

# **Palmyra Township**

## **Zoning Ordinance #11-2020**

### **(Amendment Adopted 02/10/2026)**

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**ARTICLE I**  
**ENACTING CLAUSE, TITLE, PURPOSES, AND SCOPE**

**SECTION 1.1 – ENACTING CLAUSE**

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Zoning Act (PA 184 of 1943) and administered under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*) as amended, to establish comprehensive zoning regulations for Palmyra Township, Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

**SECTION 1.2 - TITLE**

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Palmyra Township.” The Zoning Map referred to herein is entitled “Zoning Map, Palmyra Township”.

**SECTION 1.3 – PURPOSES**

The zoning ordinance of Palmyra Township regulates land development and establishes districts which regulate the use of land and structures with the following purpose and intent:

- A. To meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- B. To insure that use of the land shall be situated in appropriate locations and relationships;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- D. To facilitate adequate and efficient provision for the transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
- E. And to promote public health, safety and welfare.
- F. To provide for township control over the placement of telecommunications facilities throughout the township in a manner consistent with the property values, aesthetics, public health, safety and welfare of the residents of Palmyra Township. In order to more effectively protect and promote the public health, safety and welfare, and to accomplish the aims and purposes of this Ordinance, the unincorporated portion of the Township of Palmyra is divided into Districts of such number, shape, kind and area and of such common unity of purpose, adaptability or use that are deemed most suitable to insure the best use by the community in general and with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general trend and character of land, buildings and population development; and by further regulations to limit the location, use, and occupancy of buildings, structures and lands to be used for trade, industry, residence,

agriculture, recreation or other purpose and also the height, area and bulk of buildings and other structures including the size of parcels, setbacks, sizes of yards and other open spaces.

#### SECTION 1.4 – SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation or an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date.

## **ARTICLE II DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined. When not consistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word “shall” is always mandatory and not merely suggestive. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or occupied.

Terms or words not herein defined shall be used with a meaning of common or standard utilization.

### **SECTION 2.1 – ACCESSORY STRUCTURE, BUILDING, OR USE**

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

- A. Abandonment: A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.
- B. Building Integrated Photovoltaics (BIVPs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
- C. Level 3 Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- D. Ground Mounted Solar Energy System: A Private or Level 3 Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- E. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- F. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
- G. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

### **SECTION 2.2 – ALLEY**

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

### SECTION 2.3 – ALTER

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

### SECTION 2.3.5 – ANIMAL FEEDING OPERATION (SEE SECTION 2.26.5 FARM ANIMALS)

### SECTION 2.4 – APARTMENT

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

### SECTION 2.5 – AUTOMOBILE SERVICE STATION

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

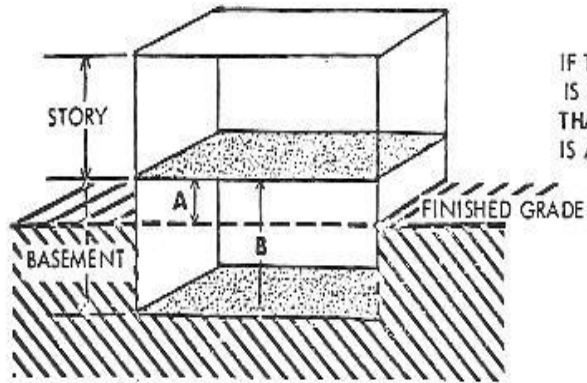
### SECTION 2.6 – AUTOMOBILE WRECKING

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

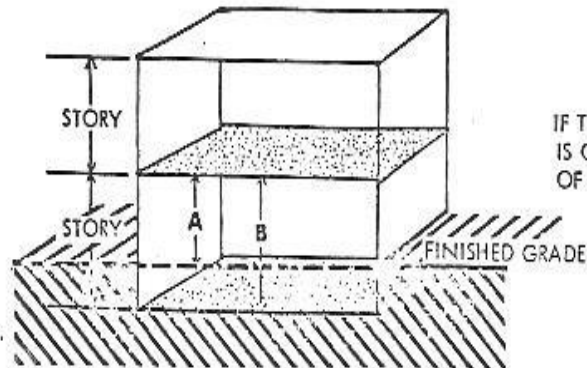
### SECTION 2.7 – BASEMENT

A story of a building having more than one-half its height below grade.

## BASEMENT & STORY DEFINITION



IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN 1/2 OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN 1/2 OF "B", THIS IS A STORY.

## SECTION 2.8 – BOARDING HOUSE OR ROOMING HOUSE

A dwelling where meals and/or lodging are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of time.

## SECTION 2.9 – BLOCK

Land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way; bulkhead lines or shorelines; or the corporate boundary lines of the township.

## SECTION 2.10 – BOARD OF APPEALS

The Township Board of Appeals of the Township of Palmyra, Lenawee County, Michigan.

## SECTION 2.11 – BUILDING

A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind.

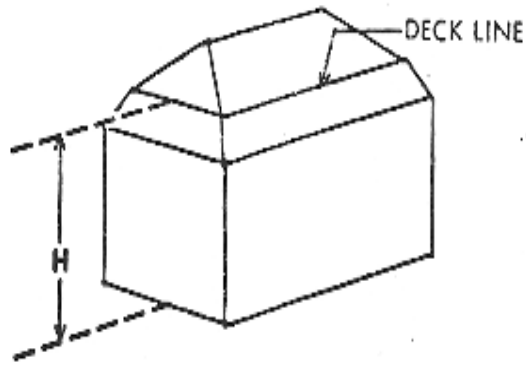
## SECTION 2.12 - BUILDING AREA

The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of level of unroofed porches, terraces, patios, and steps; and of awnings and non-permanent canopies.

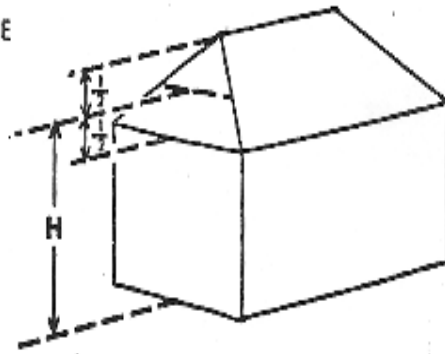
## SECTION 2.13 – BUILDING HEIGHT

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip or gambrel roofs.

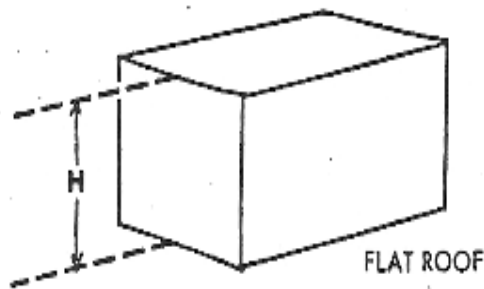
# BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

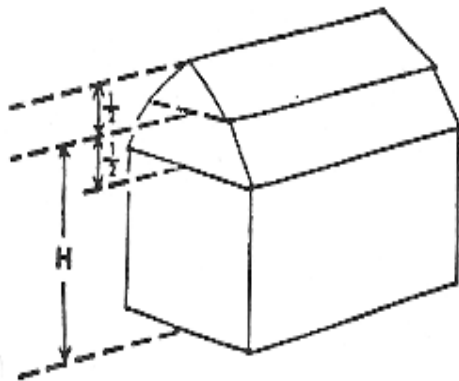


HIP ROOF

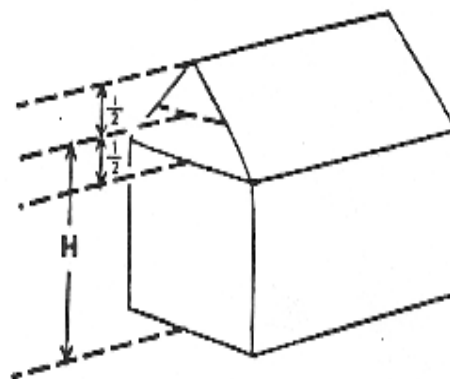


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



H = HEIGHT OF BUILDING

#### SECTION 2.14 – BUILDING SETBACK LINE

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

#### SECTION 2.15 – CENTRAL SANITARY SEWERAGE SYSTEM

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

#### SECTION 2.16 – CENTRAL WATER SYSTEM

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

#### SECTION 2.17 – DISTRICT

A portion of the Palmyra Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

#### SECTION 2.18 – DRIVE-IN ESTABLISHMENT

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

#### SECTION 2.19 – DWELLING UNIT

One or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family.

The Zoning Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter, or convert a single, two, or multiple-family dwelling unit until adequate data, information, and evidence can be shown that the dwelling complies with the following standards:

##### 2.19.1 Minimum Size – Site Standards:

- A. Minimum floor area of the dwelling shall be seven hundred twenty (720) square feet. (For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches).

- B. Minimum width of the principal dwelling as built or assembled on the site shall not be less than fourteen (14) feet as measured across the narrowest portion. Additions to the principal dwelling shall not be considered in determining the width of the building

2.19.2 Health – Construction Standards:

- A. If central water and sanitary sewage facilities are available, the dwelling shall be connected to said facilities. On-site septic systems shall be approved by the Lenawee County Health Department.
- B. Conventional site-built dwellings and all other pre-manufactured dwellings, except mobile homes, shall comply with the B.O.C.A. Building Code standards and other applicable fire, plumbing, electrical, etc. codes and regulations.
- C. Mobile home dwellings shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended, including fire, plumbing, electrical etc. and other applicable codes and regulations. The mobile home shall be installed pursuant to the manufacturer's setup instruction.
- D. All dwellings shall have a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the B.O.C.A. Building Code.
- E. Mobile home dwellings shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission.

2.19.3 Aesthetic Standards:

- A. Dwellings shall have a foundation wall around the home as specified in 2.19.2C, for dwellings for which no foundation wall is required for structural support, or a wall which has the appearance of a foundation wall, completely enclosing the area beneath the dwelling.
- B. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis.
- C. All additions to the original dwelling shall be constructed with a similar quality material and have a similar quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
- D. There shall be a minimum of two (2) exterior doors with one being in the front of the home and the other in the rear or side of the home connected to permanently attached safe conventional steps. A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.19.

#### SECTION 2.20 – DWELLING – SINGLE-FAMILY

A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.19.

#### SECTION 2.21 – DWELLING – TWO-FAMILY

A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.19.

#### SECTION 2.22 – DWELLING – MULTIPLE-FAMILY

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.19.

#### SECTION 2.23 – EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

#### SECTION 2.24 – ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, transformers, control buildings, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including maintenance depots.

#### SECTION 2.25 – FAMILY

One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage no such family shall contain over five (5) persons.

#### SECTION 2.26 – FARM

As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

#### SECTION 2.26.5 – FARM ANIMALS

As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

SECTION 2.27 – FARM BUILDING

Any building or accessory structure on a farm other than a dwelling unit. (SEE SECTION 2.19)

SECTION 2.27.5 – FARM OPERATION

As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq.*

SECTION 2.27.7 -- Farm Product.

As defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, being MCL 286.471 *et seq*

SECTION 2.28

The boundary of the property at the public right of way; sharing a common boundary with the public right of way. Must be equal or greater than the minimum “lot width” requirement.

SECTION 2.29 – (Reserved)

SECTION 2.30 – HIGHWAYS

Any public thoroughfare except an alley, in the Palmyra Township Road system, including Federal and State roads and highways.

SECTION 2.31 – HOME OCCUPATION

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. (Also see Section 8.4)

SECTION 2.32 – HOTEL

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

SECTION 2.34 – KENNEL

Any lot or premise on which three (3) or more dogs, four (4) months old or older are confined either permanently or temporarily.

SECTION 2.35 – LOT

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or a contiguous portion of lots of record; or a parcel of land described by metes and bounds.

**SECTION 2.36 – LOT AREA**

The area within the lot lines, but excluding that portion in a road or street right-of-way.

**SECTION 2.37 – LOT CORNER**

A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.

**SECTION 2.38 – LOT DEPTH**

The average distance between the front (or right-of-way) and rear line of a lot measured in the general direction of its side lot lines.

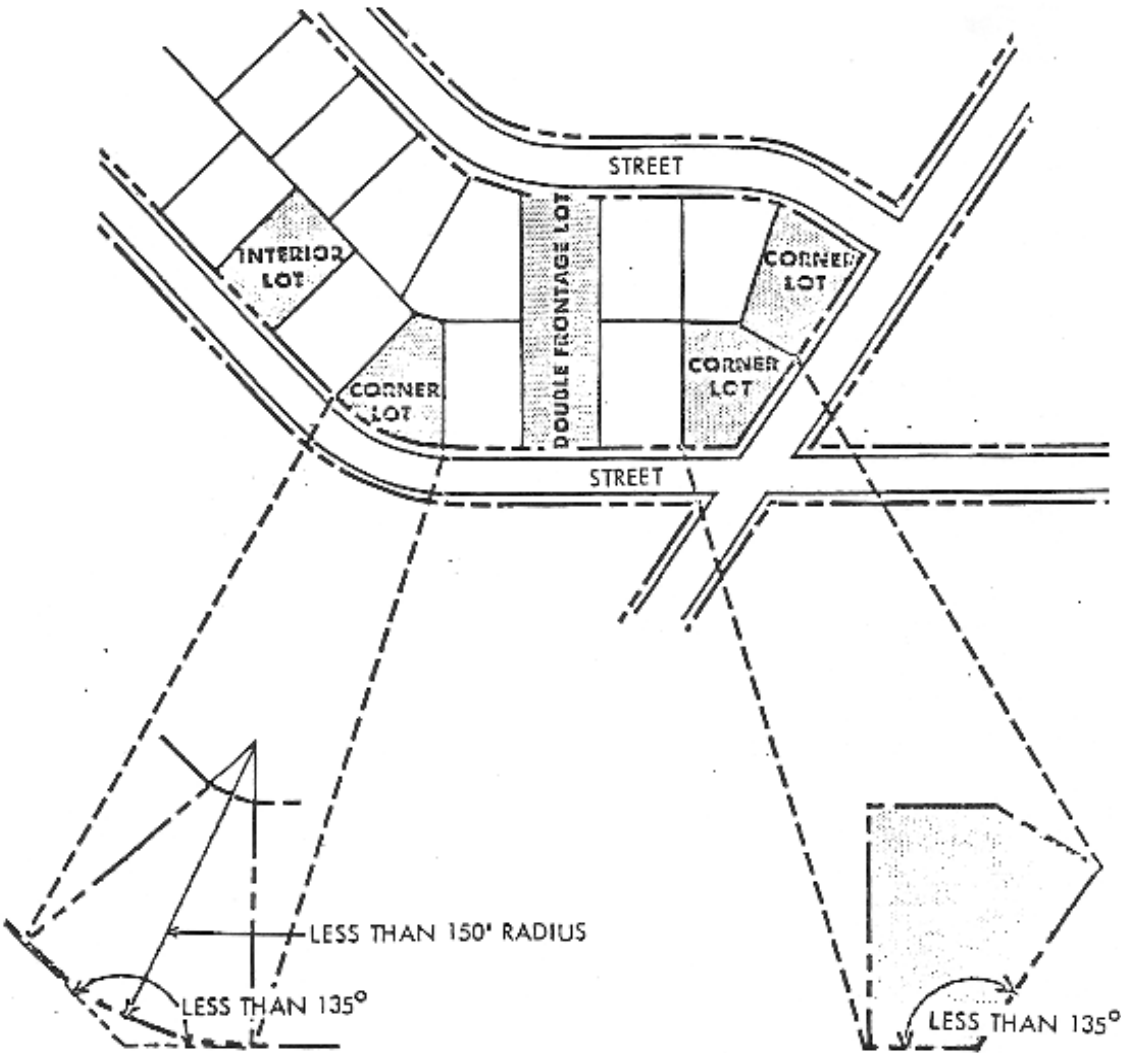
**SECTION 2.39 – LOT COVERAGE**

The part or percent of the lot occupied by the building area.

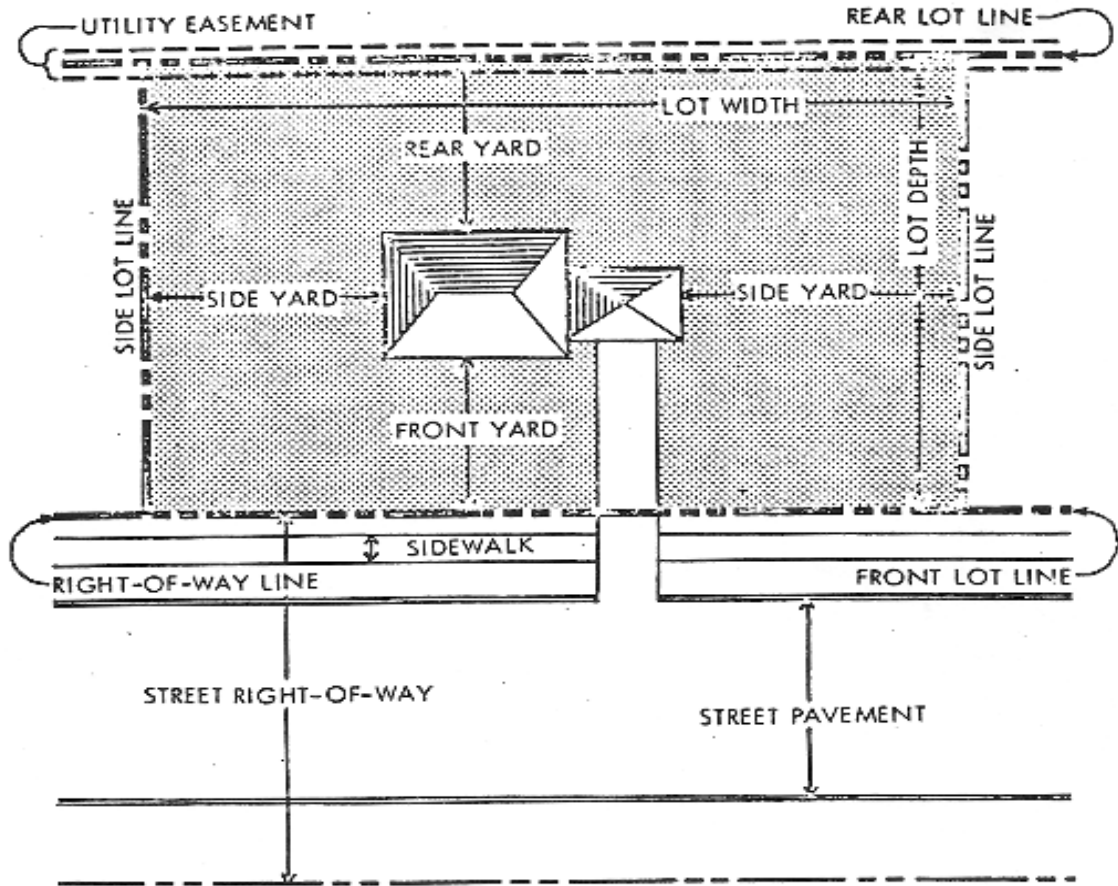
**SECTION 2.40 – LOT OF RECORD**

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

# CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



# LOT TERMS



#### SECTION 2.41 – LOT THROUGH (DOUBLE FRONTAGE)

An interior lot having frontage on two parallel or approximately parallel streets.

#### SECTION 2.42 – LOT WIDTH

The width of the lot measured at the required front yard setback line.

#### SECTION 2.42.5 – FRONTAGE

The boundary of the property at the public right-of-way; sharing a common boundary with the public right-of-way. Must be equal or greater than the minimum ‘lot width’ requirement.

#### SECTION 2.43 – MOBILE HOME

A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

#### SECTION 2.44 – MOBILE HOME PARK

A tract of land prepared and approved according to the procedures in this Ordinance and the State Mobile Home Commission to accommodate mobile homes on rented or leased lots.

#### SECTION 2.45 – MARIJUANA

Means all parts of the plant *Cannabis sativa* L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marijuana does not include industrial hemp.

#### SECTION 2.46 – MOTEL

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term “motel” shall include tourist cabins and motor courts. A motor court or motel shall not be considered or constructed to be either a multiple dwelling, a hotel, or a mobile home park.

#### SECTION 2.47 – NONCONFORMING STRUCTURE

A structure which does not comply with the provisions of this Ordinance.

#### SECTION 2.48 – NONCONFORMING USE

The use of a structure or land or land area which does not comply with the provisions of this Ordinance.

#### SECTION 2.49 – OFF-STREET PARKING

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

#### SECTION 2.50 – PARKING SPACE, AREA, LOT

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

#### SECTION 2.51 – PUBLIC UTILITY

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal, regulation to the public, transportation, gas, water, electricity, telephone, steam, telegraph, or sewage disposal and other services.

#### SECTION 2.52 – QUARRY

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of two hundred fifty (250) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure of public highway.

#### SECTION 2.53 – RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are regularly prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. A restaurant shall be distinguished from a drive-in restaurant, in that no provision shall be made for drive through lanes or windows, or eating in automobiles.

#### SECTION 2.54 – RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop in which commodities are sold or offered for sale in small or large quantities to retail trade. Groceries and general stores, meat markets, public garages, automobile service stations are some examples of this classification.

#### SECTION 2.55 – FARMERS MARKET

A physical retail market featuring foods sold directly by farmers to consumers. Farmers markets typically consist of booths, tables or stands, outdoors or indoors, where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages.

#### SECTION 2.55.5 – SALVAGE YARD

A structure or parcel of land where materials such as junk, waste, discard, salvage or similar materials are sold or purchased, exchanged, stored, processed, baled, packed, sorted, disassembled or handled; including auto wrecking yards. These materials include but are not limited to: ferrous metals (iron) and other metals including inoperative automobiles, equipment, machinery, structural materials; plastic, vinyl, rubber and other synthetic materials; wood lumber, paper, cloth rags, leather and any other manufactured goods that are worn, deteriorated or obsolete making them unusable in their existing condition.

#### SECTION 2.56 – SETBACK LINES

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. “Within a setback line” means between the setback lines and the nearest boundary of the highway right-of-way.

#### SECTION 2.57 - SIGN

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included within this definition:

- 2.57.1 Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- 2.57.2 Flags and insignias of any government, except when displayed in connection with commercial promotion;
- 2.57.3 Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- 2.57.4 Integral decorative or architectural features of buildings, except letters, trademarks, moving part, or moving lights.

#### SECTION 2.58 – SIGN AREA

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the element of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

#### SECTION 2.59 – SIGN, ON-SITE

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

#### SECTION 2.60 – SITE PLAN REVIEW

A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage (see Article VII).

## SECTION 2.61 – SPECIAL APPROVAL USE

A use which is subject to special approval by the Zoning Board and the Township Board. A special approval use may be granted only when the specific provisions are in compliance with this Ordinance (see Article VI).

## SECTION 2.62 – SOLAR ENERGY SYSTEM (SES)

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

## SECTION 2.63 – STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

## SECTION 2.64 – STREET

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

## SECTION 2.65 – STRUCTURE

Anything constructed, erected or placed with a fixed location on the surface of the ground.

## SECTION 2.65.5 – TOWNSHIP

The term township shall mean Palmyra Township, Lenawee County, Michigan.

## SECTION 2.66 – TRAVEL TRAILER

A vehicle designed as a travel unit for occupancy as a temporary, recreational, or seasonal living unit, capable of being towed by a passenger automobile and not exceeding eight (8) feet in width or thirty-two (32) feet in length. The term “travel trailer” shall also include folding campers and truck-mounted campers.

## SECTION 2.66.1 – WIND ENERGY SYSTEM (WES)

Wind Energy System (“WES”) means any part of a system that collects or stores wind energy for the purpose of transforming it into any other form of usable energy and includes any combination of the following: A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal or vertical shaft; a surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power; 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 or energy producing device; the generator, alternator, or another device to convert the energy of the wind into electrical or other usable energy; the tower, pylon, or other structure upon which any,

all, or some combination of the above are mounted; and any other components not listed above but associated with the normal construction, operation, and maintenance of a WES.

- A. Adverse Sound Character: Sounds or noise that cause building rattle, is impulsive, tonal, and includes amplitude modulation, or has a low-frequency bass rumble.
- B. Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.
- C. Anemometer Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Wind Energy System.
- D. ANSI: The American National Standards Institute.
- E. dB(A): The A-weighted sound level.
- F. FAA: The Federal Aviation Administration.
- G. GIS: Geographic Information System and is comparable to GPS (global positioning system) coordinates.
- H. IEC: The International Electrotechnical Commission.
- I. ISO: The International Organization for Standardization.
- J. L<sub>max</sub> (L<sub>Amax</sub> or L<sub>Cmax</sub>): The maximum dB(A) or dB(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time).
- K. NEC: National Electrical Code.
- L. Noise: A sound that causes disturbance that exceeds 40 dBA L<sub>max</sub> or 35 dBA L<sub>max</sub>.
- M. Non-Participating Property: A property that is not subject to a Wind Energy System lease or easement agreement at the time an application is submitted for the purposes of constructing a Wind Energy System.
- N. Owner/Operator: A person, firm, corporation, company, limited liability corporation or other entity, as well as their agents, contractors, successors, assigns and/or transferees, who applies for Township approval to construct, repair, maintain, decommission and/or operate a WES and/or WES Testing Facility. An Owner/Operator must have the legal authority to represent and bind the owner of the Participating Property or lessee to the terms or conditions of any approvals for a permitted WES or WES Testing Facility. The duties and obligations regarding approval for any approved WES or WES Testing Facility shall be jointly and severally binding upon the Owner/Operator of the WES or WES Testing Facility. “Owner/operator,” even when used in the singular, may refer to more than one person or entity if there are multiple applicants, owners, or operators, or if the WES or WES Testing Facility is owned and operated by different entities.

- O. Participating Property: A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity submitting an application for the purpose of developing a WES. Participating Property also includes any property upon which is located a WES.
- P. SCADA (supervisory control and data acquisition): A computer system that monitors and controls WES.
- Q. Shadow Flicker: Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, including but not limited to a window of a dwelling.
- R. 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).
- S. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction (equivalent to 0.125 second exponential averaging time) See LMax. The pressure of the sound measured at a receiver.
- T. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- U. Strobe Effect: The effect resulting from the flashing of reflected light, which can be visible from some distance, from the surface finish of turbine blades.
- V. Tip Height: The height of a WES with a blade at the highest vertical point or the tallest point of a vertical axis wind turbine.
- W. Utility-Scale Wind Energy System (Utility-Scale WES): A Wind Energy System consisting of a vertical axis wind turbine in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.
- X. Vertical Axis Wind Turbine (VAWT): A vertical axis wind turbine is a type of wind turbine where the main rotor shaft is set transverse to the wind while the main components are located at the base of the turbine.
- Y. Wetland: As used in this Ordinance, wetland shall mean the areas defined as such by Michigan law (see Part 301 Inland Lakes and Rivers and Part 303 Wetlands Protections of the Natural Resources and Environmental Protection Act, last revised effective 3-29-19), and regulated by the Michigan Department of Natural Resources, and the Michigan Department of Environment, Great Lakes, and Energy.
- Z. Wind Energy System Testing Facility (WES 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.
- AA. Wind Energy System Facility (WES Facility): Clusters of two or more Utility Scale WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location

other than the premises upon which the WES Facility is located. A WES Facility may or may not be owned by the Owner of the Participating Property upon which they are placed.

#### SECTION 2.67 – VARIANCE

A variance is a modification of the literal provisions of the Zoning Ordinance which is granted by the Board of Appeals when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

#### SECTION 2.68 – YARD, FRONT

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

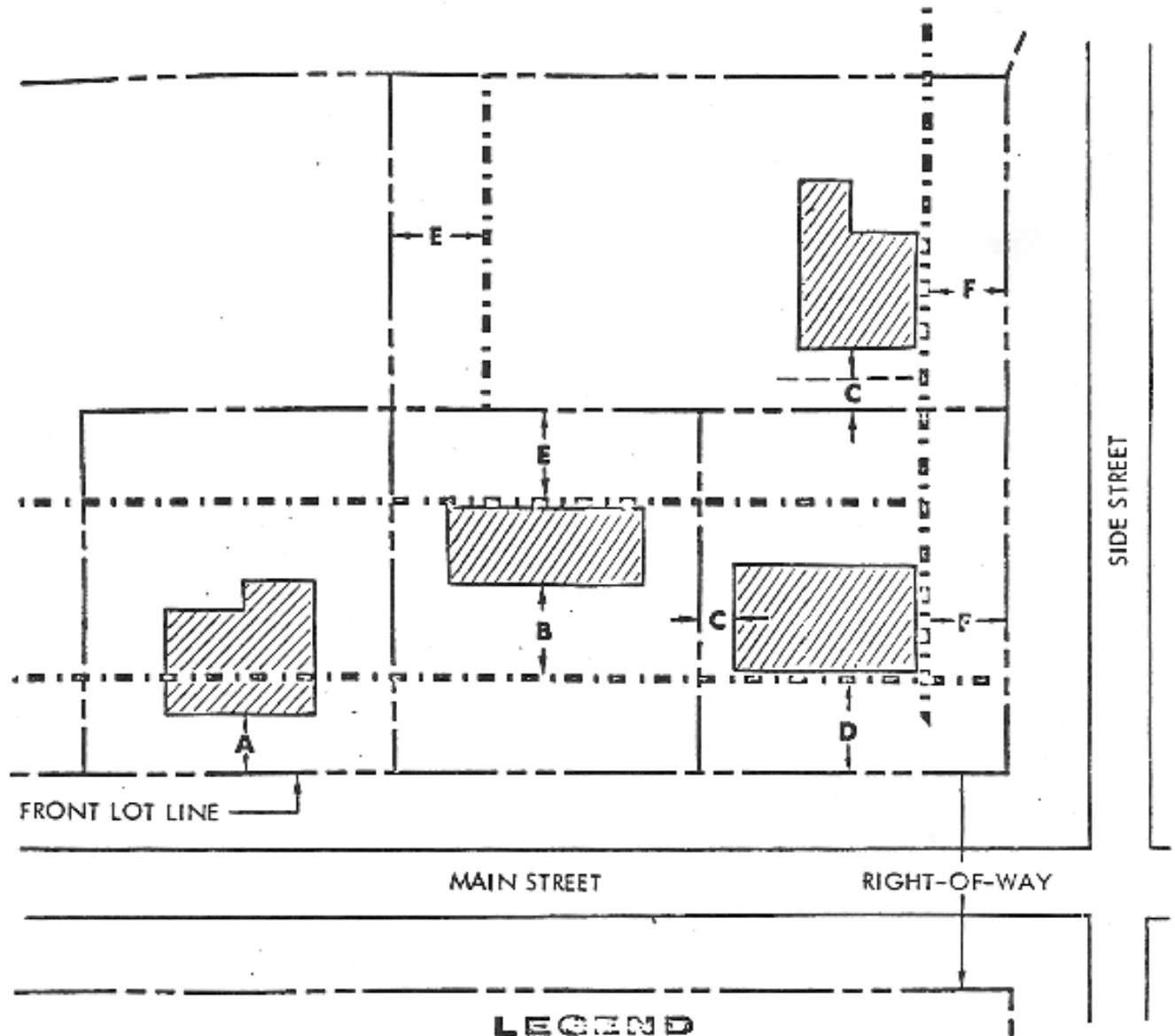
#### SECTION 2.69 – YARD, REAR

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

#### SECTION 2.70 - YARD, SIDE

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line to the lot.

# YARD REQUIREMENTS



## LEGEND

- |  |  |
|--|--|
| A — DEFICIENT FRONT YARD                                   | D — MINIMUM FRONT YARD REQUIRED<br>ALSO BUILDING SETBACK LINE      |
| B — FRONT YARD IN EXCESS OF<br>MINIMUM FRONT YARD REQUIRED | E — MINIMUM REAR YARD REQUIRED                                     |
| C — MINIMUM SIDE YARD REQUIRED                             | F — MINIMUM YARD REQUIRED ON<br>SIDE STREET WHEREON HOMES<br>FRONT |

## SECTION 2.71 -- Planning Commission.

Shall mean the Palmyra Township Planning Commission.

## SECTION 2.72 – Zoning Board of Appeals

The term Zoning Board of Appeals shall mean the Palmyra Township Zoning Board of Appeals.

## SECTION 2.73 – Banquet/Rental Hall

A room or facility available for rent on a daily or short-term basis, not to exceed 48 hours, to accommodate meetings, conferences, receptions, business, and social gatherings. Such a facility shall be operated in strict compliance with all laws and administrative rules promulgated by Federal, State or Local authorities that may be applicable to any such gathering or function to be conducted on the premises.

## SECTION 2.74 – TELECOMMUNICATIONS FACILITY

A telecommunications facility is defined as a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication tower or antenna but, for the purpose of this ordinance, shall not be deemed an essential service, It shall, however, be subject to and governed by the provisions of this zoning ordinance. No such facility may hereafter be constructed or erected without satisfying the requirements of this ordinance.

## SECTION 2.75 - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM (“UBESS”)

A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

2.75.1 “Battery management system” means an electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

2.75.2 “Utility-scale battery energy storage facilities” means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.

## ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS

### SECTION 3.1 – DIVISION INTO ZONING DISTRICTS

For the purposes of this Ordinance, all of the unincorporated area of the Township of Palmyra, Lenawee County, Michigan, is hereby divided into the following zoning districts:

AG	Agriculture District (AG)
AR	Agriculture /Residential District (AR)
MH	Mobile Home Residential District (MH)
O	Office District (O)
C	Commercial District (C)
LI	Light Industrial District (LI)
GI	General Industrial District (GI)

### SECTION 3.2 – OFFICIAL ZONING MAP

The land areas and sizes of buildings assigned to the Districts, the designation of same and the boundaries of said Districts, are shown on the zoning map part of this Ordinance and are hereby established; said map being designated as the Township Zoning Map showing use districts and building districts in the unincorporated portions of Palmyra Township, Lenawee County, Michigan, and said map and the proper notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were fully described herein.

#### 3.2.1 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. The official Zoning Map shall be located in the office of the Township Clerk and shall be available for examination.

### SECTION 3.3 – INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary lines. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Zoning Board of Appeals shall interpret the exact location of the district boundary.

### SECTION 3.4 – CONFORMANCE TO ORDINANCE

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered, and no building structure, land premise, or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance in the district in which such building, structure and/or

premise is located.

### SECTION 3.5 – PERMITTED USES, ACCESSORY USES, SPECIAL APPROVAL USES

Uses are permitted by right only if specifically listed in the various zoning districts. Accessory uses are permitted as listed in the various zoning districts if such uses are clearly incidental to the permitted principal uses. Special approval uses are permitted as listed if the required conditions are met and a Special land use permit is obtained. Uses which are not specifically listed as permitted, accessory, or special land uses are allowed as long as they meet all the requirements of the zoning ordinance.

**ARTICLE IV  
ZONING DISTRICTS REGULATIONS**

The intent, permitted uses, special approval uses, height, area density, and sign regulations of each district are set forth in this section.

**SECTION 4.1 AGRICULTURAL DISTRICT (AG)**

**4.1.1 Purpose**

The intent of this district is to preserve valuable agricultural land for agricultural uses. The district strives to discourage concentrations of incompatible residential development. By requiring this lot size, the indiscriminate urbanizing of agricultural land and the creation of urban land values in agricultural areas can be minimized.

**4.1.2 Permitted Uses:**

- A. General and Specialized Farming—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) established under the authority of that Act—including poultry raising, egg production and hatcheries, dairies and processing dairy products, livestock farms, similar bona fide agricultural enterprises, the usual agricultural buildings and structures.
- B. Retail Sale of Agricultural Products—in accordance with the Farm Market GAAMP established under the authority of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including Roadside Stands for said sales.
- C. Single family detached dwellings.
- D. Home occupations only in accordance with the regulations specified in Section 8.4.
- E. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- F. On-site signs only in accordance with the regulations specified in Section 8.3
- G. Essential services.
- H. Accessory uses or structures in accordance with Section 4.9.
- I. Boarding, Breeding, Training and/or Selling of any Animals, in accordance with the Care of Animals GAAMPs established under the authority of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including sales by auction or otherwise

**4.1.3 Special Approval Uses**

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and site plan review as provided in Article VII.

- A. Quarries.
- B. Golf courses.
- C. Group or organized camps, camping grounds, and general or specialized resorts.
- D. Airports.
- E. Public and private nurseries, primary or secondary non-profit schools, and college and universities.
- F. Convalescent homes, nursing homes, sanitariums, and orphanages.
- G. Riding academies and stables.
- H. Churches and other buildings for religious worship.
- I. Cemeteries.
- J. Golf driving ranges.
- K. Travel trailer park.
- L. Animal hospitals, animal shelters, and humane society.
- M. Kennels.
- N. Slaughter houses.
- O. Commercially operated trails for use by motorcycles, snowmobiles, and similar types of vehicles.
- P. Amusement enterprises.
- Q. Hospitals, sanitariums, and institutions for human care.
- R. Telecommunications facilities.
- S. General and specialized farming—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) established under the authority of that Act—including poultry raising, egg production and hatcheries, dairies and processing dairy products, livestock farms, similar bona fide agricultural enterprises, the usual agricultural buildings and structures, and biofuel production facilities.

- T. Level 3 Solar Energy Systems (SES).
- U. Wind Energy Systems pursuant to Section 8.14
- 4.1.4 Area, Yard, Height, and Bulk Requirements - See Section 4.8.1
- 4.1.5 Off-Street Parking

See Article VIII.

## SECTION 4.2 AG RESIDENTIAL(AR)

### 4.2.1 Purpose

The intent of this district is to provide suitable areas of the Township for residential development and to accommodate existing agriculturally used lands. The district is intended for where good roads and appropriate physical characteristics exist for residential development including slope, soil, and water table.

### 4.2.2 Permitted Uses

- A. Single-family detached dwellings.
- B. Two-family dwellings.
- C. General and specialized farming—in accordance with the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, and the Generally Accepted Agricultural Management Practices (GAAMPs) established under the authority of that Act—including poultry raising, egg production and hatcheries, dairies and processing dairy products, livestock farms, similar bona fide agricultural enterprises, the usual agricultural buildings and structures, and biofuel production facilities
- D. Home occupations, only in accordance with the regulations specified in Section 8.4.
- E. On-site signs, only in accordance with the regulations specified in Section 8.3.
- F. Essential services.
- G. Accessory uses or structures in accordance with Section 4.8

### 4.2.3 Special Approval Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI.

- A. Golf courses, but not including golf driving ranges.
- B. Country clubs; banquet/rental hall; public swimming pools; recreation centers; and parks, playground, and playfields.

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- C. Churches and other buildings for religious worship.
- D. Public and private nurseries; primary and secondary non-profit schools, and colleges and universities.
- E. Raising and keeping of livestock and fowl, see RTFA and GAAMPs.
- F. Animal hospitals, animal shelters, and humane society.
- G. Riding academies and stables.
- H. Hospitals, sanitariums, and institutions for human care.
- I. Kennels.
- J. Multiple-Family dwellings.
- K. Retail Sale of Agricultural Products—in accordance with the Farm Market GAAMP established under the authority of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended—including roadside stands for said sales.
- L. Telecommunications facilities.
- M. Level 3 SES Solar Farms.

#### 4.2.4 Area, Yard, Height, and Bulk Requirements

See Section 4.8.1

#### 4.2.5 Off-Street Parking

See Article VIII

### SECTION 4.3 – MOBILE HOME RESIDENTIAL DISTRICT (MH)

#### 4.3.1 Purpose

This district is composed of those areas of the Township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are, or feasibly could be, served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, compliment, or serve such a density and intensity.

#### 4.3.2 Permitted Uses: Mobile home parks

4.3.3 All mobile home parks are subject to provisions of State law and the regulations of the

Michigan Mobile Home Commission.

SECTION 4.4 – OFFICE DISTRICT (O)

The Office District is designed principally for office use and those uses which are customarily associated with offices.

4.4.1 Permitted Uses

- A. Medical and dental clinics.
- B. Funeral home.
- C. Laboratory, dental or medical.
- D. Studio for professional work.
- E. Offices of architects, engineers, surveyors, and other professions of similar nature.
- F. Offices of executive, administrative, legal, accounting, insurance, real estate, and uses of similar nature.
- G. Essential services.
- H. On-site signs in accordance with regulations specified in Section 8.3.
- I. Accessory uses and structures in accordance with Section 4.8.

4.4.2 Special Approval Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and site plan review as provided in Article VII.

- A. Hospitals, sanitariums, and charitable institutions for human care.
- B. Schools and colleges.
- C. Churches and other buildings for religious worship.

SECTION 4.5 – COMMERCIAL DISTRICT (C)

4.5.1 Purpose

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the Township and surrounding area. (See Section 5.2)

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#### 4.5.2 Permitted Uses

- A. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
- B. Business services including banks, loan offices, real estate offices, and insurance offices.
- C. Office uses.
- D. Retail sales establishments.
- E. Eating and drinking establishments, but not including drive-in types.
- F. Indoor commercial amusement and recreation services including theaters, bowling alleys, and roller- and ice-skating rinks.
- G. Clubs and lodges.
- H. Printing establishments.
- I. On-site signs, only in accordance with the regulations specified in Section 8.3.
- J. Essential services.
- K. Accessory uses or structures in accordance with Section 4.8.

#### 4.5.3 Special Approval Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and site plan review as provided in Article VII.

- A. Churches and other buildings for religious worship.
- B. Government or community owned buildings, but not including schools.
- C. Automobile service stations.
- D. Hotels or motels.
- E. Drive-in business services.
- F. Vehicle repair garages, or body shops, but not including salvage yards.  
Animal hospitals, animal shelters, and humane society.
- G. Outdoor commercial amusements.

- H. Single-family or two-family dwellings.
  - I. Wholesale or retail merchandising or storage warehouses.
  - J. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
  - K. Telecommunications facilities.
- 4.5.4 Area, Yard, Height, and Bulk Requirements
- See Section 4.8.1
- 4.5.5 Off-Street Parking

## SECTION 4.6 - LIGHT INDUSTRIAL(LI)

### 4.6.1 Purpose

This district is designated to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non- industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. Lands zoned Light Industrial (LI) may include structures of more than ten thousand (10,000) square feet in size.

### 4.6.2 Permitted Uses

- A. Wholesale or retail merchandising or storage warehouses.
- B. Industrial office buildings. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
- C. Research and testing laboratories.
- D. Essential Services
- E. On-site and off-site signs in accordance with the regulations as specified in Article VIII.
- F. Any use permitted in the Commercial (C) District.

### 4.6.3 Special Approval Uses

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- A. Vehicle repair garages, or body shops.
- B. Farm machinery and equipment sales and repair.
- C. Contractor's yard.
- D. The recycling of industrial plastic residual/waste materials.
- E. Telecommunications facilities.
- F. Salvage yards.

#### 4.6.4 Area, Yard, Height, and Bulk Requirements

See Section 4.8.1

#### 4.6.5 Off-Street Parking

See Article VIII.

### SECTION 4.7 – GENERAL INDUSTRIAL DISTRICT (GI)

#### 4.7.1 Purpose

This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons. The General Industrial (GI) district may include structures which exceed ten thousand (10,000) square feet in size.

#### 4.7.2 Permitted Uses

- A. All industrial uses not in conflict with any enacted state or local laws, or any provisions of this Ordinance.
- B. Truck terminals.
- C. Any use permitted in the Light Industrial District.

#### 4.7.3 Special Approval Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a special approval use permit as provided in Article VI and site plan review as provided in Article VII.

- A. Salvage yards.
- B. Bulk oil storage.

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- C. Recycling of industrial plastic residual/waste materials.
  - D. Telecommunications facilities.
  - E. Utility-Scale Battery Energy Storage System (UBESS)
- 4.7.4 Area, Yard, Height, and Bulk Requirements- See Section 4.8.1
- 4.7.5 Off-Street Parking: See Article VIII.

#### SECTION 4.8 – ACCESSORY STRUCTURES

All accessory structures in all districts shall be subject to the same standards and requirements as are required for all principal structures within such districts. Except accessory structures placed on lots in the Agriculture District (AG)/ Agriculture /Residential District (AR) Districts, which shall be no less than five (5) feet from any side or rear property line.

An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal.

SECTION 4.8.1 – AREA; HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

**4.8.1 Area, Height, Bulk, and Placement Requirements**

Zoning Districts	Lot Requirements			Minimum Yard Requirements (C)			Maximum Building Height (B)		Type of use
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory	
Agricultural [AG] see note 1	2 Acres	400'	30%	70'	50'	50'	2-1/2 Story or 35'	100'	Single family [A]
	5 Acres								All other uses
Agricultural Residential [AR] see note 2,3,4,5	1 Acre	200'	30%	35'	25'	25'	2-1/2 Story or 35'	100'	Single family [A]
	5 Acres				35'*				All other uses
Mobile Home Park [MH]	10 Acres 4000 Sq. Ft			In accordance with the Michigan Mobil Home Commission Act, PA 96 of 1987, as amended					Mobile Home Park Sit Within a MH Park
Office [O]	0.5 Acre	100'	50%	35'	10'-25' Total 35'*	25'	2-1/2 Story or 35'	35'	All other uses
Commercial [C]	1 Acre	100'	50%	35'	20'	25'	2-1/2 Story or 35'	35'	All other uses
Light Industrial [LI]	3 Acres	300'	50%	50'	20'	25'	2-1/2 Story or 35'	35'	All other uses
General Industrial [GI]	3 Acres	300'	50%	50'	20'	25'	2-1/2 Story or 35'	35'	All other uses

\*Corner Lot

**Footnote 1.** A three hundred (300) foot setback is required for the rear yard for Level 3 SESs in the AG, AG Residential, and General Industrial Districts.

**Footnote 2.** A three hundred (300) foot setback is required for the side yard for Level 3 SESs in the AG, AG Residential, and General Industrial Districts.

**Footnote 3.** A three hundred (300) foot setback is required for the front yard for Level 3 SESs in the AG, AG Residential, and General Industrial District.

**Footnote 4.** The setbacks to adjoining properties in the same project do not apply.

4.8.2 Any single or two-family dwelling constructed after the effective date of this Ordinance shall be located on an independent lot of record. If such lot of record does not exist, it shall be created according to the minimum lot area requirements of the respective zoning district in this Ordinance.

4.8.3 Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated subject to approval by the Zoning Board of Appeals.

4.8.4 Minimum yard requirements: (Except for Telecommunications facilities)

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- B. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.
- C. Minimum yard requirements are established pursuant to the Cellular Tower Ordinance pursuant to Palmyra Township Ordinance #4-97.

4.8.5 Pond Setback

The toe of slope or water's edge, whichever is closest to the property line, must be equal to the building setback per district.

#### SECTION 4.9 – ACCESSORY STRUCTURES

- A. All accessory structures in all districts shall be subject to the same standards and requirements as are required for all principal structures within such districts. Except accessory structures placed on lots in the Agricultural (AG) and the Agriculture / Residential (AR) which shall be no less than five (5) feet from any side or rear property line.
- B. An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.

#### SECTION 4.10 (RESERVED)

## ARTICLE V NONCONFORMITIES

### SECTION 5.1 – NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendment, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue but not to allow their expansion. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities may not be enlarged, expanded, or extended except as provided herein.

### SECTION 5.2 – RECONSTRUCTION of DAMAGED NONCONFORMING BUILDINGS and STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the provisions of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use of land may be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure may be established therewith.
- B. No such nonconforming use of land may be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance.
- C. If such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, the subsequent use of such land shall conform to the district in which such land is located.

### SECTION 5.3 – NONCONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such structure may be enlarged, expanded, extended or altered in a way which increases its nonconformance.
- B. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- C. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to any extent, it may be reconstructed and continue to be used for the identical use which existed prior to destruction provided reconstruction begins within one hundred eighty (180) days and is completed within three hundred sixty-five (365) days.

#### SECTION 5.4 – NONCONFORMING USES of STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following:

- A. No non-conforming use of a structure may be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- B. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days, the structure may not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. Should any structure containing a nonconforming use be moved for any reason or any distance, it shall thereafter conform to the regulations of the district in which it is located.

#### SECTION 5.5 – CHANGE of TENANCY or OWNERSHIP

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

#### SECTION 5.6 – SUBSTANDARD, NONCONFORMING LOTS of RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

**ARTICLE VI  
SPECIAL LAND USES**

**SECTION 6.1 – SPECIAL LAND USES**

The formulation and enactment of this Ordinance is based upon the division of Palmyra Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Palmyra Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

**SECTION 6.2 – AUTHORITY to GRANT PERMITS**

The Planning Commission, as hereinafter provided, shall recommend to the Township Board who shall have the final authority to grant Special Land Use Permits. The Township Board may grant Special Land Use Permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all Special Land Uses specified in the various district provisions of this Ordinance.

**SECTION 6.3 – APPLICATION and FEE**

Application for any Special Land Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Land Use Permit application form; submitting a Site Plan in accordance with Article VII and depositing the required fee as established by resolution of the Township Board.

**SECTION 6.4 – APPLICATION and SITE PLAN REQUIREMENTS**

An application for a Special Land Use Permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a Site Plan as specified in, and in conformance with, Article VII Site Plan Review and Approval, of this Ordinance.

**SECTION 6.5 – PUBLIC HEARING**

When a request for a Special Land Use Permit has been filed in proper form with the Planning Commission, the Commission shall immediately place said request for appeal upon the calendar for public hearing, notice of which shall be given as required in Section 103(MCL 125.33101) of the Michigan Zoning Enabling Act as amended.

SECTION 6.6 – REQUIRED STANDARDS and FINDINGS for MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the Site Plan submitted in accordance with Article VII for proposed Special Land Uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards.

A. Development standards applying to all proposed Special Land Uses:

1. The proposed Special Land Use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
2. The proposed Special Land Use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. The proposed Special Land Use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
4. The proposed Special Land Use shall not be hazardous or disturbing to existing neighboring uses.
5. The proposed Special Land Use shall not create excessive additional requirements at public costs for public facilities and services.
6. Development standards applying to specific proposed Special Land Uses. A Special Land Use Permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with Section 6.8 of this Ordinance.

SECTION 6.7 – APPROVAL of SPECIAL LAND USE PERMIT

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06, holding of the public hearing in accordance with Section 6.5, and review of requirements of other provisions of this Ordinance as they apply to the proposed Special Land Use, the Township Board shall approve, subject to conditions in accordance with Section 6.8, or deny the Special Land Use within thirty (30) days following the public hearing. A written statement of findings and conclusions (e.g., staff report, detailed motion, meeting minutes, etc.) that specifies the basis for a decision and any conditions imposed on a Special Land Use request shall be maintained by the Township.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the Special Land Use permit. A request for approval of a Special Land Use Permit which is in compliance with standards stated in the Zoning Ordinance, the conditions imposed pursuant to Section 6.8, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the Special Land Use Permit, a copy of the approved Site Plan shall be forwarded to the applicant, Clerk, Zoning Administrator,

and Planning Commission along with full documentation regarding the findings of the review and approval or denial. The Zoning Administrator shall not issue a zoning compliance permit until he/she has received a copy of the approved Site Plan.

#### SECTION 6.8 – IMPOSITION of CONDITIONS

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06 and the requirements of other provisions of this Ordinance, the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity; to protect the natural environment and con-serve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

#### SECTION 6.9 – PERFORMANCE GUARANTEE

In authorizing a Special Land Use Permit, the Palmyra Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, performance bond, surety bond, *or* guaranty bond be furnished by the developer to insure compliance with an approved Site Plan and Special Land Use Permit requirements. The Palmyra Township Board shall determine which type of guarantee is necessary and such guarantee shall be deposited with the Palmyra Township Clerk at the time of the issuance of the Special Land Use Permit. In fixing the amount of such performance guarantee, the Palmyra Township Board shall limit the amount to reasonable improvements required and remediation or restoration necessary after the special land use ceases operation, to restore the site to its condition before the Special Land Use was permitted and to meet the standards of this Ordinance and to protect the natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage or improvements for decommissioning, including but not limited to removing all nonutility owned equipment, conduits, structures, fencing and foundation to a depth of at least 4 (four) feet below grade, all gravel and access roads, and replacing soil removed or eroded. The Palmyra Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this Section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions contained in the Special Land Use Permit.

**ARTICLE VII  
SITE PLAN REVIEW**

**SECTION 7.1 - INTENT**

The intent of this Article is to require Site Plan Review and to provide for consultation and cooperation between the developer and the Township to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with the Zoning Ordinance and the Master Plan of the Township will be assured, and the Township will develop in an orderly fashion consistent with public health, safety, and welfare.

**SECTION 7.2 -- REQUIREMENTS**

- A. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires Site Plan approval, until a Site Plan is approved.
- B. Preliminary Site Plans shall be required for all Special Land Uses as set forth in Article VI.
- C. An applicant may also elect to submit a Preliminary Site Plan as an optional step to obtain feedback on a proposed development. A Preliminary Site Plan shall meet all of the criteria and standards set forth in Section 7.3.
- D. Final Site Plan Review and approval as set forth in Sections 7.4 through 7.9 is required for all proposed uses and structures within the Township except for individual single-family dwellings. Farm buildings and structures shall not be exempt from the Site Plan Review and approval process except where buildings or structures conform to and are regulated by an applicable GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time. Further, such buildings and structures shall be exempt from the Site Plan approval process only as to those details, regulations, and requirements which are specifically delineated and set forth in the applicable GAAMP.
- E. Final Site Plan Review and approval as set forth in Section 7.4 through 7.9 is required for existing principal or accessory structures or uses (including parking lots) where an alteration, addition, expansion, change or conversion:
  - 1. Constitutes an increase to the existing structure or use of one thousand (1,000) or more square feet or ten (10) percent, whichever is less;
  - 2. Would require a variance from the provisions of this Ordinance, regardless of its size.

**SECTION 7.3 - PRELIMINARY SITE PLAN**

- A. A Preliminary Site Plan is a generalized Site Plan required to be submitted for review of Special Land Uses by the Township Planning Commission. An applicant may also elect to submit a Preliminary Site Plan as an optional step in the overall Site Plan Review process to obtain feedback

on a proposed development. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Master Plan, as well as to suggest changes necessary, if any, for the Final Site Plan approval.

- B. Applicants shall file a Preliminary Site Plan in conjunction with a Special Land Use application, as set forth in Section 6.4.
- C. Information Required for Review – Every Preliminary Site Plan submitted to the Planning Commission shall include the following information:
  - 1. The description, location, size and shape of the property involved.
  - 2. The shape, size, and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features including topography and soils.
  - 3. The location of all existing and proposed water and sewage treatment systems serving the property.
  - 4. Any other information deemed necessary to illustrate properly the development concept to the Planning Commission.
- D. The Planning Commission shall review the Preliminary Site Plan to determine if a Special Land Use may be approved, and/or if the overall development concept of an optional Preliminary Site Plan is acceptable.
  - 1. Approval of the Special Land Use and Preliminary Site Plan by the Planning Commission shall constitute approval of the Special Land Use but shall vest no rights in the applicant regarding approval of the Final Site Plan inasmuch as the specific details of a Site Plan prepared in accordance with Section 7.4 serve as the basis for determining that all Township standards have been met.

#### SECTION 7.4 - FINAL SITE PLAN

- A. All Final Site Plans shall be submitted to the Township Clerk at least twenty-one (21) days prior to the next scheduled meeting of the Planning Commission and must contain the following:
  - 1. A completed application signed by the owner; if the owner is a corporation, the application must be signed by a corporate officer; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual or individuals, each individual owner must sign the application.
  - 2. At least 6 copies, as determined by the Township, of the Site Plan meeting all informational requirements set forth in Section 7.6 as determined by the Township. Incomplete plans will not be accepted.
  - 3. All items as required by Section 7.6 shown on the Site Plan.

4. Required fees.
  5. Upon receipt of a complete application and Site Plan, the Township Zoning Administer shall place review of the Site Plan on the next Planning Commission agenda.
  6. The Township may refer the Site Plan to the Township Planner and Engineer for review as well as other applicable outside agencies.
- B. Planning Commission Review. The Planning Commission will consider the application and take one (1) of the following actions:
1. Approval. Upon finding that the application and Final Site Plan meet the criteria of Site Plan Review in Section 7.5, the Planning Commission shall recommend approval.
  2. Approval with Minor Revisions. Upon finding that the Application and Final Site Plan meet the criteria of Site Plan Review in Section 7.5, except for minor revisions, which can be made and confirmed without further technical review, the Planning Commission may recommend approval, conditioned upon said revisions being made and reviewed by appropriate Township staff and/or consultants.
  3. Tabling. Upon finding that the application and Final Site Plan do not, but could, meet the criteria of Site Plan Review in Section 7.5 upon the making of revisions, confirmation of which requires further technical review, the Planning Commission may table its recommendation until the revised Final Site Plan is resubmitted to the Planning Commission.
  4. Denial. Upon finding that the application and Final Site Plan do not meet one (1) or more of the criteria of Site Plan Review in Section 7.5 and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new Site Plan, the Planning Commission shall recommend denial.

## SECTION 7.5 - CRITERIA of FINAL SITE PLAN REVIEW

The Site Plan shall be reviewed and approved upon a finding that the following conditions are met:

- A. The proposed use will not be injurious to the surrounding neighborhood.
- B. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration, and passing lanes or approaches to preserve the safety and conveniences of pedestrian and vehicular traffic.
- C. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- D. It provides for proper development of roads, easements, and public utilities and protects the general health, safety, welfare, and character of the Township.
- E. It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water facilities, parking lots, driveways, water mains,

sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the Township Zoning Administer and as set forth in any Township design and construction standards, which may be established.

- F. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner, which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater, and woodlands.
- H. The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- I. The proposed development will not cause soil erosion or sedimentation.
- J. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
- K. Wastewater treatment systems, including on-site septic systems, will be located and designed to minimize any potential degradation of surface water or groundwater quality.
- L. A site which includes storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies. See additional requirements in Article X.
- M. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- N. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- O. The proposed use complies with all Township Ordinances and any other applicable laws.

#### SECTION 7.6 - INFORMATION REQUIRED on FINAL SITE PLAN

Final Site Plans, as required under Section 7.2, shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of 1" = 40' for lots less than three acres or 1" = 80' for lots three (3) or more acres. A Final Site Plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review.

- A. General Information:

1. Proprietors, applicants, and owner's names, addresses, email addresses, and telephone numbers.
  2. Date (month, day, year), including revisions.
  3. Title block.
  4. Scale.
  5. North point.
  6. Location map drawn at a scale of 1" = 2,000' with north point indicated.
  7. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.
  8. Existing lot lines, building lines, structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.
  9. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.
  10. Centerline and existing and proposed right-of-way lines of any street.
  11. Zoning classification of petitioner's parcel and all abutting parcels.
  12. Gross acreage figure.
  13. Proximity to major thoroughfares and section corners.
- B. Physical features.
1. Acceleration, deceleration, and passing lanes and approaches.
  2. Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
  3. Location of existing and proposed service facilities above and below ground, including:
    - a. Well sites.
    - b. Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly identified.
    - c. Chemical and fuel storage tanks and containers.
    - d. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
    - e. Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable.

- f. Sanitary sewers and pumping stations, where applicable.
  - g. Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage-ways, and other facilities, including calculations for sizes.
  - h. Location and dimension of all easements.
4. Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views.
  5. Dimensioned parking spaces and calculations, drives, and method of surfacing.
  6. Exterior lighting locations and illumination patterns.
  7. Location and description of all existing and proposed landscaping, berms, fencing, and walls.
  8. Trash receptacle and transformer pad location and method of screening.
  9. Dedicated road or service drive locations.
  10. Entrance details including sign locations and size.
  11. Designation of fire lanes.
  12. Any other pertinent physical features.
- C. Natural features.
1. Soil characteristics of the parcel to at least the detail provided by the U.S. Natural Resources Conservation Service's "Soil Survey of Lenawee County, Michigan."
  2. Existing topography with a maximum contour interval of two (2) feet, both on the site and beyond the site for a distance of one hundred (100) feet in all directions. Grading plan, showing finished contours so as to clearly indicate required cutting, filling and grading.
  3. Location of existing drainage-courses and associated bodies of water, on and off site, and their elevations.
  4. Location of existing wetlands.
  5. Location of natural resource features, including woodlands and areas with slopes greater than ten (10) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance).
  6. An impact assessment.
- D. Additional requirements for residential developments.
1. Density calculations by type of unit by bedroom counts.

2. Designation of units by type and number of units in each building.
  3. Carport locations and details where proposed.
  4. Specific amount and location of recreation spaces.
  5. Type of recreation facilities to be provided in recreation space.
  6. Details of a community building and fencing of swimming pool if proposed.
- E. Additional requirements for commercial and industrial developments.
1. Loading/unloading areas.
  2. Total and usable floor area.
  3. Number of employees in peak usage.
  4. A detailed plan for restoration after an operation ceases for six (6) months or after hazardous contamination of the property along with a performance guarantee in an amount to be determined by the Palmyra Township Board.

#### SECTION 7.7 - NOTICE of ACTION or RECOMMENDATION

The Planning Commission shall note on a Final Site Plan any action or recommendation regarding that Plan and provide at least one (1) copy of that Plan together with any required written findings, conditions or reasons to the Clerk. A copy of the Planning Commission minutes shall be sufficient to satisfy the requirement.

#### SECTION 7.8 - BUILDING PERMITS and CONFORMITY to FINAL SITE PLAN

After filing of the approved application and Final Site Plan, satisfaction of any conditions of said approval and compliance with this and other Township Ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the Site Plan as approved, together with any conditions imposed.

#### SECTION 7.9 - EXPIRATION of APPROVAL

Final Site Plan approval is valid for a period of one (1) year from the date of Planning Commission action within which time all necessary building or construction permits shall be secured and construction recommenced. The Planning Commission may grant an extension of Site Plan approval for up to one (1) year. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the Final Site Plan as approved.

**ARTICLE VIII  
GENERAL PROVISIONS**

**SECTION 8.1 – OFF-STREET PARKING REQUIREMENTS**

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

**8.1.1 Plans**

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

**8.1.2 Location of Off-Street Parking Areas**

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

**8.1.3 Off-Street Parking Area Design**

- A. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
  - 1. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
  - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- D. All off-street parking spaces shall not be closer than five (5) feet to any property line, except

where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-or two-family dwellings.

#### 8.1.4 Collective Parking

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

#### 8.1.5 Determining Requirements

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

##### A. Floor Area

In the case where floor area is the unit for determining the required number of off- street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

##### B. Places of Assembly

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

##### C. Fractions

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one- half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one(1) parking space.

8.1.6 Schedule of Off-Street Parking Spaces

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Office	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating,	One (1) space for each two (2) employees on Processing &

Bottling Plants, Research & Testing Laboratories	maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Night Clubs	One (1) space for each two(2) seating capacity plus one(1) space for patrons of maximum Taverns and each two(2) employees.

Use

Parking Space Requirements

Self-Service Laundry or Dry Stores	One (1) space for each two (2) washing and/or Cleaning drying cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super Market, Self-Service and Discount Stores	One (1) space for each two hundred (200) square Food feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments Warehouses	One (1) space for each four hundred (400) square And feet of floor area plus one (1) space for each two (2) employees.

8.1.7 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 8.2 – OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single-and two- family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

8.2.1 Plans

Approved by the Palmyra Township Board 3/11/2025

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

#### 8.2.2 Off-Street Loading Area Design

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length with not less than fifteen (15) foot in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back in or out directly into a public road shall be prohibited.

#### 8.2.3 Off-Street Loading Area Space Requirements

- A. In the case of mixed use on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

### SECTION 8.3 – SIGN REGULATIONS

#### 8.3.1 General Sign Regulations

- A. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be erected or maintained which simulates or limits in size, color, lettering, or design any traffic sign, signal, or device.
- B. All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest B.O.C.A. Code. In addition, all signs shall be erected in such a manner, and with such materials, to remain safe and secure during the period of use.
- C. Any light used to illuminate signs shall be so arranged as to reflect light away from adjoining premises and streets.
- D. All signs shall conform to the yard and height requirements of the district in which said sign is located, except signs may be placed no closer to the street right-of-way line than one-third

(1/3) the minimum authorized front yard depth.

### 8.3.2 Specific On-Site Sign Regulations in the Farming District

Signs in the Farming District shall be regulated as follows:

- A. Freestanding signs shall not exceed thirty-two (32) square feet in area.
- B. Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
- C. Signs may be illuminated only by non-flashing reflected light.

### 8.3.3 Specific Sign Regulations in the Residential – Farming and Mobile Home Districts

The following on-site signs are permitted on any one (1) lot in Residential – Farming and Mobile Home Districts:

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- C. One (1) on-site sign advertising a recorded subdivision or development not to exceed sixteen (16) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- D. One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, not to exceed sixteen (16) square feet in area.
- E. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed sixteen (16) square feet in area.

### 8.3.4 Specific Sign Regulations in the Commercial, Office, Light Industrial and General Industrial Districts

The following on-site signs are permitted in the Commercial, Office, Light Industrial and General Industrial Districts:

- A. Freestanding signs shall not exceed thirty-two (32) square feet in area.
- B. Signs attached or painted on the face of a building shall not extend beyond the surface area of that building.
- C. Signs may be illuminated internally or by reflected light provided the source of the light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices

shall be permitted.

### 8.3.5 Off-Site Signs

Off-site signs are only permitted along U.S. 223 and are subject to the regulations of the State of Michigan Department of Transportation.

### 8.3.6 Nonconforming Signs

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming sign damaged by fire, collapse, explosion, acts of God, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60%) percent of the total replacement cost of the entire sign at the time such damage occurred.

## SECTION 8.4 – HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit *and/or accessory structure* for residential purposes. The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.
- D. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time.
- E. No hazard of fire, explosion or radioactivity shall exist at any time.
- F. Not more than one (1) person other than the family occupying the dwelling shall be employed.

## SECTION 8.5 – STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in a Commercial or Office District, the owner or tenant shall locate and store such materials within a completely enclosed building, except automobile service stations or dealers may store vehicles awaiting repair in an area which is not in an enclosed building for periods not to exceed thirty (30) days.
- B. On any lot in any Industrial District, the owner or tenant, whether or not for hire or for

business, shall locate and store such materials within a completely enclosed building or within an area surrounded by an opaque fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in the Industrial District.

#### SECTION 8.6 – MOBILE HOME AND TRAVEL TRAILERS – TEMPORARY OCCUPANCY

- A. The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of a mobile home on any lot in a Farming (F), or Residential and Farming (RF) District subject to the following conditions:
1. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
  2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
  3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
  4. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed thereat.
  5. The Planning Commission may require a security deposit or bond of an amount necessary to assure compliance with this section.
- B. No travel trailer shall be used as a dwelling except for a period not to exceed two (2) weeks and in a duly licensed travel trailer park, or as a temporary dwelling for a period not to exceed one (1) week provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the Zoning Inspector.

#### SECTION 8.7 – VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) lines at points which are thirty-five (35) feet distance from the point of intersection, measured along the street right-of-way line.

#### SECTION 8.8 – ACCESS TO PUBLIC STREETS

- A. In any Residential Farming district, Commercial district, Office district and Industrial districts, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- B. In the Farming district every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.

#### SECTION 8.9 – FENCES

Fences in all districts are subject to the following conditions:

- A. Fences which enclosed property shall not exceed seven (7) feet in height measured from the surface of the ground.

#### SECTION 8.10 – FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreational uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

#### SECTION 8.11 – TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Township Board based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

#### SECTION 8.12 – ESSENTIAL SERVICE

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.

Nothing in this section shall be construed to permit the erection, construction, or enlargement of any maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

#### SECTION 8.13 - SOLAR ENERGY SYSTEMS (SES)

##### A. Purpose:

To promote the use of Solar Energy within Palmyra Township as a clean alternative energy source and provide for the land development, installation and construction regulations for Level 3 Solar Energy Systems (SES) facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish requirements and standards for the placement, construction and modification of Level 3 SES facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

B. Criteria for the use of All Solar Energy Equipment:

1. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional, as determined on the site plan.
2. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI) and all county, state, and federal regulations and safety requirements, including applicable building codes.
3. Level 3 SES are permitted as conditional uses in the following zoning districts:
  - a. Agricultural (AG)
  - b. Agricultural Residential (AR)
  - c. General Industrial (GI)

C. Application for Site Plan Review for Level 3 SES

An applicant who seeks to install a Level 3 SES shall submit an application for Site Plan Review and Conditional Use Permit to the Township Clerk, before being sent to the Planning Commission for their recommendation to the Township Board. The application shall include the following:

1. The owner of a solar farm (Level3) SES shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
2. Photographs of the property's existing condition.
3. Renderings of catalogue cuts of the proposed solar energy equipment.
4. Certificate of compliance demonstration that the system has been tested and approved by Underwriter laboratories (UL) or another approved independent testing agency.
5. Prior to installation of a ground mounted Solar Energy System, the property owner or representative shall submit a descriptive site plan to the Zoning Administrator. This plan shall include setbacks, panel size, and the location of the property lines; buildings, fences, greenbelts, road rights-of-way; and a detailed decommissioning plan for restoration after the SES ceases operation (See Section 8.13E). This site plan must be drawn to scale.
6. Description of the screening to be provided for the ground or wall mounted solar energy equipment.
7. Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
8. Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with

the development. The traffic plan shall include, for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

9. Visual inspections: Review and demonstrate the visual impact using photos or renderings of the project or similar projects with consideration given to tree plantings and setback requirements.
10. Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from the project activities. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
11. Wildlife: Review potential impact on wildlife on the site.
12. Waste: Identify solid waste or hazardous waste generated by the project and include a detailed environmental waste and/or hazardous waste disposal plan that addresses how the applicant will manage any hazardous waste during the course of the project or at the end of life of the project, particularly as it relates to solar panel recycling and disposal of panels and other facility equipment involving heavy metals such as silver, lead, arsenic, cadmium, selenium.
13. Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
14. Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site.
15. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to community in general that may be created.
16. Telecommunications and electromagnetic interference: Identify and all potential sources of electromagnetic fields and communications interference that may be generated by the project.
17. A list of all parcel numbers that will be used by the Level 3 Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
18. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Level 3 Solar Energy System.

19. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Level 3 Solar Energy System, which is subject to the Township's review and approval.
20. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
21. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
22. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the permit.
  - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for a 12-month-period, abandonment etc.)
  - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
  - c. Restoration of property to condition prior to development of the SES.
  - d. The timeframe for completion of decommissioning activities.
  - e. Description of any agreement (i.e., lease) with landowner regarding decommissioning.
  - f. The party currently responsible for decommissioning.
  - g. Plans for updating the decommissioning plan.
  - h. Anticipated life of the project.
  - i. The estimated decommissioning cost net of salvage value in current dollars.
  - j. The decommissioning plan shall be written to provide security to the Township for 125% of the cost to remove and dispose of all panels, removal of all wiring, footings, and pilings, (regardless of depth), and restoration of the land to its original condition. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years and additional security shall be required based on the average inflation rate of the preceding 2 years.
23. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to,

review fees of the Township Attorney, Township Planner, Township Engineer, and other Township qualified professional consultants in the areas of electrical, acoustics, environmental, and health and safety, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the sole determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts more than actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

D. Level 3 SES Solar Farms:

1. Level 3 SES facilities must be ground mounted.
2. Minimum lot size: Level 3 SES facilities shall not be constructed on parcels less than twenty (20) acres.
3. Height Restrictions: All panels located in a solar farm shall be restricted to a height of fourteen (14) feet when oriented at maximum tilt.
4. Setbacks: Must meet the requirements in Section 4.8.1 (See footnotes 1-4) If a single Level 3 Solar Energy System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
5. Maximum Lot Coverage: See Section 4.8.1
6. Safety/Access: A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the Level 3 SES power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
7. Noise mitigation and Sound Pressure Level: Transformers and inverters shall be located in or near the center of the project to mitigate sound at the property line. Level 3 SES facilities shall not exceed 40 dB(A) (Lmax) / 55 dB(C) (Lmax) as measured at the property line of the outside boundary of property included within the project.
8. Buffering Between Land Uses: Upon any improvement for which a Site plan is required, a landscape buffer shall be required to create a visual screen at least six (6) feet in height along all adjoining boundaries whenever a Level 3 SES use abuts a nonparticipating residential property. A landscape buffer shall consist of plant materials so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of the plant material to be at six (6) feet in three (3) years, the opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in

writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.

9. Local, State and Federal permits: Level 3 SES facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, Lenawee County, Palmyra Township, and comply with standards of the State of Michigan adopted codes before the facility begins operating.

10. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements and be underground. If batteries are used as part of the Level 3 Solar Energy System, they must be placed in a secured container or enclosure.

11. Performance Guarantee: See Section 8.13, C22j

E. Level 3 Solar Energy Systems Under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more. Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more shall only be permitted as a special land use in the Renewable Energy Overlay District as shown on the Palmyra Township Zoning Map. The overlay district, consisting of 1,600 plus or minus gross acres, shall not exceed 1,000 net buildable acres.

To the extent the following provisions conflict with the provisions in Sections 8.13(A)-(D), these provisions control as to Level 3 Solar Energy Systems with a nameplate capacity of 50 megawatts or more. All provisions in Sections 8.13(A)-(D) that do not conflict with this subsection E remain in full force and effect and shall be applicable to all Level 3 Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Level 3 Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

1. Setbacks. Level 3 Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

2. Fencing. Fencing for Level 3 Solar Energy Systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

3. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

4. Noise. The Level 3 Solar Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
  5. Lighting. The Level 3 Solar Energy System must implement dark sky-friendly lighting solutions.
  6. Environmental Regulations. The Level 3 Solar Energy System must comply with applicable state or federal environmental regulations.
  7. Host Community Agreement. The applicant for a special land use permit for a Level 3 Solar Energy System shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Level 3 Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.
- E. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.
- F. Extraordinary Events. If the Level 3 Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- G. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
- a. Current proof of insurance;
  - b. Verification of financial security; and
  - c. A summary of all complaints, complaint resolutions, and extraordinary events.
- H. Inspections. The Township may inspect a Level 3 Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.
- I. Transferability. A special use permit for a Level 3 Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- J. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.
- K. Abandonment and Decommissioning Plan:
1. Abandonment: A Level 3 SES that ceases to produce energy on a continuous basis for a 12-month period will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after a

12-month period of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SES.

- a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the SES and restore the site to its condition prior to development of the SES within one hundred and eighty (180) days of notice by the Zoning Administrator.
- b. If the responsible party (or parties) fail to comply, the Zoning Administrator may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous pre-development condition.

#### SECTION 8.14 – WIND ENERGY SYSTEMS (WES)

A. General Provisions. All WES are subject to the following requirements:

1. All WES, including towers, shall conform to the provisions of this Section and all local, county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of ANSI, FAA, Michigan Airport Zoning Act, Michigan Tall Structures Act, Underwriter Laboratory (UL), NEC, National Fire Protection Association (NFPA), and the most current Michigan Uniform Building Code adopted by the enforcing agencies. An interconnected Utility-Scale WES shall comply with any applicable Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards.
2. If an applicant, Owner, Operator, or Participating Property Owner of a WES fails to comply with this Section, the Township, in addition to any other remedy under the Zoning Ordinance, may revoke any approvals after giving notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover all costs, including the Township's actual attorney fees and costs.
3. All WES, prior to construction, must obtain a no hazard determination from the FAA.
4. Wind turbines that exceed two hundred (200) feet in total height are considered obstructions to air traffic and are subject to the approval of the FAA. The FAA requires that obstructions to air traffic be illuminated with the appropriate FAA approved flashing red, flashing white, or steady burning red light lighting as described in FAA Advisory Circular AC 70/7460-1K, titled Obstruction Lighting and Marking.

B. Utility-Scale Wind Energy Systems. Utility-Scale WES are permitted by special land use approval in the Renewable Energy Overlay District as shown on the Palmyra Township Zoning Map and require a special land use permit under Article VI and site plan approval under Article VII. Utility-Scale WES are also subject to the following requirements:

1. Special Land Use Permit Application Requirements. In addition to the requirements of Article VI, the applicant for a Utility-Scale WES shall provide the Township with all of the following:
  - a. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
  - b. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, Township Engineer, and other Township qualified professional consultants in the areas of electrical, acoustics, environmental, and health and safety, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the sole determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts more than actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.
  - c. Required Security Deposits. Following approval, but prior to the issuance of a special land use permit for the construction of any Utility Scale WES, the following security deposits shall be deposited with the Township.
    - i. Sufficient funds to decommission and remove the WES in the event of abandonment.
    - ii. Sufficient funds to repair the anticipated damage to roadways during construction of the WES.
    - iii. A \$15,000 escrow account to cover the costs of complaint investigation, mitigation, and resolution.
  - d. A map including all parcel numbers that depicts all Participating Property to be used by the Utility-Scale WES; documentation establishing ownership of each parcel; and any and all lease or option agreements (including “good neighbor” agreements), easements, or purchase agreements for the subject parcels, together with any attachments to such agreements or easements.
  - e. An operations agreement setting forth the operations parameters, the name and contact information of the Owner/Operator, the Owner/Operator’s inspection protocol, emergency procedures, and general safety documentation.

- f. Federal Employer Identification Number for the Owner/Operator is required at the time of application.
- g. A written emergency response plan detailing the Owner/Operator's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the Owner/Operator shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.
- h. A written description of the fire suppression system that will be installed, which shall identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
- i. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies. All training and/or equipment will be paid for by the Owner/Operator. The training plan must include, at a minimum, mandatory annual emergency response training for local firefighters and other local emergency personnel at the site of a Utility-Scale WES.
- j. A complete set of photographs, video, and topography map of the entire Participating Property prior to construction.
- k. A copy of any power purchase agreement or other written agreement that the Owner/Operator has with an electric utility or any agreement or approval for interconnection between the proposed Utility-Scale WES and an electric utility or transmission company.
- l. A written plan conforming to the requirements of this Ordinance for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- m. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale WES, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale WES and restore the subject parcels to as near as possible to the condition the subject parcels were in prior to being used as a Utility-Scale WES.
- n. Financial security that meets the requirements of this Section.
- o. A plan for resolving complaints regarding but not limited to noise, glare, maintenance, shadow flicker, vibrations, ice throws, lighting, and drainage from the public or other property owners concerning the construction and operation of the Utility-Scale WES.
- p. Identification of and a plan for managing any hazardous waste.

- q. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation.
- r. An attestation that the Owner/Operator of the subject property will indemnify and hold the Township and its officials, elected or appointed, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale WES.
- s. Utility-Scale WES shall be a vertical axis wind turbine constructed in accordance with the manufacturer's specifications and directions and shall be inspected by a third-party engineer retained by the Township and paid for out of the escrow maintained by the applicant. As built plans shall be provided to the Township upon completion of construction. A copy of the manufacturer's directions, instruction manual, and specification sheets for each model of turbine in the Utility-Scale WES, including any unredacted safety manuals and Safety Data Sheets (SDS), for installing, maintaining, and using the Utility-Scale WES. The safety manuals and SDS should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during Utility-Scale WES failure, processes in emergencies, etc.
- t. A ground cover vegetation establishment and management plan that complies with the Zoning Ordinance.
- u. Proof of environmental compliance, including compliance with:
  - i. Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. Seq.);
  - ii. Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. Seq.) and any corresponding County ordinances;
  - iii. Part 301, Inland Lakes and Streams, (MCL 324.30101 et. Seq.);
  - iv. Part 303, Wetlands (MCL 324.30301 et. Seq.);
  - v. Part 365, Endangered Species Protection (MCL324.36501 et. Seq.); and
  - vi. Any other applicable laws and rules in force at the time the application is considered by the Township.
- v. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- w. Insurance. Proof of the Owner/Operator's public liability insurance shall be provided at the time of application. If the Owner/Operator is approved, proof of insurance shall be provided to the Township annually thereafter. The policy shall provide for bodily injury, property damage, livestock damage, and future earnings loss and shall name the Township and each Participating Property owner as an additional insured with the right to be notified  
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of cancellation and/or significant reduction of coverage. The Owner/Operator shall insure for liability, for the utility scale wind system until removed for at least \$25,000,000 per occurrence to protect the Owner/Operator, Township, and Participating Property owner. Proof of a current policy is required annually and shall be provided each year to the Township prior to the anniversary date of the special land use permit. Aggregate policies are allowed if minimum coverage per Utility-Scale WES is satisfied, and coverage is provided for every site where owner/operator's equipment is located.

- x. Compliance with the Michigan Uniform Building Code and National Electric Safety Code: Construction of a Utility-Scale WES shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any special land use permit under this section.
  - y. Conceptual plan. A graphical computer-generated depiction of how the Utility-Scale WES will appear from all directions.
  - z. The Owner/Operator 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 WES to structurally fail or collapse, and what results should be expected in such an event.
2. Site Plan Application Requirements. In addition to the requirements in Article VII, the applicant shall, at its expense, provide a detailed application and site plan drafted to a scale of 1 inch = 200 feet with the following:
- a. Location of all proposed structures, turbines, equipment, transformers, and substations.
  - b. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
  - c. Indication of how and where the system will be connected to the power grid.
  - d. Plan for any land clearing and grading required for the installation and operation of the system.
  - e. Plan for ground cover establishment and management.
  - f. Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
  - g. Sound modeling study including sound isolines extending from the sound sources to the property lines of Participating Property.

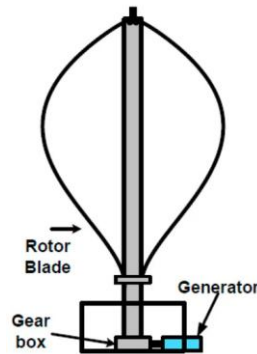
- h. Any additional studies requested by the Planning Commission, including but not limited to the following:
  - i. Visual Impact Assessment: A technical analysis by a third-party qualified professional acceptable to the Township, of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
  - ii. Environmental Analysis: An analysis by a third-party qualified professional acceptable to the Township, to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
  - iii. Stormwater Study: An analysis by a third-party qualified professional acceptable to the Township, studying the proposed layout of the Utility-Scale WES and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
  - iv. Glare Study: An analysis by a third-party qualified professional acceptable to the Township, to determine if glare from the Utility-Scale WES will be visible from nearby airports, air strips, residences, and roadways. The analysis will consider the changing position of the sun throughout the day and year and its influences on the Utility-Scale WES.
  - v. Conceptual Layout Plan. Owner/Operator shall submit a conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall be reviewed by the Planning Commission to allow for discussion and feedback.
  - vi. Background Sound Analysis. A background (ambient) sound analysis shall be performed by an independent third-party acoustician acceptable to the Township 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 Property and Participating Property. 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 four four-day (96 hour) testing periods, include one Sunday, and divide data by daytime and nighttime. One of the four-day testing periods must occur between December 1 and March 1, one must occur between March 1 and June 1, one must occur between June 1 and September 1, and one must occur between September 1 and

December 1. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

- vii. Economic Impact: The Owner/Operator shall fund and provide an economic impact analysis performed by an independent third-party acceptable to the Township. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average set-backs distances. Business and residential growth potential shall be considered.
- viii. Wind Assessment Analysis. A wind assessment analysis conducted within a potential project area shall be completed within 18 months of the date of application for a Utility-Scale WES and shall be performed by an independent third-party acceptable to the Township. The study must show analysis for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability shall be placed within the potential vertical swept blade area of the proposed Utility-Scale WES. The anemometer shall be decommissioned in accordance with this Ordinance, including the provision of a security bond covering decommissioning costs.
- ix. Shadow Flicker Impact Analysis. A copy of a shadow flicker analysis shall be performed by an independent third-party acceptable to the Township at Non-Participating Property lines to identify the locations of shadow flicker that may be caused by any Utility-Scale WES and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the owners and/or occupants of Non-Participating Property and show measures that shall be taken to eliminate shadow flicker.
- x. A copy of a site suitability analysis by a third-party qualified professional acceptable to the Township to identify and assess any potential impacts to or hazardous conditions resulting from proximate existing uses and conditions. The suitability analysis must include:
  - (a) A flight pattern analysis and impact statement.
  - (b) A subsurface mine analysis and impact statement.
  - (c) An oil and gas lease analysis and impact statement.
  - (d) Other local site conditions identified by Planning Commission.
- i. Approvals from Other Agencies. Final site plan approval may be granted only after the Owner/Operator receives all required federal, state and local approvals, including any applicable approval by the state historic preservation office. Owner/Operator shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the Township.

- j. The site plan must show the existing topographical grades in two-foot intervals and conditions of all Participating Property at the time of application.
- k. A baseline soil test with a minimum of 1 core sample within 10 feet of each turbine foundation, including Cation Exchange Capacity (CEC), shall be provided to the Township prior to any construction.
- l. A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.
- m. Water Usage and Cleaning. The Owner/Operator shall detail the methodology planned for cleaning the wind turbines, frequency, and listing of any and all detergents, surfactants, chemical solutions used for each cleaning, and sources of water used to facilitate turbine restoration and maintenance.
- n. Repair Documentation: Owner/Operator must provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or noncompliant Utility-Scale WES. Sections of the process book should consider any ordinance requirement or Utility-Scale WES performance deficiency. The process book shall also include a detailed maintenance schedule.
- o. Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professional and the submitted site plan is prepared to show compliance with these issues.
- p. A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility-Scale WES.
- q. Access Driveways: Geographic information system (GIS) mapping location of Utility-Scale WES and WES Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways and be filed with the township and recorded at the County Register of Deeds as an easement. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to Utility-Scale WES. Construction of the Access Driveway that serves a Utility-Scale WES or WES 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 must meet Fowlerville Township Fire Department regulations and grant permanent access easement to the Township to be recorded at the County Register of Deeds.
- r. All new infrastructure above and below ground related to the project, including transmission line locations.

- s. A contact for the Owner/Operator to which any notice of complaint, as defined by this Ordinance, may be sent.
  - t. Building Siting: Geographic information system(GIS) mapping of locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other aboveground structures associated with the Utility Scale WES.
  - u. Nearby Building Siting and Airports: Geographic information system (GIS) mapping locations of any existing airport located within 5 miles of a proposed Utility-Scale WES and the location and height of all existing adjacent buildings, structures, and existing or proposed above ground and underground utilities located within 2500 feet of the property lines of any Participating Property, including the location of all overhead and underground electrical transmission or distribution lines, whether utilized or not by the Utility-Scale WES or WES Testing Facility.
  - v. Site Lighting: A lighting plan for each Utility-Scale WES and WES 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, Owner/Operator 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.
  - w. Supplemental: Additional detail(s) and information as requested by the Planning Commission.
3. Application Items as Substantive Requirements. The information, plans, documents, and other items identified as application requirements in this Section, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility-Scale WES. The Planning Commission shall review the sufficiency of the application materials and the required standards and findings under Articles VI and VII of the Zoning Ordinance. If the Planning Commission determines that the substance of any application item is insufficient, the Planning Commission shall deny approval on that basis.
4. System and Location Requirements.
- a. Utility-Scale WES shall be limited to vertical axis wind turbines similar to the depiction below, as opposed to a horizontal axis wind turbine, and shall only be located in the Renewable Energy Overlay District as shown on the Palmyra Township Zoning Map.



- b. Setback: The following setback, measured from the outside edge (the point furthest from the tower as it rotates) of the blades, not from the tower itself, shall be observed. The minimum setback from any property line of a Non-Participating Property or any public or private road right-of-way is 500 feet for non-participating and 750 from public road rights of way. Additionally, each turbine must be located at least 1 mile from the nearest inland lake as defined by the Natural Resources and Environmental Protection Act, Act 451 of 1994 and shall not raise the descent minimums of any approach procedure to any airport, or otherwise limit operations at an airport. If a single Utility-Scale WES is located on more than one property, or if the adjacent property is owned by the same owner as the property on which the Utility-Scale WES is located, then the lot line setbacks of this subsection do not apply to the lot lines shared by those properties.
  - c. The height of a Utility-Scale WES with the blade fully extended must not exceed 200 feet.
  - d. The minimum clearance from ground level to the blade at its lowest point must be at least 50 feet.
  - e. Rotor blades of a Utility-Scale WES must have a minimum of 100 feet of clearance from any structure, other than another WES.
  - f. Each Utility-Scale WES must be equipped with a braking or equivalent device, capable of stopping the Utility-Scale WES operation in high winds with or without SCADA control. The braking system must be effective during complete grid power failure when Utility-Scale WES are unable to communicate with SCADA control or receive power.
  - g. All Utility-Scale WES may be required to be equipped with technology that automatically de-ices the turbine blades. Such system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air.
  - h. The size of a Participating Property to be used for a Utility-Scale WES shall be sufficient to comply with all setback requirements in this section.
5. Vibrations: No Utility-Scale WES shall create vibrations that are detectable by humans on Non-participating Property. No Utility-Scale WES shall generate or permit to be generated 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 Property line or at any point within a Non-Participating Property.

6. Shadow Flicker: Zero hours of Shadow Flicker may fall on or in a Non-Participating Property or on public roads or highways. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on all Non-Participating Property beginning at the property lines, such as programming the Utility-Scale WES to stop rotating during times when shadow crosses property lines, shall be required.
7. Substations and accessory buildings: Structures related or accessory to a Utility-Scale WES shall be subject to the dimensional and locational standards of structures in the zoning district in which they are located. Where structures are visible from Non-Participating Property, vegetation or manmade screening shall be required to minimize visual impact off-site.
8. Permits: All required local, county, state, and federal permits shall be obtained before the Utility-Scale WES begins operating, including, but not limited to, a tall structures permit pursuant to the Michigan Tall Structures Act (Act 259 of 1959, MCL 259.481 *et seq.*)
9. Appearance: All Utility-Scale WES must be painted a non-obtrusive, neutral color, such as beige, gray, or off-white and must be non-reflective. All bases and rotor blades of Utility-Scale WES must be the same color and must be consistent with the color of other Utility-Scale WES in the Township. No advertisements, graphics, or striping are permitted on the Utility-Scale WES. The Owner/Operator is encouraged to select anti-icing paint that prevents the formation of ice on the rotor blades of the Utility-Scale WES.
10. Lighting: Lighting of the Utility-Scale WES is limited to the minimum light necessary for safe operation. Utility-Scale WES may be lit only to the minimum extent required by the FAA.
11. Security Fencing.
  - a. Security fencing may be required by the Planning Commission to be installed around all electrical equipment related to the Utility-Scale WES, including any transformers. Fencing shall be at least seven feet tall and be composed of woven agricultural wire. Barbed and razor wire is prohibited.
  - b. A containment system shall surround any transformers in case of hazardous waste or oil spills.
  - c. Appropriate warning signs shall be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale WES.
  - d. Gate posts and corner posts shall have a concrete foundation.
  - e. Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.
  - f. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
12. Noise.
  - a. 40 dBA L<sub>max</sub>, as measured at the property line of the Participating Property, between the hours of 7:00 a.m. and 9:00 p.m.

- b. 35 dBA Lmax, as measured at the property line of the Participating Property, between the hours of 9:00 p.m. and 7:00 a.m.
  - c. The Owner/Operator of the Utility Scale WES shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the Owner/Operator.
13. Underground Transmission. Except for power switchyards, the areas within a substation, or for interconnection with a regulated transmission line, all power transmission, communication, or other lines, wires, or conduits from a Utility-Scale WES to any building or other structure shall be located underground and in compliance with current NEC standards. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues, but not less than 6 feet below grade or deeper than drain tile on the Participating Property, whichever depth is greater.
14. Road Damage: The Owner/Operator shall inform the County Road Commission (CRC) and the Township of all the roads they propose to use as haul routes for construction, repair, or decommissioning for each Utility-Scale WES. This shall be done prior to beginning any work at any site. A third-party road inspector will be retained, with mutual approval of the Township, the Owner/Operator, and the CRC or the Michigan Department of Transportation (MDOT) if a state highway is involved. The road inspector will determine any precautions to be taken (including videotaping and physical inspections) during the process, to determine any damage that may be caused by Owner/Operator, and then determine the appropriate road standards and measures to be taken to repair the damage. The cost of the third-party road inspector and/or any other required third-party assistance, and of all repairs necessitated to restore the roads [and related property which may be damaged by the Owner/Operator], shall be the responsibility of the Owner/Operator, and shall in no case be the responsibility of the Township.
15. Fire Suppression: The Utility-Scale WES shall include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the WES. The Owner/Operator shall provide documentation establishing the effectiveness of the fire suppression system and the results of a third-party independent inspection of the fire suppression system.
16. Battery Storage: Commercial grid storage batteries or capacitor banks storing or returning supplemental power to the grid are not permitted. Use of Batteries in commercial applications is only permitted as emergency backup for safety lighting and related computer infrastructures.
17. Electronic Interference: A Utility-Scale WES must not interfere with any radio, television, or other communication systems. If the Township or the Owner/Operator of the Utility-Scale WES receive a complaint about communication interference, the Owner/Operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.
18. Stray Voltage Assessments: No stray voltage originating from a Utility-Scale WES may be detected on any Participating Property or Non-Participating Property. A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural

- Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Property. The tests shall be performed by an investigator approved by the Township. A report of the tests shall be provided to the owners of all property included in the study area. The Owner/Operator shall seek written permission from the property owners prior to conducting testing on such owners' property. Owner/Operator shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any Participating Property shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the Participating Property.
19. Drainage: Drainage on Participating Property shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices shall be managed within the Participating Property and on-site in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation of the Utility-Scale WES and shall be able to be returned to pre-existing conditions following decommissioning. Any existing drainage tiles that are identified on Participating Property shall be shown on the as- built drawings submitted following construction. Prior to the start of construction, any existing drain tile shall be inspected by robotic camera and the imagery submitted to the Township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the property owner and Township. While the Utility-Scale WES is in operation, the Owner/Operator shall reinspect the drain tiles every two (2) years by robotic camera for any damage and shall repair any damage within 60 days of discovery. The Owner/Operator shall report the inspection, along with any damage and repair, to the Township within 90 days after each two-year deadline. The Township reserves the right to have the Building Inspector, County Drain Commissioner, or other agent present at the time of repair. WES support structures and/or foundations shall be constructed to preserve any drainage field tile or system.
  20. Access Routes: Access drives are subject to the approval of the County Road Commission to the extent of the Road Commission's jurisdiction. All access drives and roads within the site shall be adequately maintained for emergency vehicle use, including winter maintenance.
  21. As-Built Drawings: The Owner/Operator shall submit "as built" drawings with dimensions relative to Participating Property lines of all new structures including Utility-Scale WES and buried cable both inside and outside fenced areas upon completion and before any power is generated by any Utility-Scale WES. The as built drawings shall be a scale of 1 inch = 200 feet.
  22. Signs: Signs are permitted but shall comply with Section 8.3. Each Utility-Scale WES shall include at least one sign identifying the Owner/Operator and providing a 24-hour emergency contact telephone number.
  23. Emergency Action Plan and Training: Before the Utility-Scale WES is operational, the Owner/Operator shall provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel.
  24. Decommissioning and/or Abandonment:
    - a. If a Utility-Scale WES is abandoned or otherwise non-operational for a period of six months, the Owner/Operator shall notify the Township and shall remove the Utility-Scale WES within six months after the date of abandonment. Removal requires receipt of a  
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demolition permit and full restoration of the site in accordance with the provisions of this Section and to the satisfaction of the Zoning Administrator. The site shall be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale WES that is never fully completed or operational if construction has been halted for a period six months.

- b. The decommissioning plan shall be written to provide security to the Township equal to at least 125% of the cost to remove and dispose of all Utility-Scale WES, removal of all wiring, footings, and pilings, (regardless of depth), and restoration of the land to its original condition. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the Owner/Operator. The cost of decommissioning shall be exclusive of any estimated salvage value. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years and additional security shall be required based on the average of the Consumer Price Index published from time to time by the Bureau of Labor Statistics for the preceding 2 years.
- c. All abandonment and decommissioning work shall be done when soil is dry.
- d. Participating Property shall be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the Owner/Operator.
- e. If land balancing is required, all topsoil will be saved and spread evenly over balanced area according to the existing topography map provided at the time of application.
- f. An annual report shall be provided to the Zoning Administrator showing continuity of operation and the Owner/Operator shall notify the Zoning Administrator if the use is to cease, prior to decommissioning, or abandonment.
- g. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility-Scale WES exists or is in place shall constitute a material and significant violation of the special land use permit, and this Ordinance, and will subject the Owner/Operator (jointly and severally, if more there is more than one owner or operator) to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.
- h. The Township shall have the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the Owner/Operator for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property of the Owner/Operator for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- i. At the time of decommissioning, the Planning Commission may allow deviations from the above decommissioning requirements following notice and a public hearing in accordance with Section 103 of the Zoning Enabling Act.

25. Complaint Resolution: Utility-Scale WES shall provide a complaint resolution process, as described below:
- a. Participating Property upon which a Utility-Scale WES is located shall have signs posted with contact information to collect complaints.
  - b. A log shall be kept by the Owner/Operator of all complaints received and shall be available to Township officials for review at the Township's request.
  - c. The Owner/Operator shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
  - d. Any resolution shall include lawful and reasonable solutions consistent with this Ordinance, which shall also be provided to the Zoning Administrator. If the mitigation plan is determined to be satisfactory, the Owner/Operator must implement the mitigation within 30 days.
  - e. If the Owner/Operator fails to implement the mitigation plan, the Planning Commission shall hold a public hearing for the purpose of considering revocation of the special land use permit pursuant to the process under Section 13.06.E of this Ordinance. If the Owner/Operator implements the mitigation plan prior to the hearing date, the hearing may be cancelled.
  - f. If the Owner/Operator requests that the Zoning Board of Appeals review the complaint it must do so within thirty (30) days following the date the Owner/Operator is notified of the complaint. Upon the timely request of the Owner/Operator, the Zoning Board of Appeals shall hold a public hearing and shall hear evidence from both the complainant, and the Owner/Operator. Following the public hearing, the Zoning Board of Appeals shall make one of the following determinations:
    - i. The Owner/Operator is in compliance with the Ordinance and all conditions of approval, and no further action is needed.
    - ii. The Owner/Operator is out of compliance with either the Ordinance, or the conditions of approval, or both, and the Owner/Operator must submit a mitigation plan to the Zoning Administrator within 60 days. If no mitigation plan is submitted, the Zoning Administrator shall notice a public hearing of the Planning Commission for the purpose of revoking the special land use permit. If the special land use permit is revoked, the abandonment process shall begin.
  - g. The Owner/Operator shall provide an annual report to the Zoning Administrator that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.
26. Required Escrow Account: The Owner/Operator of a Utility-Scale WES shall be required, as a condition of the operation, to fund an escrow account in the amount of \$15,000 for investigation of complaints, including but not limited to, noise, glare, maintenance, shadow flicker, vibrations, ice throws, lighting, stray voltage, signal interference, and drainage. The escrow established by this subsection may be used at the discretion of the Township to pay for third-party investigative services. Funds shall be deposited with the Township Treasurer, or

with a third-party fiduciary, at the discretion of the Township. When the escrow account balance is below \$5,000 the Township shall notify the Owner/Operator and the Owner/Operator shall replenish the account to an amount of \$15,000 within 45 days.

27. Maintenance and Repair:

- a. Each Utility-Scale WES shall be kept and maintained in good repair and condition at all times and the site shall be neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions. All Utility-Scale WES damaged beyond repair or use shall be replaced and removed from the project site within seven (7) days and shall be disposed of off-site in accordance with any state or federal requirements.
- b. If the Zoning Administrator or Planning Commission determines that a Utility-Scale WES fails to meet the requirements of this Ordinance or the special land use permit, the Zoning Administrator or Planning Commission shall provide notice to the Owner/Operator of the non-compliance, and the Owner/Operator has 14 days to cure the violation. If the violation is a safety hazard as determined by the Zoning Administrator or Planning Commission, then the Owner/Operator has 7 days to cure the violation. If the Owner/Operator has not remedied non-compliance issues in the aforementioned time periods, the Owner/Operator shall immediately shut down the Utility-Scale WES and shall not operate, start or restart the Utility-Scale WES until the issues have been resolved. If the Owner/Operator fails to bring the Utility-Scale WES into compliance, the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the Owner/Operator is deemed responsible shall result in a \$500.00 fine.
- c. The Owner/Operator shall keep a maintenance log on each Utility-Scale WES, which shall be available for the Township's review within 48 hours of such request.
- d. At the time of the Special Land Use application, the Owner/Operator shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the utility scale wind energy system. A performance bond in the amount of 125% of the higher bid shall be provided to the Township to ensure completion. The Township may use the bond to complete or repair any landscaping, fencing, or drainage infrastructure (including drain tiles).

28. Extraordinary Events: If the Utility-Scale WES experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the Owner/Operator shall notify the Township within 8 hours.

29. Annual Report: The Owner/Operator shall submit a report on or before January 1 of each year that includes all of the following:

- a. Amount of electric generation;
- b. Current proof of insurance with the Township and Participating Property owner(s) shown as named insured;
- c. Verification of financial security; and
- d. A summary of all complaints, complaint resolutions, and extraordinary events.

Additionally, the Owner/Operator shall appear before the Planning Commission annually to report on the Utility-Scale WES and address questions or concerns from the Planning Commission.

30. Inspections: The Township may inspect a Utility-Scale WES at any time by providing 24 hours advance notice to the Owner/Operator.

31. Transferability: A special land use permit for a Utility-Scale WES is transferable to a new owner. The new owner shall register its name, Federal Employer Identification Number, and business address 30 days prior to the transfer date with the Township and shall comply with this Ordinance and all approvals and conditions issued by the Township.

- a. In the event of a sale or transfer of ownership and/or operation of the wind facility, the original security bond or escrow shall be maintained throughout the entirety of the process and shall not be altered. The estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- b. Any proposed amendments to the approved site plan of the special land use permit shall be submitted to the Zoning Administrator pursuant to Section 7.9 of the Zoning Ordinance and, except as provided below, shall follow the process therein.

32. Amendments:

- a. Major site plan amendments shall follow the same process for the original approval, including a public hearing and include any of the following:
  - i. Changes of the location of turbines, fencing, buildings, or ancillary equipment by 10 feet or more.
  - ii. Any increase in the height of wind turbines.
  - iii. Any variance request.
  - iv. Any other change not included below as a minor site plan amendment.
- b. Minor site plan amendments may be approved by the Zoning Administrator and include changes of the location of a Utility-Scale WES, fencing, buildings, or ancillary equipment by less than 10 feet.

33. Remedies. If an Owner/Operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, shall revoke the special land use permit and site plan approval after giving the Owner/Operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

**C.** Utility-Scale WECS Under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Utility-Scale WECS with a nameplate capacity of 100 megawatts or more. Utility-Scale WECS with a nameplate capacity of 100 megawatts or more shall only be permitted as a special land use in the Renewable Energy Overlay District as shown on the Palmyra Township Zoning Map.

To the extent the following provisions conflict with the provisions in Sections 8.14(A)-(B), these provisions control as to Utility-Scale WECS with a nameplate capacity of 100 megawatts or more. All provisions in Sections 8.14(A)-(B) that do not conflict with this subsection C remain in full force and effect and shall be applicable to all Utility-Scale WECS regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale WECS with a nameplate capacity of less than 100 megawatts.

1. Setbacks. Utility-Scale WECS must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

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

2. Shadow Flicker. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
3. Height. Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
4. Noise. The Utility-Scale WECS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
5. Lighting. The Utility-Scale WECS must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
  - a. The purpose of the exemption.

- b. The proposed length of the exemption.
  - c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
  - d. The technical or economic reason a light-mitigating technology is not feasible.
  - e. Any other relevant information requested by the Township.
6. Radar Interference. The Utility-Scale WECS must meet any standards concerning radar interference, lighting (subject to subparagraph 5), or other relevant issues as determined by the Township.
  7. Environmental Regulations. The Utility-Scale WECS must comply with applicable state or federal environmental regulations.
  8. Host Community Agreement. The applicant for a special land use permit for a Utility-Scale WECS shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale WECS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

#### SECTION 8.15 - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM (“UBESS”)

A. General Provisions: All UBESS are subject to the following requirements:

1. All UBESS must conform to the provisions of the Zoning Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”
2. The Township may enforce any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Zoning Ordinance or as otherwise authorized by law if the UBESS does not comply with this Section.
3. UBESS are permitted in the Township only as a special land use in the General Industrial District.

B. Application Requirements: UBESS are permitted as a special land use and require a special land use permit under Article VI. In addition to the requirements of Article VI, applicants shall provide the Township with all of the following:

1. Fee. Application fee in an amount set by resolution of the Township Board.
2. Escrow. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township

- Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.
3. Location Listing. A list of all parcel numbers that will be used by the UBESS; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
  4. Operations Agreement. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
  5. Photos. Current photographs, videos, and topography maps of the subject property.
  6. Conceptual Plan. A conceptual plan that consists of a graphical computer-generated depiction of how the UBESS will appear from all directions.
  7. Site Plan. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the UBESS will be connected to the power grid.
  8. Agreement with Utility. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed UBESS.
  9. Maintenance Plan. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
  10. Decommissioning Plan. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the UBESS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the UBESS and restore the subject parcels, which is subject to the Township's review and approval.
  11. Financial Security. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
  12. Complaint Resolution Plan. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the UBESS, which is subject to the Township's review and approval.

13. Hazardous Waste Plan. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
14. Emergency Response Plan. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.
15. Fire Protection Plan. A fire protection plan, which identifies the fire risks associated with the UBESS; describes the fire suppression system that will be implemented, including the manufacturer of the fire suppression system, its operations, and its capacity to extinguish fires; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
16. Fire Training and Equipment. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the UBESS site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the UBESS.
17. Transportation Plan. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
18. Indemnification. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the UBESS, which is subject to the Township's review and approval.
19. Environmental Regulation Compliance. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
20. Proof of Insurance. Proof of the owner/operator's required insurance.
21. Code Compliance. Compliance with the Michigan Uniform Building Code and National Electric Safety Code. Construction of Utility-Scale Battery Energy Storage Facilities shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any special land use permit under this Section.

22. Additional Information. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

C. Site Plan Requirements: UBESS are permitted as a special land use and require site plan approval under Article VII. In addition to the requirements of Article VII, applicants' site plans shall include all of the following:

1. Proposed Locations. Location of all proposed structures and buildings, including equipment, transformers, and substations, on the subject parcel.
2. Existing Locations. Location of all existing structures or buildings on the subject parcel and location of all existing structures or buildings on adjacent parcels within 1,000 feet of the property lines of the subject parcel.
3. Depictions. Depiction of all setbacks, property lines, fences, signs, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
4. Connection. Indication of how and where the system will be connected to the power grid.
5. Land Clearing. Plan for any land clearing and grading required for the installation and operation of the system.
6. Ground Cover Plan. Plan for any ground cover establishment and management.
7. Construction Schedule. Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
8. Sound Study. Sound modeling study including sound isolines extending from the sound sources to the property lines.
9. Additional Studies. Any additional studies requested by the Planning Commission, including but not limited to the following:
  - a. Visual Impact Assessment. A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like, a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
  - b. Environmental Analysis. An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
  - c. Stormwater Study. An analysis by a third-party qualified professional studying the proposed layout of the UBESS and how the spacing, row separation, and slope affects

stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

- d. **Glare Study.** If the UBESS includes solar panels, then an analysis by a third-party qualified professional to determine if glare from the solar panels will be visible from nearby airports, air strips, residences, and roadways may be required. The analysis will consider the changing position of the sun throughout the day and year and its influences on the solar panels.
10. **Conceptual Layout Plan.** Applicants shall submit a conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall consist of a map and summary of the proposed development or land use, indicating the lands to be included, a brief description of the proposed project, a timeline for the proposed project, and any other information applicant deems necessary to provide the Planning Commission with a general overview and layout of the proposed project. The conceptual layout plan shall be reviewed by the Planning Commission to allow for discussion and feedback to the applicant.
  11. **Approvals from Other Agencies.** Final site plan approval may be granted only after the applicant receives all required federal, state, and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the Township.
  12. **Topographical Grades.** The site plan must show the existing topographical grades in two-foot intervals and conditions of all Participating Property at the time of application.
  13. **Soil Test.** A baseline soil test including Cation Exchange Capacity (CEC) shall be provided to the Township prior to any construction.
  14. **Dust Control.** A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.
- D. **System and Location Requirements:** In addition to the requirements of the relevant zoning district, the site development requirements shall meet or exceed all of the following:
1. **Lighting.** Lighting of the UBESS is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the UBESS. The UBESS must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.
  2. **Security Fencing.** Security fencing must be installed around all electrical equipment related to the UBESS. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the UBESS.
  3. **Noise.** All noise measurements are to be instantaneous and shall not be averaged. The noise generated by a UBESS must not exceed the following limits, as measured at the property line of any adjacent parcel:

- a. 40 dBA Lmax between the hours of 7:00 a.m. and 9:00 p.m.
  - b. 35 dBA Lmax between the hours of 9:00 p.m. and 7:00 a.m.
  - c. The owner/operator of the UBESS shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the applicant.
4. Underground Transmission. All power transmission or other lines, wires, or conduits from a UBESS to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
5. Drain Tile Inspections. The UBESS must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every two years by means of robotic camera, with the first inspection occurring before the UBESS is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
6. Fire Protection.
- a. Before any construction of the UBESS begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the UBESS must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
  - b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
  - c. The UBESS must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
7. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on each policy.

8. Permits. All required county, state, and federal permits must be obtained before the UBESS begins operating. A building permit is required for construction of a UBESS, regardless of whether the applicant or operator is otherwise exempt under state law.
  9. Decommissioning. If a UBESS is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a UBESS that is never fully completed or operational if construction has been halted for a period of one (1) year.
  10. Financial Security. To ensure proper decommissioning of a UBESS upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
  11. Extraordinary Events. If the UBESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
  12. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following
    - a. Current proof of insurance;
    - b. Verification of financial security; and
    - c. A summary of all complaints, complaint resolutions, and extraordinary events.
  13. Inspections. The Township may inspect a UBESS at any time by providing 24 hours advance notice to the applicant or operator.
  14. Transferability. A special use permit for a UBESS is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
  15. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to this Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs
- E. UBESS under PA 233: On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to UBESS with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours of more. UBESS with a nameplate capacity of

50 megawatts or more and an energy discharge capability of 200 megawatt hours of more shall only be permitted as a special land use in the General Industrial District on or within the Renewable Energy Overlay District as shown on the Palmrya Township Zoning Map.

To the extent these provisions conflict with the provisions in Sections 8.15(A)-(D), these provisions control as to such UBESS. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to UBESS with a nameplate capacity of less than 50 megawatts. All provisions in Sections 8.15(A)-(D) that do not conflict with this subsection remain in full force and effect.

1. Setbacks. UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

2. Installation. The UBESS must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this Section or any applicable successor standard.
3. Noise. The UBESS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. Lighting. The UBESS must implement dark sky-friendly lighting solutions.
5. Environmental Regulations. The UBESS must comply with applicable state or federal environmental regulations.
6. Host Community Agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the UBESS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

**ARTICLE IX  
ZONING BOARD OF APPEALS**

**SECTION 9.1 – ZONING BOARD OF APPEALS ESTABLISHED**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in act 184 of the Public Acts of 1943, as amended, and administered under the authority of the Michigan Zoning Enabling Act (PA110 of 2006, MCL 125.3101 *et seq.*), as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of three (3) members. The first member shall be a member of the township Planning Commission. The remaining two (2) members shall be selected from the electors of the Township.

**SECTION 9.2 – DUTIES OF THE ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall hear and decide only such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance (such as parking space requirements, height of buildings, setback requirements, signs, etc.) to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

**SECTION 9.3 – VARIANCE**

The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. Examples of other variance considerations would include parking space, sign size, and height regulations. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a special approval use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
  - C. The Zoning Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the maximum variance that will make possible the reasonable use of the land, building, or structure.
  - D. The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
  - F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
    1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
    2. The occupancy of land or buildings authorized by such variance has taken place within three hundred sixty-five (365) days after the granting of such variance.
  - G. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

#### SECTION 9.4 – INTERPRETATION OF ZONING ORDINANCE

The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

#### SECTION 9.5 – APPEALS TO THE ZONING BOARD OF APPEALS

##### 9.5.1 Appeals, How Taken

Appeal from the ruling of the Zoning Administrator or Palmyra Township concerning the enforcement of the provisions of this Ordinance may be made to the Zoning Board of Appeals within such time as shall be prescribed by the Zoning Board of Appeals by general rule. This officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

#### 9.5.2 Who May Appeal

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

#### 9.5.3 Fee for Appeal

A fee prescribed by Palmyra Township shall be paid to the Zoning Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of Palmyra Township.

#### 9.5.4 Effect of Appeal; Restraining Order

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

#### 9.5.5 Notice of Hearing

When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Board of Appeals Secretary or the Palmyra Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.

#### 9.5.6 Representation of Hearing

Upon the hearing, any party or parties may appear in person or by agency or by attorney.

#### 9.5.7 Decisions of the Zoning Board of Appeals and Appeals to the Circuit Court

The Zoning Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or termination appealed from and shall make such order requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning

Administrator or Palmyra Township from whom the appeal is taken. The Zoning Board of Appeals decision such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

**ARTICLE X  
ORDINANCE ADMINISTRATION**

**SECTION 10.1 – PURPOSE**

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations, and enforcement of the provisions of this Ordinance and amendments thereto.

**SECTION 10.2 – ADMINISTRATION**

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Palmyra Township Board may designate to enforce the provisions of this Ordinance.

**SECTION 10.3 – DUTIES OF ZONING Administrator**

The Zoning Administrator shall have the power to grant zoning compliance permits, and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance. The Zoning Administrator shall maintain a record of all zoning compliance permits and all certificates of occupancy.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.

**SECTION 10.4 – ZONING COMPLIANCE PERMITS**

**10.4.1 Issuance of Zoning Compliance Permits**

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

- A. The actual dimensions and shape of the lot to be built upon; and,

- B. The exact size and location of existing structures on the lot, if any; and
- C. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved, and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Zoning Board of Appeals, Planning Commission or Township Board is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

#### 10.4.2 Voiding of Zoning Compliance Permit:

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

### SECTION 10.5 – CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

#### 10.5.1 Issuance of Certificate of Occupancy

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Zoning Administrator within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

#### 10.5.2 Voiding of Certificate of Occupancy

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. Upon finding such violation shall immediately notify the Township Board of said violation and void the certificate of occupancy.

### SECTION 10.6 – FEES, CHARGES, AND EXPENSES

The Palmyra Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, special approval use permits, site plan reviews, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted

in the office of the Zoning Administrator, and may be altered or amended only by the Palmyra Township Board. No permit, certificate, special approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceeding before the Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

#### SECTION 10.7 – VIOLATIONS AND PENALTIES NUISANCE PER SE: ABATEMENT

Users of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the cost of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offenders from compliance with the requirements of this Ordinance.

**ARTICLE XI  
AMENDMENT PROCEDURES**

**SECTION 11.1 – INITIATING AMENDMENTS AND FEES**

The Township Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and general welfare require such amendments. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

**SECTION 11.2 – AMENDMENT PROCEDURES**

The procedure for making amendments to this Ordinance shall be in accordance with Section 14 of Act 184 of the Public Acts of 1943, as amended.

**SECTION 11.3 – TIME ELEMENT BETWEEN REZONING REQUESTS**

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Township Board for a period of three hundred sixty-five (365) days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

**SECTION 11.4 – CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Palmyra Township Board and the amendments published without referring the same to any other board agency.

**ARTICLE XII  
LEGAL STATUS**

**SECTION 12.1 – CONFLICT WITH OTHER LAWS**

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance shall govern.

**SECTION 12.2 – VALIDITY AND SEVERABILITY CLAUSE**

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 this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

**SECTION 12.3 – PERIOD OF EFFECTIVENESS**

This Ordinance shall remain in full force and effect henceforth unless repealed.

**SECTION 12.4 – REPEAL OF ORDINANCE**

The “Palmyra Township Zoning Ordinance”, Michigan, adopted July 27, 1990 and all amendments thereto, are hereby repealed effective coincident with the effective date of this ordinance

**SECTION 12.5 – EFFECTIVE DATE**

This Ordinance was adopted by the Palmyra Township Board, Lenawee County, Michigan, at a meeting held on and notice published in the Blissfield Advance, a newspaper having general circulation in Palmyra Township.

Date: \_\_\_\_\_  
Supervisor

Date: \_\_\_\_\_  
Clerk