    - e. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- b. MMFLA and MRTMA Marihuana Growers shall be subject to the following standards:
- 1) Indoor Grow Facilities and Establishments

- a. Lighting. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from dusk to dawn the following day
- 2) Outdoor Grow Facilities and Establishments are permitted in the Agricultural Zoning District within the Township subject to the following standards:
  - a. The minimum front, rear and side yard setbacks for the growing and cultivation of marihuana plants outdoors shall be 100 feet from the lot line.
  - b. Marihuana plants must be surrounded by an opaque fence at least 8' in height and shall not be visible from the road or adjacent properties.
  - c. Shall not be artificially lit, except as required for parking.
  - d. The grower should take provisions to minimize detectable odors on neighboring properties.
- c. MMFLA and MRTMA Marihuana processors shall be subject to the following standards:
  - 1) Marihuana processing shall be located entirely within one or more completely enclosed buildings.
  - 2) Lighting. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from dusk to dawn the following day.
- d. MMFLA Marihuana Provisioning Centers, MRTMA Retailer Establishments and MRTMA Microbusinesses shall be subject to the following standards:
  - 1) Hours of Operation - A Microbusiness, Provisioning Center and/or Retailer Establishment may only sell to consumers or allow consumers to be present in the building space occupied by the Permit Holder between the hours of 8:00 a.m. and 8:00 p.m. if so required by the State of Michigan.
  - 2) Indoor activities - All activities of a Microbusiness, Provisioning Center and/or Retailer Establishment, including all transfers of marihuana, shall be conducted within the structure and out of public view. A Microbusiness, Provisioning Center and/or Retailer Establishment shall not have a walk-up window.
  - 3) Other Activities - Marihuana, alcohol or tobacco products shall not be smoked, ingested, or otherwise be consumed in the building space occupied by the Microbusiness, Provisioning Center and/or Retailer Establishment.
  - 4) Physical Appearance - The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
  - 5) Buffer Zones - A Microbusiness, Provisioning Center and/or Retailer Establishment shall not be located within two hundred fifty (250) feet of any building on an adjacent property comprising a Church, house of worship or other religious facility or a State licensed childcare center or preschool, if such uses are in existence at the time the Establishment is commenced, with the minimum distance between uses measured horizontally between the Permitted Premises and the nearest occupied building.
- e. MMFLA and MRTMA Marihuana Safety Compliance Facilities shall be subject to the following standards:
  - 1) All activities of a Marihuana Safety Compliance Facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.
- f. MMFLA and MRTMA Marihuana Secure Transporters shall be subject to the following standards:
  - 1) No vehicle may be used for the ongoing or continuous storage of marihuana, but may only be used incidental to, and in furtherance of, the transportation of marihuana.
  - 2) Vehicles used for the transport of marihuana must be stored indoors when not

in use.

- g. Additional Conditions. The Turner Township Planning Commission may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility and/or Adult-Use Marihuana Establishment special use as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this ordinance and applicable laws.
- h. Special Land Use Permit Requirements - In addition to the items to be provided for a Special Use Permit according to Chapter 8, the applicant shall also provide a business operations plan that includes the following:
  - 1) A description of the type of Facility and/or Establishment proposed and the anticipated or actual number of employees.
  - 2) A security plan meeting the requirements of this ordinance and the State of Michigan.
  - 3) A description by category of all products to be sold.
  - 4) A list of the Material Safety Data Sheets for all nutrients, pesticides, and other chemicals to be used in the Permitted Premises.
  - 5) A description and plan of all equipment and methods that will be employed to minimize any impact to adjacent uses, including but not limited to odor.
  - 6) A plan for disposal of marihuana and related byproducts that will be used at the proposed Facility and/or Establishment.

## **B. PUBLIC UTILITY FACILITIES AND WIND CONVERSION SYSTEMS**

### **1. INTENT AND PURPOSE**

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

### **2. FINDINGS**

- a. This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the health, safety, and welfare of the community and the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township’s important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas.
- b. Based on evidence presented in this State and others concerning the adverse secondary effects of wind energy systems on communities, including, but not limited to, findings from the “Wind Turbine Health Impact Study: Report of Independent Expert Panel,” prepared for the Massachusetts Department of Environmental Protection (2012);

“Strategic Health Impact Assessment on Wind Energy Development in Oregon,” prepared for the State of Oregon (2012); “Potential impact on the Public’s Health from Sound Associated with Wind Turbine Facilities,” prepared for the State of Vermont’s Department of Health (2010); “Analysis of the Research on the Health Effects from Wind Turbines, Including Effects From Noise,” prepared for the Maine Department of Health and Human Services (2012); “Adverse Health Effects of Industrial Wind Turbines,” 59 Can Fam Physician 473-475 (2013); “Infrasound From Wind Turbines Could Affect Humans,” 31(4) Bulletin Science, Technology and Society, 296-302 (2011), the following are among the potential harmful secondary effects of wind energy systems:

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

### 3. PUBLIC UTILITIES

- a. Transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, battery storage facilities, equipment storage buildings or similar structures shall be subject to Chapter 8 Special Uses and to the site plan review requirements of Chapter 9.
- b. Any office, manufacturing, or sales buildings must be located in the Village Mixed Use Zoning District. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of section “Public Utility and Wind Energy Conversion Systems (WECS)”. Unless specifically noted, all WECS permit information and supporting documentation shall be allocated reasonable Township review time based on project complexity and outside expertise review. Requirements shall be presented in written form and allow minimum thirty (30) days before Township discussion. Township may at its discretion review provided documents sooner than thirty (30) days. Providing documents without time for the Planning Commission to review shall result in

permit denial and require WECS applicant to reapply. Each ordinance section requires approval by the Planning Commission unless otherwise noted. Township shall review all documentation to assure that residents' health, welfare, and safety are not negatively impinged.

4. EXEMPT TOWERS AND WIND ENERGY CONVERSION SYSTEMS (WECS)

- a. Communication towers, antennas, wind energy conversion systems (windmills, turbines) and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity or communication services off the premises shall be exempt from the requirements of section "Public Utility and Wind Energy Conversion Systems (WECS)" except for the requirement to comply with "Noise" sections 23 (a) and 23 (b). Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended (Tip Height) 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 set-back from property lines and road right of way lines shall be equal to three (3) times the Tip Height of the unit.

5. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) APPLICATION

- a. Wind energy conversion systems, battery storage facilities, and WECS testing facilities, other than those exempted under section 4 "Exempt Towers and Wind Energy Conversion Systems (WECS)", shall only be allowed as special uses in the Agricultural/Rural Residential Zoning District. An application for a special use permit shall be filed with the Township pursuant to Chapter 8 as to Special Use approvals. Supporting data and documentation must be submitted in their entirety at time of application. Applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board or Planning Commission. Applicant shall also include the following:
  - 1) Permitting Costs: An escrow account shall be set up when the Applicant applies for a Special Use Permit for a WECS and WECS Testing Facilities. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.
  - 2) Environmental Assessment: The Applicant shall fund an environmental assessment or impact study and other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as require by the Township for review. Studies shall be limited to the area within three (3) miles outside the Township boundaries.
  - 3) Sound Study: A background (ambient) sound study shall be performed, and a report provided which indicates Leq 1 second, L10, and L90 sound levels using



A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining Non-Participating and Landowners Participating. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

- 4) Economic Impact: The Applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum. Business and residential growth potential shall be considered.
- 5) Site Plan: The Applicant shall submit a site plan prepared by a licensed civil engineer in full compliance with Chapter 9 of this 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 regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Additional requirements for a WECS site plan are as follows:
  - a. Building Siting: GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECS.
  - b. Nearby Building Siting: GIS locations and height of all adjacent buildings, structures, and above ground utilities located within three (3) times minimum set-back distance for Non-Participating Landowners where the proposed WECS and WECS Testing Facility will be located. 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 Testing Facility, located on the lot or parcel involved.
  - c. Access Driveways: GIS location of WECS and Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the Access Driveway that serves a WECS or Testing Facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300' to an adjacent property unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Such approval shall be recorded with the Arenac County Register of Deeds using only the WECS Waiver Form.
  - d. Facility Security: Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.
  - e. Maintenance Program and Resolution Program: The Applicant shall provide to the Township a written description of the potential problems and failures program to be used to resolve a WECS and WECS Testing Facility issue, including procedures and schedules for removal of the WECS structure when determined to be obsolete, dangerous, or abandoned.
  - f. Site Lighting: A lighting plan for each WECS and Testing Facility. Such

plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR activated lighting shall be utilized if allowed by FAA. Such a plan shall include, but is not limited to, the planned number and location of lights, light color, activation methods, effect on township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, Applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground, be FAA compliant, and be of most current design to minimize lighting blinking and brightness nuisance. Flashing night lights are prohibited.

- g. Proof of documents recorded at the Arenac County Register of Deeds utilizing Chapter 8 WECS Waiver Form.
  - h. Supplemental: Additional detail(s) and information as requested by the Planning Commission.
- 6) Site Insurance: The Applicant shall provide proof of insurance for each WECS at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Participating Landowners, and Non-Participating Landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied, and coverage is provided for every site where Applicant's equipment is located.
- 7) Removal Insurance (decommissioning): To ensure proper removal of each WECS structure when it is abandoned or non-operational, application shall include a proof of the financial security in effect before permit is approved. The security company shall be licensed in the State of Michigan and the required insurance shall be in the form of 1) cash deposit or 2) performance (surety) bond selected by the Planning Commission and bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties - Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in the ordinance. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.
- a. The amount of each WECS security guarantee (surety) shall be the average of at least two independent (of Applicant) demolition removal quotes, obtained by the Planning Commission and approved by the Board, plus 10%. For example, if the quantity of quotes obtained is two, the formula shall be:  $\text{quote 1} + \text{quote 2} \div 2 \times 1.10$ . The security guarantee shall be no less than \$800,000 per WECS. Quotes shall be based on individual WECS removal and shall not group multiple simultaneous WECS removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. Security guarantee shall be updated every five (5) years at the rate of 1.5 times CPI (consumer price index) for each year.
  - b. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved and before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and of this ordinance and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.
  - c. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.

- d. In the event the WECS owner, operator, parent company, performance bond company defaults on any or all of the previously outlined decommissioning requirements, the Participating Landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the Participating Landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the Participating Landowner. If funding is not available to cover the costs of removal by the Participating Landowner, legal action to pursue the seizure of Participating Landowner property(ies) will take place to cover such costs.
- 8) Safety Manual: The Applicant shall provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual shall include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc. The Applicant shall provide information and training to the Township Fire Department regarding fire and other possible hazards associated with the WECS.
- 9) Repair Policy Documentation: Applicant shall provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.
- 10) Noise: Applicant shall provide an initial sound modeling report and a post-construction report for the project with a schedule and documentation which adhere to the following:
  - a. Chart outlining ordinance requirements and a description of compliance or non-compliance.
  - b. Declaration whether submitted data is modeled or measured.
  - c. Declaration of values, test methods, data sources, and similar information for all modeled or measured data.
  - d. Estimated timeline for project including ordinance requirements completed, construction, post construction, and validation testing.
  - e. Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.
  - f. Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
  - g. It is acknowledged that WECS units sustain wear over time. Applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this ordinance for 5, 10, and 15-year-old units.
  - h. Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (non-porous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Non-disclosure of modeling method deficiencies shall require resubmission of SUP application in its entirety with complete modeling deficiencies disclosed.

6. COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) STANDARDS AND REQUIREMENTS

- a. The WECS project shall meet the following standards and requirements:
- 1) Set-Back: The minimum set-back from any property line of a Non-Participating Landowner or any road right-of-way shall be no less than 2,500 feet unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners waiving these requirements. Documents in full shall be recorded, using only the WECS Waiver Form, with the Arenac County Register of Deeds. For WECS, use turbine pole centerline as WECS measuring point. Wind energy conversion systems, battery storage facilities, and WECS testing facilities, other than those exempted under section 4 “Exempt Towers and Wind Energy Conversion Systems (WECS)”, shall only be allowed as special uses in the Agricultural/Rural Residential Zoning District. Battery Storage Facilities shall be set back, with setback distances measured from the
  - 2) nearest edge of perimeter fencing of the facility, one thousand (1,000) feet from the edge of
  - 3) a county drain or the outer wall of a non-participating residence, fifty (50) feet from a road
  - 4) right-of-way, and fifty (50) feet from a non-participating shared property line.
  - 5) Density: A proposed WECS shall be one-half mile from the nearest existing WECS. Only two (2) WECS shall be allowed per square mile.
  - 6) Ground Clearance: The minimum clearance from ground level to the blade at its lowest point shall be one hundred (100) feet.
  - 7) Applicant Compliance: The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements.
  - 8) Blade Clearance: Blade arcs created by a WECS shall have a minimum of one hundred (100') feet of clearance over and from any structure.
  - 9) Braking: Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete grid power failure where WECS are unable to communicate with SCADA control or receive power.
  - 10) Identification Signage: Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout all four seasons. Signs shall be at least two square feet in area. Signs shall be the same and shall uniquely identify each WECS. Signage shall comply with Chapter 7 of the Zoning Ordinance. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
    - a. Warning high voltage.
    - b. Participating Landowner's name, WECS owner's name, and operator's name.
    - c. Emergency telephone numbers and web address. (list more than one number).
    - d. If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
    - e. Unique identification such as the address of the WECS. If more than one WECS is on an access drive, units shall have further identification such that first responders can positively identify each one. An identification example is: “321 Ruger Rd, Caro, MI, Unit A”
  - 11) Communication Interference: 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 and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to property owner's satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution section

F.18.

- 12) Infrastructure Wiring: All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of six (6) feet below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer Code standards. The Planning Commission may waive the burial requirement and allow above-ground systems in limited circumstances, such as unworkable geography or a demonstrated benefit to the township. The waiver shall not be granted solely on cost savings to Applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- 13) Road Damage: Any damage to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired the Applicant/Owner's expense pursuant to Arenac County Road Commission requirements within ninety (90) days of project completion, or maintenance completion. In difficult circumstances, the Township may allow repairs to exceed 90 days, but no repairs shall exceed 365 days from project commencement or maintenance completion.
- 14) Liability Insurance: The current WECS owner and operator shall insure for liability for the WECS without interruption until removed and comply with section "Site Insurance" to protect the current WECS owner and operator, the Township and the property owner.
- 15) Coating and Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area, if any. No striping of color or advertisement shall be visible on the blades or tower.
- 16) Strobe Effect: Under no circumstances, shall a WECS or Testing Facility produce shadow flicker, or strobe-effect, on properties without a signed release from affected Participating and Non-Participating Landowners. Such releases shall be recorded with the Arenac County Register of Deeds waiving these requirements. Documents in full shall be recorded with the Arenac County Register of Deeds using only the WECS Waiver Form.
- 17) Voltage: The Applicant shall be responsible for compensation to residents for property, including livestock, health or other damage by stray voltage caused by a WECS. The Applicant shall demonstrate WECS prohibits stray voltage, surge voltage, and power from entering ground.
- 18) Protection of Adjoining Property: In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facility unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or to wildlife on adjoining properties.
- 19) Removal and Site Renovation: A condition of every WECS approval shall be adequate provision for the removal of the structure and appurtenances in their entirety whenever it ceases to produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Arenac Area Code Authority and proper restoration of the site to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the tower caisson and all other components in their entirety. Restoration must be completed within 365 days of non-operation.
  - a. Participating Landowners may waive complete underground wiring removal if they can demonstrate that any and all remaining underground wiring will not negatively affect the environment, such as but not limited to, water quality, natural water flow, or area wildlife. Participating

Landowner shall execute a waiver and record same in full with Arenac County Register of Deeds waiving these requirements.

- 20) Aesthetic and Scenic Vista: The maximum Tip Height of any WECS or WECS Testing Facility shall not exceed 500 ft.
- 21) Operational, Maintenance, and Issue Resolution: Each WECS and 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 shall take expeditious action to correct the situation, including a WECS removal. The Applicant shall keep a maintenance log on each WECS and shall provide the complete log to the Township within thirty (30) days of request. Any inspection of a WECS requiring inspection by a Township expert shall be at the expense of the facility owner/operator.
- 22) Complaint Resolution: A complaint resolution process shall be established by the township as follows:
  - a. Receiving and Forwarding of Complaints: A third party answering switchboard, website or equivalent, paid for by the Applicant or WECS or Testing Facility owner shall be established. The cost to maintain and support this shall be funded in the amount of \$10,000.00 as approved by the township and be replenished at least every five (5) years by the Applicant or WECS owner. The complaint resolution process shall be independent of the facility operator or owner and shall report to the Township first and WECS operator second.
  - b. Investigation of Complaints: Township shall initiate an investigation into a complaint within sixty (60) days, utilizing escrow funds, to hire the appropriate expert(s).
  - c. Hearing of Complaints: Township Board shall set a hearing date within sixty (60) days of the completion of the Investigation of Complaints where experts, residents and the Applicant/Owner may present information before the Township Board. Notice of the hearing shall be sent to the property owner, the facility owner/operator and to all property owners within 3,000 feet of the WECS via first class mail in accordance with standards in Section 8.6A of the township zoning ordinance.
  - d. Decision Regarding Complaints: Township Board shall issue a decision and the required corrective actions within forty-five (45) days of the Hearing of Complaints.
- 23) Applicant/Owner shall be required as a condition of approval to fund with the Township an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000.00 to be used at the discretion of the Turner Township Board. When escrow account balance is below \$5,000.00, Township shall notify the Applicant/Owner and the Applicant/Owner shall replenish account in the amount of \$15,000.00 within 45 days.
- 24) Regulation of WECS Commercial and Industrial Noise: To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment. This ordinance establishes the acoustic baseline, background sound levels for project design purposes, and limits the
- 25) maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.
- 26) The Township Board reserves the right to require a WECS Applicant/Owner to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements.
- 27) Complaints: If the Township Board confirms a complaint and issues a corrective action, SCADA data from WECS within two miles of issue shall be required and delivered to Township within twenty (20) days of notification. SCADA data format shall be determined by Township, Township licensed engineers, or Township professional acousticians. Unless otherwise requested,

minimum SCADA data format shall be grouped in 24hr periods and one second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch. Fees for providing SCADA data are not to exceed \$100/request. Residents shall have the right to also request SCADA data in at least the minimum format at the cost of \$200/WECS per time period requested. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format shall be determined by Township, such as “csv” or “xlsx”.

28) Noise:

- a. No WECS shall generate or permit to be generated audible noise that exceeds 30 dBA or 40 dBC (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) during the night, 10 pm to 7 am, for any duration, at a property line or any point within a non-Participating property, unless Applicant/Owner provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using only the WECS Waiver Form.
- b. No WECS shall generate or permit to be generated plainly audible noise from commercial or industrial permitted facilities that exceeds 40 dBA or 50 dBC during the day, 7 am to 10 pm, for any duration, at a property line or at any point within a non-Participating property, unless Applicant/Owner provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using only the WECS Waiver Form.
- c. No WECS shall generate or permit to be generated from permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a Non-Participating Landowner's property line or at any point within a Non-Participating Landowner's property.
- d. No WECS shall generate or permit to be generated from permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a Non-Participating Landowner's property line or at any point within a Non-Participating Landowner's property.
- e. A tonal noise condition generated from permitted facilities shall be assessed an upward noise penalty of 5 dBA (example 42 increased to 47 dBA) for assessment to the nighttime and daytime noise limits.
- f. A noise level measurement made in accordance with methods in section “NOISE MEASUREMENT AND COMPLIANCE” that is higher than 30 dBA or 40 dBC during the nighttime hours or 40 dBA or 50 dBC during the daytime hours, adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
- g. An acoustic, vibratory or barometric measurement documenting oscillations associated with permitted facilities with levels exceeding the limits in subsection 23 above shall constitute prima facie evidence of a nuisance.
- h. All WECS activity shall comply with limits and restrictions anywhere at

any time on another property unless Applicant/Owner provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Documents in full shall be recorded with the Arenac County Register of Deeds waiving these requirements using only the WECS Waiver Form.

- i. Leq 1-sec shall be used for all measurements and modeling.



7. NOISE MEASUREMENT AND COMPLIANCE

- a. Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Planning Commission when directed by the Turner Township Board or its designated agent. Compliance noise measurements shall not exceed the stipulated noise limits; the Township shall assess for and apply tonal noise penalties when warranted.
- b. Quality: Measurements shall be attended by an observer. All noise measurements shall exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSI S12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
- c. Noise Level: Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
- d. Tonal Noise: Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high- frequency bands (500–10,000 Hz).
- e. Sample Metric and Rate: Noise level measurements for essentially continuous non-time-varying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
- f. Reporting: Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30- second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and the Pasquill Class occurring during testing.

8. ORDINANCE COMPLIANCE

- a. Non-compliance with ordinance requirements during Special Use Permit process shall result in denial or revocation of the permit.
- b. Non-compliance with post-construction ordinance requirements shall result in permit revocation, and WECS decommissioning, and shall be subject to all applicable actions allowed by law. The Owner/Operator shall be responsible for attorney and expert investigation fees regarding any non-compliance.
- c. Nuisance compliance complaints shall be resolved after subsection F.18 “Complaint Resolution” is completed. Applicant shall provide resolution plan within 30 days and resolve

complaint within 90 days. WECS may be shut down during the resolution time to extend the resolution time to 180 days.

- d. For non-nuisance compliance issues, and upon formal notice from Township to the WECS permit holder, the WECS permit holder shall respond within thirty (30) days with resolution plan and shall have up to one hundred eighty (180) days to resolve compliance breach. Failure to resolve any compliance breach shall result in permit revocation. Unless otherwise stated, Applicant shall provide in advance and comply with ordinance requirements prior to Township granting the special use permit. Conditional permits shall not be allowed.
- e. Upon change of ownership, operator, or parent company, the Township shall receive from the new owner, operator or parent company notification and updated documents within 90 days including, but not limited to, legal proof of change, corporate legal contact, security bond updates, emergency contacts, and local contact.
- f. The owner/operator of a WECS shall submit a report to the Township annually that will include:
  - 1) The status of the WECS operation and maintenance and any planned changes to the operation
  - 2) The status of any complaint(s) and complaint corrective actions
  - 3) A confirmation of sufficient liability insurance (certificate of insurance)
  - 4) A confirmation of the current security guarantee.

### **C. SOLAR ENERGY FACILITIES**

#### **1. INTENT AND PURPOSE.**

- a. Purpose. This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe, effective, efficient, and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial and other areas within the Township.
- b. Sunlight is utilized to generate energy through a facility consisting of one (1) or more solar devices under common ownership or operational control. Such a facility may include, but not be limited to, substations, cables/wires and other buildings and accessory structures, the main purpose of which is to supply energy on-site or to off-site customer(s). The purpose of this Subsection is to establish minimum requirements and regulations for the placement, construction, and modification of large solar energy facilities (Solar Farms), as defined in Chapter 2, while promoting the safe, effective, and efficient use of such energy facilities as a special use in specified zoning districts and to allow for and regulate individual solar panel installations

#### **2. SOLAR ENERGY FACILITY DEVELOPMENT AND DESIGN STANDARDS. All solar energy facilities shall comply with the following regulations and design standards:**

- a. Non-commercial solar panel installations shall be allowed in all districts as accessory structures subject to Chapter 9 Development Site plan Review. (**see Section 4.22**)
- b. Large solar energy facilities (Solar Farms) shall be allowed in the Agricultural/Rural Residential and the Commercial districts in Turner Township.
- c. Solar Farm Design Standards.
  - 1) **MINIMUM LOT SIZE.** No large solar energy facility (Solar Farm) shall be erected on any lot or parcel less than twenty (20) acres in size.
  - 2) **MAXIMUM PROJECT AREA.** No more than 50% of project parcels may be developed for the Solar Energy Facility. When a project consists of multiple parcels, the 50% allowed for use of a solar facility would be project wide but only calculated on parcels within Turner Township. Roads, fencing, tree buffers and setbacks do not count toward the 50% used.
  - 3) **MAXIMUM HEIGHT.** The maximum average height for a solar panel shall be fourteen (14) feet. The maximum height of a Power Switchyard (as defined in Chapter 2) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the zoning district in which the Solar Farm is located. The height of required lightning

rods attached to the Power Switchyard or Solar Farm related equipment shall not be subject to the foregoing height limitations. The height of lightning rods shall be limited to that height necessary to protect the Power Switchyard and Solar Farm equipment from lightning.

- 4) SETBACKS. All photovoltaic solar panels and support structures associated with SES perimeter security fencing shall be placed three hundred (300) feet from an occupied, non-participating residence and two hundred (200) feet from a participating residence. The fencing shall be placed fifty (50) feet from the property line edge of a public road right of way unless a waiver allowing such is filed with the Arenac County Register of Deeds. Solar arrays and other structures shall not be located within fifty feet (50) of a drain easement. When a commercial solar energy system comprises multiple lots of more than one owner, the internal setbacks shall not apply on the joined lot lines.
- 5) SAFETY/ACCESS.
  - a. A Ground-mounted SES shall be secured with a fence from adjacent properties and roadways inside the buffer plantings to restrict unauthorized access and shall have at least one access gate. A minimum height of seven (7) feet is required around the perimeter of the site for safety, security, and protection from scavengers. Fencing must be maintained at the expense of the owner of the solar facility and meet the requirements of the industry standards in effect at time of installation. Fencing shall be designed to prevent unauthorized access to electrical components. Access gates shall be locked at all times when authorized SES personnel are not present. A security fence shall be locked. Lock boxes and keys or electronic devices such as keypads with passcodes shall be provided at locked entrances for emergency personnel (e.g., police, fire, ambulance) access. Electric fencing is not permitted. A safety plan shall be in place and updated regularly in coordination with the local fire department. Any specialized equipment or materials required to fight or control an emergency fire, hazardous material spills, or other dangerous event shall be provided by the owner / operator to the local emergency personnel.
  - b. Appropriate warning signage shall be placed at safe intervals at the entrance and perimeter of the Solar Farm.
  - c. All equipment and gates shall be locked. Knox boxes and keys shall be provided at locked gates.
  - d. A safety plan shall be in place and updated regularly with the fire department having jurisdiction over the parcel on which the Solar Farm is located.
- 6) SOUND PRESSURE LEVEL. No commercial or large photovoltaic solar facilities shall emit any form of audible sound energy, frequency, or spectrum exceeding forty (40) dBA (Leq, 1 hour) as measured at the outer wall of residences on non-participating parcels. All sound measurements are instantaneous and shall not be averaged. Sound analysis or modeling performed by a sound engineer must confirm that the Commercial Solar Energy System will not exceed the maximum permitted sound pressure levels. Modeling and analysis can be based on the solar equipment manufacturer data, however, measured data from existing and similar Solar Energy System facilities shall be submitted with the modeling report.
  - a. Forty (40) dBA, as measured at the property line of any adjacent parcels in existence at the time the Solar Farm is granted conditional use approval.
  - b. Thirty (30) dBA, as measured at any neighboring residence in existence at the time the Solar Farm is granted conditional use approval, between the hours of nine (9) p.m. and seven (7) a.m.
  - c. Forty (40) dBA, as measured at the lot lines of the project boundary.
- 7) VISUAL APPEARANCE & MAINTENANCE
  - a. Solar Farm buildings and accessory structures shall utilize materials, textures, and neutral colors customary with Solar Farms and that to the extent which is prudent and feasible will blend the facility into the existing

- environment.
  - b. Supports shall be constructed to preserve any drainage field tile and/or drainage system. Any and all broken/missing field tiles shall be repaired and made in operable condition as soon as possible but no more than three (3) months after damage and/or failure.
  - c. An appropriate maintenance plan, including property maintenance of the grounds, shall be presented to the Planning Commission for review and approval.
  - d. Lighting of a Solar Farm shall be limited to the minimum necessary, supplied with down lighting, and in no case shall any illumination from such lighting extend beyond the perimeter of the Solar Farm. The Township may require use of a photometric study to make this determination.
  - e. No Solar Farm shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice from the Township Building Inspector, or such other person designated by the Township Board, to the owners of the Solar Farm that glare from the Solar Farm is causing a nuisance to occupants of neighboring property or to persons traveling neighboring roads, the owner of the Solar Farm shall have a reasonable time, not to exceed (6) months from the date of such notice, to remediate such glare.
- 8) **MEDIUM VOLTAGE CABLE.** All medium voltage cable (as defined in Chapter 2) within the project boundary shall be installed underground at a depth in accordance with current National Electrical Code standards and except for Power Switchyards or the area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements. If the Solar Farm has batteries or the storage of batteries, design and operation plan must be provided to the township and must be implemented.
- 9) **SCREENING AND LANDSCAPING.** The perimeter of Commercial Solar Energy Systems shall be screened and buffered by installed vegetative plantings whenever existing natural vegetation does not obscure the view of the SES from a public street or adjacent residential structures, subject to the following requirements:
- a. When a Utility-Scale Solar Energy System is adjacent to a residential lot, front, side and rear yard screening will be required.
  - b. The landscape screening shall use materials, colors, textures, and landscaping that will blend into the natural setting and existing environment without adverse visual effects on the natural landscape or the character of the surrounding area.
  - c. All Commercial or Utility-Scale Solar Energy Systems shall have a landscape buffer in accordance with the following: unless screened and buffered by existing vegetation, a vegetative buffer consisting of one row of deciduous and/or evergreen trees, shrubs, and grasses shall be installed and maintained at all times at the perimeter of the solar energy system in areas where the perimeter of the solar energy system will abut non-participating parcels that include a non-participating residence. All required plantings shall be installed during the applicable planting season and shall be maintained for the life of the project. The evergreen and deciduous vegetative buffer shall be composed of deciduous or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen feet (15) apart on center (from the central trunk of one plant to the central trunk of the next plant), deciduous trees shall be placed no more than thirty (30) feet apart on center and shrubs may be planted in spaces between trees and shall be spaced no more than seven (7) feet apart on center. Native grasses may also be interspersed within the vegetative buffer.
  - d. A SES shall include the installation of perennial ground cover vegetation

maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.

- e. All unhealthy (50% dead or greater) and dead material shall be replaced by the applicant within six (6) months or at the next appropriate planting period whichever occurs first, but under no circumstances shall the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months.
- f. Failure to comply with the required vegetative requirements shall constitute a violation of this Ordinance and Permit(s) shall be revoked unless unavoidable issues, as determined by the Board, are present.
- g. Alternative screening and buffering plans may be considered in the Development Site Plan Review by the Planning Commission and approved if they meet the intent of this section.
- d. **LOCAL, STATE AND FEDERAL PERMITS.** A Solar Farm shall be required to obtain all necessary permits from the United States Government, State of Michigan, Arenac County, and Turner Township.
- e. **AGREEMENTS/EASEMENTS.** If the lot on which the project is proposed is to be leased, rather than owned, by the owner of the Solar Farm, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the owner of the Solar Farm and property owners must be in place prior to commencing construction, unless specified otherwise by the special use permit.

3. **SPECIAL USE PERMIT APPLICATIONS.**

- a. An application for a special use permit to establish a Solar Farm shall include a complete description of the project and documentation sufficient to demonstrate that the requirements set forth in this Ordinance will be met. Supporting documentation for addressing the review criteria (required standards and findings for making a special use determination) is also to be provided. The Planning Commission and/or Township Board may require any information reasonably necessary to determine compliance with this ordinance.
- b. It is preferred that any related special use permit applications for substations or new transmission lines be considered in conjunction with the special use permit application for the Solar Farm; however, if the details of those improvements are not available at the time of application for Solar Farm, they may be considered later, through subsequent special use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the Solar Farm.
- c. Prior to issuance of the construction permit, the Township shall require as a condition of approval that the owner of the Solar Farm and Township enter into a decommissioning agreement setting forth a Decommissioning Plan as set forth in this Section, secured by a bond or escrow or irrevocable letter of credit to secure removal of the Solar Farm in the event the use is terminated and abandoned for a period of twelve (12) months. The amount of the bond or escrow or irrevocable letter of credit shall be equal to one-hundred twenty-five (125) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning shall be reviewed between the operator and the Township Board every two (2) years to ensure adequate funds are allocated for decommissioning; the security bond or escrow or irrevocable letter of credit shall be appropriately adjusted to reflect the current decommissioning estimate. This security bond or escrow or irrevocable letter of credit shall be issued by a third party and paid for by the operator. The security bond or escrow or irrevocable letter of credit shall be posted and maintained with a company licensed to do business in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond or escrow or irrevocable letter of credit. In the event of sale or transfer of ownership and/or operation of the Solar Farm, the security bond or escrow or irrevocable letter of credit shall be maintained throughout the entirety of the process and the new owner shall be required to provide a new

security bond or escrow or irrevocable letter of credit. If at any time during the operation of the Solar Farm or prior to, during, or after the sale or transfer of ownership and/or operation of the Solar Farm the security bond or escrow or irrevocable letter of credit is not maintained, the Township may take any action permitted by law, revoke the special land use permit, order a cessation of operations, and order removal of the structure and reclamation of the site.

4. **PROVISIONS FOR SPECIAL USE PERMIT REVIEW.** In addition to the standards set forth for special use approval in Chapter 8, the Solar Farm shall comply with the following standards:
  - a. **SOLAR FARM DESCRIPTION.** The application for the Solar Farm shall identify the Solar Farm buildings and accessory structures, the time period to construct the Solar Farm, the phasing of construction, if any, and the anticipated useful life of the Solar Farm.
  - b. **ENVIRONMENTAL SITING CONSIDERATIONS.** The applicant shall provide evidence of compliance with applicable State of Michigan statutes including, but not limited to: 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 such other applicable laws and rules in force at the time the application is considered by the Township Board.
  - c. **SITE PLANS.** Site plans shall conform with Chapter 9 Development Site Plan Review and shall identify:
    - 1) All lots in the Solar Farm, and as to each lot, existing and proposed:
      - a. Buildings
      - b. accessory structures
      - c. utilities
      - d. transmission lines
      - e. solar panels
      - f. drainage ways
      - g. grades
      - h. topographical conditions
      - i. vegetation
      - j. regulated wetlands
      - k. regulated floodplains
      - l. regulated and endangered species
      - m. regulated lakes, streams, or ponds
    - 2) Required setbacks
    - 3) Access routes to lots that are a part of the Solar Farm
    - 4) Proposed road and driveway improvements
    - 5) Any lots within five hundred (500) feet of a Solar Farm
    - 6) Proposed transmission lines to and from Power Switchyards and/or between lots
    - 7) Proposed signage
    - 8) Methods for dust and erosion control.All maps and visual representations need to be drawn at an appropriate scale and in accordance with Chapter 9 Development Site Plan Review.
  - d. **ENVIRONMENTAL INFORMATION.** The Applicant shall provide evidence of compliance with the Environmental Siting Considerations and other environmental regulations as required in this Section.
  - e. **HAZARDOUS WASTE.** As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
  - f. **TRANSPORTATION PLAN FOR CONSTRUCTION AND OPERATION PHASES.** Proof of an agreement with the County Road Commission and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project, is required.
  - g. **PUBLIC SAFETY.** Identify potential hazards and emergency and normal shut down procedures. Provide an emergency plan approved by the fire department and the county emergency management director. The applicant shall provide information and training to the Township Fire Department regarding fire and other possible hazards associated with the Solar Farm.

- h. DECOMMISSIONING PLAN. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the Solar Farm, including evidence of proposed commitments with property owners to ensure proper final reclamation of the Solar Farm with seasonal grasses or to an agricultural ready condition, repairs to roads for damage caused by the Solar Farm, if any, within twelve (12) months from the notice of abandonment issued by the Township to complete decommissioning and land reclamation.
    - i. A copy of the application or agreement with the utility company that will be purchasing electricity from the proposed facility shall be provided.
- 5. COMPLAINT TRACKING, PUBLISHING AND RESOLUTION.
  - a. The applicant shall maintain a complaint resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the solar energy system concerning violations of the Zoning Ordinance or zoning approvals. Such process must include a form available to the public to submit complaints which shall also be made available online and be provided to the Township for distribution to residents. The applicant shall acknowledge receipt of such complaints within five (5) business days and shall notify the Township of the complaint and shall resolve any complaints within 30 days unless impractical, in which case, the applicant must notify the Township and complainant of its assessment of the elements of the complaint, a plan for resolution of the complaint, and an estimated timeframe to resolve the complaint. The Township shall have the authority to enforce a resolution. The applicant shall notify the Township of any received complaints and resolutions of complaints on a yearly basis.
- 6. The Solar Farm owner shall submit an annual report to the township that will include:
  - a. The status of the Solar Farm operation and maintenance and any planned changes to the operation
  - b. The status of any complaint(s) and complaint corrective actions
  - c. A confirmation of sufficient liability insurance (certificate of insurance)
  - d. A confirmation of the current security guarantee.

## **CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW**

### **SECTION 9.1 INTENT AND PURPOSE**

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides the procedures and standards for site plan review of all uses that are required by this Ordinance for such review.

### **SECTION 9.2 SCOPE**

All land developments, required by this ordinance for review, including structures to be erected, moved, externally altered, added to, or to have any change in use which would affect their approved off-street parking, landscaping, site drainage, or any other requirements, shall be reviewed under this Chapter. Land divisions for any purpose other than Planned Developments shall be reviewed under this Chapter. No building or zoning permit shall be issued, excluding those uses stated above, except in accordance with a plan approved under this Chapter when required.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which development site plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits.

### **SECTION 9.3 APPLICATION AND FEE**

An application for site plan review shall be made by filing the application form, required information, and the required fee with the Township Zoning Administrator.

The application fee shall be set by resolution of the Township Board. Once accepted by the Zoning Administrator, no portion of the fee shall be returned to the applicant, unless authorized by an action of the Township Board.

### **SECTION 9.4 REVIEWING AUTHORITY**

The Planning Commission, or its qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for development site plan approval.

### **SECTION 9.5 MAJOR AND MINOR DEVELOPMENT PROJECTS DEFINED**

A **minor project**, for the purposes of this Chapter, is defined as follows:

- A. The remodeling, alterations, or additions to commercial and industrial buildings of less than twenty-five (25%) percent of the square footage of the existing structure.
- B. Improvements to, erection of, or reconstruction of accessory buildings and structures, parking areas, and similar facilities.
- C. Site changes that do not exceed twenty-five (25%) percent of the existing developed site area.

**Major projects** are all projects not listed above, including, but not limited to, site condominium projects, multi-family apartment project developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and site changes greater than listed above.

### **SECTION 9.6 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW**

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 9.7 that shall present an adequate overview of the intended project.



## SECTION 9.7 SITE PLAN REVIEW; REQUIRED INFORMATION

For major projects, Development Site Plan Review shall entail the examination of all the items in Section 9.7 B. For minor projects, the abbreviated review indicated in Section 9.7 A is allowed.

### A. Required Submittals - Minor Projects

All project applicants shall submit to the Zoning Administrator, the development site plan application provided by the Township and seven (7) copies of the detailed site plan. The detailed site plan shall consist of the following items for review:

1. A site plan, drawn to scale showing north arrow, the property boundaries, the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
2. A conceptual landscape plan, including required buffers, existing vegetation, water courses, and other significant site features, and proposed new plantings.
3. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any free-standing sign.
4. Conceptual grading and drainage plans with existing and proposed elevations.
5. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for asking for additional information.
6. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

### B. Required Submittals - Major Project

The following are among the items to be included on the detailed plan for major projects. Development site plans should be accurately drawn at the scale of at least one (1) inch equals one hundred (100) feet showing the site and all land and structure within five hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet. If multiple sheets are used, each must be labeled, dated, and the preparer identified.

1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
2. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2000) feet with a north arrow indicated.
3. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
4. The location and type of existing soils on the site and any certifications of borings.
5. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within five hundred (500) feet of the project site and proposed erosion control measures.
6. Location of existing and proposed buildings and intended uses thereof.
7. Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
8. Location of existing public roads and streets, that abut or cross the site, plus rights-of-way and private easements of record.
9. Location of, and dimensions of, proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign locations should be separately depicted with elevation views.
10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all trails, walkways, bicycle paths, and other areas for public use.

13. Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.
14. Location and routing of all other utilities on the site, including, but not limited to, natural gas, electric, and data and telecommunication transmissions.
15. Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings, or swimming pools, if applicable.
16. Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.
17. Location and specifications for all fences, walls, and other screening features with cross sections.
18. General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6") inches or more in diameter, four and one-half (4 ½) feet above the ground, if not located in a forest. Forests or large areas of vegetation to be preserved shall be demarcated and designated as such.
19. Locations and specifications for all proposed perimeter and internal landscaping and other buffering features.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing, proposed, or required above or below ground storage facilities for any chemicals, salts, flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by the Act 245 Program.
22. Identification of any significant or unique site features.
23. Indication of any significant views onto or from the site.
24. The zoning classifications of the site and adjacent properties.
25. North arrow, scale and date of original submittal and all revisions.
26. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for requiring such data.
27. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such actions.

#### SECTION 9.8 SITE PLAN REVIEW PROCEDURE

- A. When all necessary information as provided by this Chapter is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chairman.
- B. The Chairman shall place the Site Plan Review on the next available meeting agenda for discussion by the Commission and shall notify the applicant of this action.
- C. Within a reasonable time and based upon the standards in Section 9.9, the Planning Commission shall act either to approve or to deny the request for development site plan approval or to provide information to the applicant by which he may amend his plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicant of the acceptance or rejection of his plans.
- D. If plans are denied at any time, the Planning Commission shall submit in writing to the applicant the reasons for the action.

#### SECTION 9.9 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all development site plans. The standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

- A. Elements of Development Site Plan Review
  1. Neighborhood and Community Elements:
    - a. Historical Preservation. Owners of existing structures of historical significance are

encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.

- b. **Relation of Proposed Buildings to Environment.** Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are usable. Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and habitat systems. Views and privacy, while dealing with the siting of buildings on individual parcels, shall be provided for on a larger scale by buffering and screening to preserve or create unintrusive site lines wherever possible.
- c. **Landscape Preservation.** Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots and farmlands shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.
- d. **Business Districts.** Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.
- e. **Trafficways and Gateways.** Site plans shall address the effects of new structures or uses upon traffic at or near their sites. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.
- f. **Security, Fire and Emergency Access.** Setbacks, access paths with adequate lane widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also be considered integral to the design. Sufficient illumination and ease of surveillance shall be addressed where appropriate.

2. **Engineering Elements:**

- a. **Drives, Parking and Circulation.** Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.
- b. **Surface Water Drainage.** Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or

pedestrian traffic and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion.

- c. Utility Service. New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

B. General and Necessary Conditions

All other standards and requirements of this Ordinance and other applicable ordinances, regulations and statutes must be met by development plans presented for review under provisions of this Chapter. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole. The Planning Commission may confer or consult with a qualified expert, or experts, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

SECTION 9.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

- A. Complete drawings, plus all certified final drawings and plans that are subject to development site plan review and contain all necessary modifications or additions required, shall be submitted before final development site plan approval is granted.
- B. Conditions of Final Approval. Development Site Plans may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A development site plan may be approved conditionally upon necessary or required approvals by other local, county, state, or federal agencies.
  1. Performance Guarantee for Required Conditions. Security may be required to ensure performance of required conditions. The applicant may be required to furnish security in the form of a bond, certified check, or an irrevocable bank letter of credit, acceptable to the Township, in the amount fixed by the Planning Commission. If security is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk.
  2. Provisions of Required Improvements. Whenever a development site plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
  3. Non-performance of Required Conditions. In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to cover the costs incurred by the Township to complete the improvements, including attorney's fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.
  4. Condition Declared Void. Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said development site plan approval shall cease to be valid and all rights or privileges granted thereby shall end.
  5. Violation of Required Condition or Conditions. Whenever a development site plan is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the development site plan in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and development site plan approval may be

revoked.

#### SECTION 9.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

#### SECTION 9.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

- A. Amendments to an approved development site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved development site plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
1. A significant change in use or character of the development.
  2. An increase in overall coverage of structures.
  3. An increase in the intensity of use.
  4. A reduction in the required open space.
  5. A change that may increase the storm water run-off to adjacent properties.
  6. A reduction in required off-street parking and loading.
  7. A reduction in required pavement widths or utility sizes.
  8. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- B. If the Zoning Administrator finds that a proposed amendment to an approved development site plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the development site plan in accordance with the procedures of Section 9.7; or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that development site plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the development site plan in accordance with the procedures in Section 9.7 hereof.

#### SECTION 9.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire.
- B. The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.

#### SECTION 9.14 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

In its review of the decision, the Zoning Board of Appeals shall consider the following:

1. The appellant's letter and validity of grounds for appeal.
2. The minutes taken during the Planning Commission's review of the site plan.
3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
4. Any verbal or written information submitted to the Zoning Board of Appeals in response to a

request for the information by the Zoning Board of Appeals.

In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

## **CHAPTER 10 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 10.1 ZONING ADMINISTRATOR**

Unless otherwise designated under a specific provision of this Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. The Zoning Administrator shall possess all powers and authority as are necessary to administer and enforce this Ordinance. Additional authority may be delegated to the Administrator by the Township Board.

### **SECTION 10.2 ZONING PERMIT REQUIRED**

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. The Zoning Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit must be obtained prior to the application for a building permit.

### **SECTION 10.3 APPLICATION FOR ZONING PERMIT**

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Township Board. The application shall be made up of the following:

- A. A site plan drawn to scale showing the location and size of the proposed building, structure, or use as it relates to roads and rights-of-way, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands, and any other items required by this Ordinance to illustrate the intended use and its site; or the site plan approved by the Planning Commission or Zoning Board of Appeals.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

### **SECTION 10.4 ISSUANCE OF ZONING PERMIT**

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, and/or use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

### **SECTION 10.5 FAILURE TO OBTAIN PERMIT**

The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.

### **SECTION 10.6 DENIAL OF ZONING PERMIT**

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. The Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

### **SECTION 10.7 REVOCATION OF ZONING PERMIT**

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application.

The revocation or cancellation of the Zoning Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

#### SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

#### SECTION 10.9 ENFORCEMENT

- A. All violations of this Ordinance or any part thereof are declared a nuisance per se. In addition to any other remedy available at law, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

#### SECTION 10.10 PUBLIC NOTICE

All applications requiring a public hearing shall comply with the following provisions:

- A. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator or the Clerk shall prepare the content of the notice and have it published in a newspaper of general circulation in the Township of Turner and mailed or delivered as provided in this Section.
- B. All mail, personal and newspaper notices for public hearing shall:
1. Describe the nature of the request: Identify whether the request is for rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  2. Identify the location: Indicate the property or (properties that is the subject of the request. The notice shall include a listing of all existing street addresses of the subject property. Street addresses need not be created and listed if no such addresses currently existing for the property. Other means of identification may be used such as a tax parcel identification number, identifying the nearest cross streets, or by including a map showing the location of the property or properties if the subject of the hearing is for less than eleven (11) adjacent properties or when the request is for an ordinance interpretation not involving a specific property.
  3. Indicate the date, time and place of the public hearing(s).
  4. Include a statement describing when and where written comments will be received concerning the request and when written text, maps or other materials pertinent to the hearing may be viewed or obtained.
- C. When the provisions of this Ordinance or state law require that a personal or mailed notice be given:
1. Notice shall be provided:
    - a. To the owner of property for which approval is being considered, and the applicant, if different than the owner of the property.
    - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the boundaries of the Township of Turner. If the name of the occupant of the property is not known, the term "occupant" may be used in making notification.
    - c. To all neighborhood organizations, public utility companies, railroads, the manager of each airport and other persons or organizations that have requested to receive notice pursuant to Section 10.11, Registration to Receive Notice by Mail, that are within the zone or district affected by the subject request.



2. Notice by mail affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator or the Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered and shall provide an affidavit hereof.

D. The above notices shall be given not less than 15 days before the date the application will be considered.

#### SECTION 10.11 REGISTRATION TO RECEIVE NOTICE BY MAIL

- A. Any neighborhood organization, public utility company, railroad or any other person or organization may register with the zoning Administrator or the Clerk to receive written notice of hearing of applications for approval pursuant to Section 10.10 C.c. Fees may be assessed for the provision of this notice.
- B. All registered entities or persons must re-register bi-annually to continue to receive notification pursuant to this Section.

## **CHAPTER 11 ZONING BOARD OF APPEALS**

### **SECTION 11.1 AUTHORIZATION**

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 110 of 2006, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced, and that substantial justice is done.

### **SECTION 11.2 MEMBERSHIP AND PROCEDURES**

- A. The Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- E. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose a chairman, and in the chairman's absence, an acting chair.
- F. Meetings shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
- H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final, and appeals must be filed with a court of competent jurisdiction.
- J. Members of the Zoning Board of Appeals shall disqualify themselves from a vote in which a member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.
- K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter.

### SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall not grant a variance unless all of the following are found:
  - 1. The variance will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - 2. The variance will not adversely affect property values in the immediate vicinity or in the Township as a whole.
  - 3. The variance relates only to the property for which the application has been submitted.
  - 4. The variance request does not arise from a condition regularly occurring in the Township that could be addressed through an amendment to this Ordinance.
- B. The Board of Appeals shall not grant a variance unless at least one (1) of the following is demonstrated:
  - 1. Where there are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant after the effective date of this Ordinance.
  - 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
  - 3. Where there is a demonstrated unnecessary hardship caused by this Ordinance, a use variance may be granted by a vote of 2/3 of the members of the zoning board of appeals.
  - 4. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
  - 5. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No use variances may be granted by the Zoning Board of Appeals.

### SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

### SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.

- A. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Principal Use or a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity

which cannot be determined under the provisions of this Ordinance.

The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the public.

#### SECTION 11.6 HEARING NOTICES

All Zoning Board of Appeals hearings shall meet the public notice requirements of Section 10.10 of this Ordinance.

## **CHAPTER 12 AMENDMENTS AND REZONING**

### **SECTION 12.1 AUTHORIZATION**

Amendments to this Ordinance may be made as is deemed necessary and shall be in accordance with Public Act 110 of 2006, as amended.

### **SECTION 12.2 REZONING**

For the purposes of this Chapter and other applicable Sections of this Ordinance, the term “rezoning” shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Chapter for Amendments.

### **SECTION 12.3 INITIATION OF AMENDMENTS**

Proposals for amendments may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

### **SECTION 12.4 PROCEDURE**

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission.
- C. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as specified in Section 10.10 of this Ordinance
- D. Upon receipt of the County Planning Commission’s recommendation or expiration of thirty (30) days, the Township Board shall review both the County’s and the Planning Commission’s recommendations. The Township Board shall adopt or reject the proposed amendment unless one (1) or more of the following occurs:
  1. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request for such a hearing with the Township Clerk. Said request shall be filed in a timely manner. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be made in accordance with Section 10.10 of this Ordinance.
  2. If the Township Board deems advisable any changes or additions to the amendment recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any interested property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission, or its designated representative, to attend the hearings.
- E. Following a hearing or review of the Planning Commission’s report, if requested, and otherwise, the Township Board by majority vote of its membership may adopt or reject the proposed amendment with or without changes.

- F. The amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days of adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
  2. The effective date of the amendment; and
  3. The time and place where a copy of the amendment may be purchased or inspected.
- G. The amendment will take effect on the eighth (8<sup>th</sup>) day following publication.
- H. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendment to any other board or agency provided for in this Ordinance.

## AMENDMENTS

<u>SECTION NUMBER</u>	<u>DESCRIPTION</u>	<u>DATE</u>
Section 8.17.B.3a	PUBLIC UTILITIES	
Section 8.17.B.5a	COMMERCIAL WIND ENERGY	
Section 8.17.B.6a	COMMERCIAL WIND ENERGY	
Section 8.17.C.2.c.7)e	VISUAL APPEARANCE & MAINTENANCE	
Section 8.17.C.2.c.2)	MAXIMUM PROJECT AREA	
Section 8.17.C.2.c.3)	MAXIMUM HEIGHT	
Section 8.17.C.2.c.4)	SETBACKS	
Section 8.17.C.2.c.5)a.	SAFETY/ACCESS	
Section 8.17.C.2.c.6)	NOISE	
Section 8.17.C.2.c.9)	LANDSCAPING	
Section 8.17.C.5	COMPLAINT RESOLUTION	
Chapter 2 Definitions	Battery Storage Facility or Energy Storage Facility	