

WASHINGTON TOWNSHIP ZONING ORDINANCE

GRATIOT COUNTY, MICHIGAN

Effective Date: July 22, 1971

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The TOWNSHIP OF WASHINGTON, in the COUNTY OF GRATIOT, STATE OF MICHIGAN,
ORDAINS:

An ORDINANCE to provide for the establishment of zoning districts in Washington Township, Gratiot County, State of Michigan, in accordance with the provisions of Act. No. 184 of the Public Acts of the State of Michigan of 1943 as amended MSA 5.2963(1).

An ORDINANCE to regulate and restrict: The size of dwellings, buildings and structures that may be hereafter erected or altered; the specific uses for which dwellings, buildings and structures may hereafter be erected or altered; the area of yards and other open spaces; the safety, sanitary and other protective measures required for such buildings and structures; and to provide for the administration and enforcement of this Ordinance including penalties for violation of its provisions.

THE PEOPLE OF THE TOWNSHIP OF WASHINGTON DO ORDAIN:

CHAPTER I

SHORT TITLE: PURPOSE AND SCOPE

1.1 SHORT TITLE

This Ordinance shall be known as the “Washington Township Zoning Ordinance”.

1.2 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the public roads and streets, to reduce hazards to life and property, to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

1.3 INTERPRETATION

The provisions of this Ordinance shall be liberally construed to promote the purposes set forth in this chapter.

CHAPTER II
DISTRICTS

2.1 ZONING DISTRICTS

For purposes of this Ordinance WASHINGTON TOWNSHIP is hereby divided into three classes of zoning districts:

1. Agricultural
2. Residential
3. Commercial

CHAPTER III
AGRICULTURAL DISTRICT REGULATIONS

3.1 PERMITTED USES

No building or structure, or part thereof shall be hereafter used, erected, or altered or land used except for:

- a. Farms for both general and specialized farming together with farm dwellings, buildings, and structures incident in such uses.
- b. Greenhouses, nurseries, orchards, groves and vineyards, apiaries, chicken hatcheries, poultry farms, farms for breeding of domestic animals and fowl, and sanctuaries for wild birds and animals, provided the same shall be approved by the Michigan Department of Natural Resources.
- c. Agricultural warehouses and storage plants, milk processing plants, primary processing plants for non-animal farm products, and such other enterprises as shall be approved by the Township Zoning Board of Appeals.
- d. Country clubs, golf courses, athletic clubs, riding stables and publicly owned athletic grounds, provided that no building shall be erected closer than one hundred fifty (150) feet to any lot line.
- e. Additional dwellings on any farm for the use of farm or domestic employees of the owner of his lessees, provided there is only one (1) such tenant house in addition to the main dwelling for each ten (10) acres of farmland.
- f. Migrant workers facilities for seasonal occupancy, provided they are approved by the Township Zoning Officer, and provided that adequate provision is made for water and sanitary facilities.

3.2 HEIGHT, AREA, AND LOT REQUIREMENTS

- a. Every lot in this district shall have:
 - 1) A front yard of at least seventy-five (75) feet from the road right of way.

- 2) Two (2) side yards totaling at least sixty (60) feet, and no side yard shall be less than thirty (30) feet; provided that where a side lot line adjoins the side road or highway a minimum of seventy-five (75) feet is required.
 - 3) A rear yard of at least fifty (50) feet.
 - 4) An area of 43,560 square feet and a width of the building line of at least two hundred (200) feet.
- b. The front and rear yards shall be maintained across the entire width of the lot except for that space occupied by permitted accessory buildings. Yards shall not be used for the storage of materials, rubbish, junk, or debris, but may be used for gardening or planting.
 - c. Structures shall not exceed thirty-five (35) feet or 2 1/2 stories; provided, however that farm buildings/structures; and telecommunication towers (including radio, television, microwave, cellular telephone, and other telecommunication towers) shall be permitted at their usual and customary heights, provided that they are set back from property lines at least the height of the structure plus twenty-five (25) feet. Wind energy facilities shall be permitted at their usual and customary heights, provided that they are set back in accordance with Section 6.6 of Chapter VI.
 - d. Residential buildings shall have a minimum floor area of at least 720 square feet exclusive of basement, porches, garages, breezeways, and attics on first floor.

3.3 SPECIAL LAND USES

- a. Wind Energy Conversion Facilities.

CHAPTER IV
RESIDENTIAL DISTRICT REGULATIONS

4.1 PERMITTED USES

No building or part thereof shall hereafter be used, erected, altered, or converted or land used in whole or in part except for:

- a. Single- or two-family dwellings with building accessory thereto:
- b. Churches where located at least one hundred (100) feet from any lot line.
- c. Public, parochial and private schools where located at least one hundred (100) feet from any lot line.
- d. Public libraries, public museums, public recreational facilities and public art galleries where located at least one hundred (100) feet from any lot line.
- e. Township, County, State or Federal administrative or service buildings where located at least one hundred (100) feet from any lot line.
- f. Public parks, playgrounds and community centers where located at least one hundred (100) feet from any lot line.

4.2 PARKING

- a. Property used for dwelling purposes shall have two (2) off-street parking spaces for each dwelling unit.
- b. Property used for other dwelling purposes under this Chapter shall provide off-street parking of not less than four hundred (400) square feet of space for every four (4) persons to be accommodated.

4.3 HEIGHT, AREA, AND LOT REQUIREMENTS

- a. Every lot in this district shall have:
 - 1) An unoccupied front yard of at least seventy-five (75) feet from the road right of way.
 - 2) Two (2) side yards totaling at least sixty (60) feet, and no side yard shall be less than thirty (30) feet; provided that where the side lot line adjoins a side road or highway a minimum yard of seventy-five (75) feet is required.

- 3) A rear yard of at least fifty (50) feet.
 - 4) An area of at least 21,780 square feet and a width at the building line of at least one hundred (100) feet.
- b. The front yards shall be maintained across the entire width of the lot except for that space occupied by permitted accessory buildings. Yards shall not be used for the storage of materials, rubbish, junk, or debris, but may be used for gardening or planting.
 - c. No dwelling shall exceed the height of 2 ½ stories or thirty-five (35) feet, whichever is greater.
 - d. No dwelling shall be erected with a floor area of less than 860 square feet on the first floor exclusive of basements, porches, garages, breezeways, or attics.

CHAPTER V
COMMERCIAL DISTRICT REGULATIONS

5.1 PERMITTED USES

No building, structure or part thereof shall be used, erected, altered or converted, or land used in whole or in part except for: Residential or dwelling purposes, retail sales and service, automobile or automotive sales and repairs, bakeries, bowling alleys, department stores, dyeing and cleaning plants, hotels and motels, ice plants or storage, laundries, milk distribution stations, mobile home park or trailer parks, offices, printing, publishing or lithographing, restaurants, truck and transportation terminals, indoor and outdoor theaters, wholesale storage and warehouse buildings and any other use judged to be similar by the Township Zoning Board of Appeals.

5.2 PARKING

Off-street parking spaces shall be provided at the ratio of two (2) square feet of parking area for each square foot of floor area.

5.3 HEIGHT, AREA, AND LOT REQUIREMENTS

- a. Every lot in this district shall have:
 - 1) A front yard of at least seventy-five (75) feet from the road right of way.
 - 2) Two (2) side yards totaling at least one hundred (100) feet, and no side yard shall be less than thirty (30) feet.
 - 3) A rear yard of at least one hundred (100) feet.
 - 4) An area of at least 43,560 square feet and a width at the building line of at least two hundred (200) feet.
- b. The front yard shall be maintained across the entire width of the lot except for that space occupied by the permitted accessory buildings. Yards shall not be used for the storage of rubbish, junk, or debris.
- c. No building or structure shall exceed a height of three (3) stories or sixty (60) feet, whichever is lesser, except as otherwise provided by this Ordinance.

- d. No commercial building shall be erected with a floor area of less than five hundred (500) square feet on first floor.

CHAPTER VI

GENERAL PROVISIONS RELATING TO ALL DISTRICTS

6.1 APPLICATION PROCEDURES

Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:

- a. Seven (7) copies of a site plan, if required, containing all the information mandated by ordinance requiring it.
- b. A completed application form.
- c. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.

6.2 NOTIFICATION, HEARING, AND REVIEW PROCEDURES

- a. Upon receipt of an application for a special land use permit, and any other required documents, the Planning Commission shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the Zoning Enabling Act.
- b. Following notice, the Planning Commission shall hold a public hearing on the special land use permit.
- c. The Planning Commission may recommend approval, approval with conditions, or denial of the special land use permit application, based upon review of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Ordinance.
- d. Upon finding that the Application of Special Land Use Permit does not meet the criteria and standards set forth in Section 6.3, but the Application could meet such criteria if revised, the Planning Commission may postpone action until requested revisions are submitted.
- e. If the Planning Commission finds that the application meets all required standards, they may recommend approval to the Township Board.

- f. The Township Board, upon recommendation of the Planning Commission, shall have the authority to grant special land use approvals, approvals with conditions or denials.

6.3 SPECIAL LAND USE GENERAL STANDARDS FOR APPROVAL

- a. The Planning Commission may recommend approval, or approval with conditions, and ultimately the Township Board may grant or grant with conditions, a special land use application only upon finding that all the general standards for approval are complied with:
 - 1) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 - 2) The use is or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 - 3) The use does not involve activities, processes, materials and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
 - 4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 - 5) The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use.
- b. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any recommended conditions imposed. The recommendation and the statement of conclusion,

including conditions imposed, shall be kept and made part of the Commission minutes.

- c. No application for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

6.4 ACCESSORY USES

Accessory uses shall be permitted when located on the same lot as the principal use provided that not more than ½ the floor area of the dwelling is utilized therefore and provided further that no mechanical or electrical equipment is used which would create a nuisance to the adjoining occupants of property. Accessory uses shall include:

- a. The office of an architect, attorney, beautician, dentist, insurance agent, physician, veterinarian, or other similar profession.
- b. Home occupation such as but not limited to: Handicraft production, agricultural and horticultural pursuits including the sale of such production made or grown on the premises.
- c. Domestic animal and poultry husbandry when limited to household pets, poultry and domestic animals maintained only for the residence and not for sale.

6.5 SIGNS AND BILLBOARDS

- a. Signs shall not be more than nine (9) square feet in area are permitted when the use of the sign is in direct relation to the use of the premises and provided that any sign shall be located at least back of and not protrude over the edge of the road right of way.
- b. Outdoor advertising signs more than nine (9) square feet in area in agricultural and commercial districts are permitted provided they are located at least seventy-five (75) feet from the road right of way and not closer than five hundred (500) feet from adjacent dwellings. Any illuminated sign shall be so constructed and shaded as not to interfere with the vision of persons on the highway or road or to annoy any adjoining occupant of property.

6.6 TEMPORARY DWELLINGS

Temporary dwellings, including motor homes and trailer coaches and other structures intended for use and occupancy incidental to the construction of a permanent dwelling or building may be used provided an occupancy permit is obtained from the Township Zoning Officer, said occupancy permit to be valid for a period of one (1) year, subject to renewal only upon evidence of reasonable progress toward completion of the permanent dwelling or building. Such temporary dwelling shall comply with the safety and sanitation requirements established by the County and State Health Departments.

6.7 MOBILE HOMES, MOBILE HOME, AND TRAILER PARKS

The requirements of Act #172 of the Public Acts of the State of Michigan for 1958, as revised and amended, and amended MSA 5.278(31) *et seq.*, are made a part of this Ordinance the same as if set forth herein, and no certificate of occupancy shall be issued until they have been met, and until the sanitary facilities of the mobile home, or the mobile home or trailer park shall have been approved by the Michigan Department of Health, Gratiot County District Health Department and the Township Zoning Officer.

6.8 WIND ENERGY FACILITY SPECIAL LAND USE AND SITE PLAN REVIEW REQUIREMENTS

- a. Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this section. The Wind Energy Facilities Site Plan must be received and approved by the planning commission pursuant to the standards contained herein. An applicant proposing a Wind Energy Facility must submit the following site plan materials:
 - 1) Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number).
 - 2) A narrative describing the proposed Wind Energy Facility, including an overview of the project.

- 3) Site plan (GIS shape overlay, electronic file and paper copy) of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, county drains, land use, zoning district, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones and non-participating properties), underground and overhead wiring (including depth underground), access roads (including width), substations and accessory structures.
 - 4) Details or drawings shall show features in the design of a typical tower and its base, that upon removal of said tower will allow restoration of the soil at the site to a depth of four (4) feet.
 - 5) Anticipated construction date and anticipated completion date.
 - 6) The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place if the responsible party (lessee) was unable to properly remove the bases as required by this ordinance. This acknowledgement is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an “Acknowledgement Letter” that documents this understanding and has been signed by the lessor.
- b. Application Material. The following shall be included and/or be utilized as standards when preparing, submitting, and reviewing an application for a Wind Energy Facility.
- 1) Applicant shall show evidence of compliance with applicable statutes and County ordinances including, but not limited to:
 - i. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*)
 - ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324,9101 *et seq.*) and the corresponding County ordinance.
 - iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*)

- iv. Part 303 Wetlands (M.C.L. 324.30301 *et seq.*)
 - v. All other applicable laws and rules in force at the time of Application.
- 2) Visual appearance, Lighting, Power Lines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
- i. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc.)
 - ii. Wind turbines and meteorological towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - iii. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
 - iv. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.
- c. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.
- 1) Occupied Buildings: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet.

- 2) Shadow flicker minimization: Wind turbines shall be placed such that shadow flicker to any occupied buildings occur no more than thirty (30) hours per year.
 - 3) Property line setbacks: Except as set forth in this section, wind turbines shall not be subject to a property line setback. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Wind turbines shall not be located within 1.5 times Hub Height of the property line of a Non-Participating Parcel.
 - 4) Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than four hundred (400) feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 - 5) Railroads & “Rails to Trails”: Each wind turbine shall be set back from the nearest Railroad or “Rails to Trails” a distance of no less than four hundred (400) feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Railroad & “Rails to Trails”.
- d. Compliance with Wind Energy Site Permit: Following the completion of constructions, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit (GIA overlay).
 - e. Wind Turbine/ Tower Height: The applicant shall demonstrate compliance with the Michigan Tall Structure Act (M.C.L. 259.481 and following), FAA guidelines, and local airport zoning as part of the approval process.
 - f. Noise: Wind Energy Facilities shall not exceed fifty-five (55) dB(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe

- windstorms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
- g. Minimum Ground Clearance: The blade tip of any Wind turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
 - h. Signal Interference: No large-scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
 - i. Safety:
 - 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - 2) Wind turbine towers shall not be climbable on the exterior.
 - 3) All access doors to wind turbine towers and electrical equipment shall be lockable.
 - 4) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
 - 5) Appropriate signage for emergency contact information shall be located at the wind turbine tower.
 - j. Transportation: Submit copy of a proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction.
 - k. Application Fee: An applicant for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the legislative body. This schedule shall be based on the cost the Township of the review, which may be adjusted from time to time.

6.9 ADDITIONAL STANDARDS FOR WIND ENERGY FACILITY SPECIAL LAND USE PURPOSE AND INTENT

- a. The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) within the Township, in an effort to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by Wind Energy Facilities.
- b. Regulatory Framework:
 - 1) Zoning: A Wind Energy Facility may be constructed on land that is within the Agricultural Zoning District on the official zoning map for the Township, subject to provisions and standards of the Township Zoning Ordinance, Wind Energy Facility Site Plan Review and other appropriate Approvals.
 - 2) Principal or Accessory Use: A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to the Zoning Ordinance.
- c. Applicability: The requirements in this ordinance shall apply to all Wind Energy Conversion Facilities, which shall be permitted as special land use in the Agricultural Zoning District. Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a wind energy facility.
- d. Certification: Any approval for Wind Energy Facilities shall require applicants to provide post-construction certification that the project complies with applicable codes and industry practices. Applicants shall provide as-built GIS shape file, electronic file, and paper site plan.

- e. Inspections: The applicant's maintenance and inspection records shall be generated annually and are subject to audit by the Township. Inspection Reports shall contain current contact information and be updated whenever the contact information changes.
- f. Decommissioning: The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within twelve (12) months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the status of the wind power project and the steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over twenty-four (24) months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four (4) feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of the Township and may be provided jointly as a single instrument for multiple governmental units within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

6.10 LARGE SOLAR ENERGY SYSTEMS SPECIAL LAND USE AND SITE PLAN REVIEW REQUIREMENTS

- a. The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems as a special use.
- b. All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for other special use permits:

- 1) A site plan.
- 2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
- 3) Names and owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
- 4) Vicinity map showing the location of all surrounding land uses.
- 5) Location and height of all proposed Solar Array(s), building, structures, electrical ties lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
- 6) Horizontal and vertical elevation scale drawings with dimensions that show the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities on the property.
- 7) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one thousand (1000) feet of the outside perimeter of the Large Solar Energy System.
- 8) Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- 9) Land Elevations for the Solar Array(s) location and the relationship to the land elevation of all existing and proposed structures within the Large Energy Solar System.
- 10) Access Driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Gratiot County Road Commission or

- Michigan Department of Transportation approval as appropriate and shall be planned to minimize the use of lands for that purpose.
- 11) Planned security measures to prevent unauthorized trespass and access, and to warn of potential dangers during the construction, operation, removal, maintenance, or repair of the Large Solar Energy System.
 - 12) A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic, or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning, removal procedures, and schedules if the Large Solar Energy System becomes obsolete, uneconomical, or an Abandoned Solar Energy System.
 - 13) A copy of the manufacturer's safety measures.
 - 14) Planned lighting protection measures.
 - 15) The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including but not limited to, a review of the following factors:
 - 16) Impact on area water resources.
 - 17) Impact on air quality.
 - 18) Noise impacts caused by the Solar Energy System.
 - 19) Impact on utilities and infrastructures.
 - 20) Protection of neighboring property owners and children.
 - 21) Impact on wildlife.
 - 22) Effects on floodplains or wetlands.
 - 23) Unique farmlands or soils.
 - 24) Areas of aesthetic or historical importance.

- 25) Archeological or cultural concerns.
 - 26) Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power generating facility.
 - 27) A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the array(s) and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Gratiot County Drain Commissioner.
 - 28) A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase such energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential only to the extent and as authorized by Public Act 442 of 1976.
 - 29) Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as required by the Township Planning Commission.
- c. An escrow deposit shall be paid to the Township when the applicant applies for a special use permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any report or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the

special use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.

- d. Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township or County (as shown by approval by the Township or County) as a condition of any special use permit under this section.
- e. Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization acceptable to the Township.
- f. Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components, or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component, or building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- g. A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- h. A minimum setback distance of one hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable

adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

- i. A Large Solar Energy System is exempt from maximum lot coverage limitations.
- j. A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
 - 1) Unless screened and buffered at all times by natural forest vegetation meeting minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the special use permit.
 - 2) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one (1) plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center, and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy plants (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative

buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use previously granted.

- 3) All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- k. No lettering, company insignia, advertising, graphics, or other commercially oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special use permit, or other applicable law.
- l. No component of any Large Solar Energy System shall emit noise exceeding a sound pressure level of fifty (50) dB(A) as measured at the outside perimeter of the project. This sound pressure level shall not be exceeded for more than six (6) minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds fifty (50) dB(A) the standard shall be ambient dB(A) plus five (5) dB(A).
- m. All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- n. All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.

- o. All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
- p. Following the operational life of the project, or at the time the project becomes obsolete, or uneconomic, or an Abandoned Solar Energy System, as determined by the Township Engineer, or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and bond for submittal to the Planning Commission and the Township Board for review prior to issuance of the special use permit. Under this plan all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping, and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within one hundred seventy (170) days of becoming an Abandoned Solar Energy System or decommissioning, whichever occurs first.
- q. The Planning Commission shall not approve a Large Solar Energy System special use permit unless it finds that all the applicable standards for special use permit contained in this Ordinance are met.
- r. The Planning Commission shall not approve a Large Solar Energy System special use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to occupants of any surrounding properties or area wildlife.
- s. Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission

may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts, after approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk and one (1) copy shall be returned to the applicant's authorized representative.

- t. The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one (1) or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- u. Each Large Solar Energy System must be kept and maintained in good repair and conditions at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the special use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within forty-eight (48) hours after notice by the Zoning Administrator and not operate, start, or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s) which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions.
- v. Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Gratiot County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an

amount necessary to assure repair of any damage to public roads caused by construction of the Large Solar Energy System or any of its elements.

w. If any Large Solar Energy System is approved for construction under this Section applicant shall be required to post continuing security and a continuing escrow deposit prior to the commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed as provided below:

- 1) Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large solar Energy System approved by the Township, shall inform the Township in the event that the System or a material portion of the System is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described in this section along with relevant contact information.
- 2) Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash

deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as the costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

- x. In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special use.
- y. The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special use permit is granted and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special use approval. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.
- z. The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on the trends and usage of that System as set by the Planning Commission. If this information is considered a confidential trade

secret the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

- aa. Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

6.11 REQUIREMENTS FOR SMALL SOLAR ENERGY SYSTEMS AS ACCESSORY

STRUCTURES

Small Solar Energy Systems are permitted accessory structures in any zoning district, subject to the requirements of the zoning district in which they are located and the following standards:

- a. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory structure under the requirements applicable to an accessory building in which the Small Solar Energy System is located.
- b. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Small Solar Energy System cannot be operate efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
- c. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that the Small Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any

portion of a Small Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Small Energy System is located.

- d. Any Small Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- e. No Small Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
- f. All Small Solar Energy Systems must conform to all applicable federal, state, and county requirements, in addition to other applicable Township Ordinances as well as any applicable industry standards.
- g. All Small solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- h. All transmission lines from a ground mounted Small Solar Energy System to any building or other structure shall be located underground.
- i. Any Small Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. All aspects of the Small Solar Energy System must be maintained according to industry standards, and no portion shall be kept in a blighted, unsafe, or substantial manner.
- j. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.

6.12 GENERAL SITE PLAN REVIEW FOR COMMERCIAL USES

Application for a special land use permit shall be made to the Zoning Administrator and shall include the following:

- a. Seven (7) copies of a site plan, if required, containing all the information mandated by ordinance requiring it.
- b. A completed application form.

- c. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.
- d. Upon receipt of an application for a special land use permit, and any other required documents, the Planning Commission shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the Zoning Enabling Act.
- e. Following notice, the Planning Commission shall hold a public hearing on the special land use permit.
- f. The Planning Commission may recommend approval, approval with conditions, or denial of the special land use permit application, based upon review of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Ordinance.
- g. Upon finding that the Application of Special Land Use Permit does not meet the criteria and standards set forth in Section 6.3, but the Application could meet such criteria if revised, the Planning Commission may postpone action until requested revisions are submitted.
- h. If the Planning Commission finds that the application meets all required standards, they may recommend approval to the Township Board.
- i. The Township Board, upon recommendation of the Planning Commission, shall have the authority to grant special land use approvals, approvals with conditions or denials.
- j. The Planning Commission may recommend approval, or approval with conditions, and ultimately the Township Board may grant or grant with conditions, a special land use application only upon finding that all the general standards for approval are complied with:
 - 1) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

- 2) The use is or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 - 3) The use does not involve activities, processes, materials and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
 - 4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 - 5) The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use.
- k. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any recommended conditions imposed. The recommendation and the statement of conclusion, including conditions imposed, shall be kept and made part of the Commission minutes.
- l. No application for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- m. The Planning Commission may recommend approval, or approval with conditions, and ultimately the Township Board may grant or grant with conditions, a special land use application only upon finding that all the general standards for approval are complied with:
- 1) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

- 2) The use is or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 - 3) The use does not involve activities, processes, materials and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
 - 4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 - 5) The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use.
- n. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any recommended conditions imposed. The recommendation and the statement of conclusion, including conditions imposed, shall be kept and made part of the Commission minutes.
- o. No application for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- p. The Planning Commission may recommend approval, or approval with conditions, and ultimately the Township Board may grant or grant with conditions, a special land use application only upon finding that all the general standards for approval are complied with:
- 1) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

2) The use is or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.

3) The use does not involve activities, processes, materials and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.

4) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

5) The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use.

q. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any recommended conditions imposed. The recommendation and the statement of conclusion, including conditions imposed, shall be kept and made part of the Commission minutes.

r. No application for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

s. The Planning Commission may recommend approval, or approval with conditions, and ultimately the Township Board may grant or grant with conditions, a special land use application only upon finding that all the general standards for approval are complied with:

6) The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

- 7) The use is or will be a result of the special land use permit, served adequately by public services and facilities, including but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
- 8) The use does not involve activities, processes, materials and equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
- 9) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- 10) The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the special land use.

t. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any recommended conditions imposed. The recommendation and the statement of conclusion, including conditions imposed, shall be kept and made part of the Commission minutes.

u. No application for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

CHAPTER VII

NONCONFORMING USES

7.1 CONTINUANCE OF NONCONFORMING USE

A nonconforming use existing at the time of this Ordinance takes effect may be continued except as provided in Section 7.4 of this Chapter and in the event that a nonconforming use is discontinued for any reason it shall be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

7.2 REMODELING AND IMPROVEMENTS

Buildings and structures not conforming may be altered, remodeled, or modernized provided that no addition is made thereto, which would enlarge the present area of the building.

7.3 CHANGE OF USE

Whenever a nonconforming use is changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or nonconforming use.

7.4 OCCUPANCY PERMITS

Nonconforming signs and billboards and nonconforming land uses such as but not limited to: The storage of motor vehicles, junk or rubbish must apply for and obtain an occupancy permit from the Township Zoning Officer, said occupancy permit to allow said nonconforming use to continue for six months, at which time nonconforming use shall discontinue.

7.5 ASSEMBLY PERMIT

Any person, organization or other groups desiring to hold an outdoor gathering or assembly of any type not in current practice in this Township, must obtain a written permit to hold such gathering or assembly within the boundary limits of this Township, in accordance with the recommended Ordinance of the Governor of the State of Michigan. Copy of Ordinance and letter received October 9, 1970.

7.6

This Chapter shall apply to buildings, structures, land or uses which hereafter become nonconforming due to reclassification of districts or any subsequent change in the regulations of this Ordinance. It is the intent of this Chapter to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Chapter that any elimination of nonconforming uses or nonconforming structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

CHAPTER VIII
ZONING OFFICER

There is hereby created the office of the Township Zoning Officer.

8.1 POWERS AND DUTIES

It shall be the duty of the Township Zoning Officer to enforce and administer the provisions of this Ordinance and for such purposes he shall have the power of a police officer.

8.2 SELECTION

The Township Zoning Officer shall be appointed by the Township Board for a term of two (2) years.

8.3 COMPENSATION

The Township Zoning Officer shall receive such compensation as the Township Board shall determine.

8.4 VACANCY

In case of vacancy in said office, his successor shall be appointed by the Township Board for the unexpired term. The question of whether there is or is not a vacancy in said office shall be determined by the Township Board.

CHAPTER IX
BOARD OF ZONING APPEALS

9.1 CREATION AND MEMBERSHIP

There is hereby created a Township Board of Appeals which shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Planning Commission, the second member shall be a member of the Township Board appointed by the Township Board, and the third member shall be selected and appointed by the first two (2) members from among the electors residing in the township. Up to two (2) alternates may be appointed by the Township Board from among the electors residing in the township. No elected officer of the township or any employee of the Township Board may serve simultaneously as the third member or as an employee of the Township Board of Appeals. Starting with the first sitting board, terms shall be staggered and will be for a three (3) year term.

9.2 RULES AND PROCEDURES

- a. The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps, may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It shall hear and decide appeals from and review and order, requirements, decision, or determination made by any administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variance in such Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The grounds of every such determination shall be stated.

- b. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be public record.
- c. An appeal shall be taken within such time as shall be prescribed by the Township Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- d. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, as stay in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or the Circuit Court, on application, on notice to the officer from whom the appeal is taken and due cause is shown.
- e. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the 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 officer from whom the appeal was taken and to issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

9.3 VARIANCES

- a. A variance may be allowed by the Board of Appeals only in cases involving practical difficulties or unnecessary hardship and only if the Board of Appeals finds from reasonable evidence that all of the following facts and conditions exist:
 - 1) That the alleged hardship or practical difficulties or both, are exceptional and peculiar to the property or the person requesting the variance and results from conditions which do not exist generally throughout the district.
 - 2) That the alleged hardship or practical difficulties or both, which will result from a failure to grant the variance, include substantially more than their inconvenience, inability to attain a higher financial return or both; that authorizing such variance will not be a substantial detriment to adjacent properties, and will not materially impair the intent and purposes of this Ordinance.
 - 3) Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- b. In authorizing a variance, the Board of Appeals may attach thereto such other conditions regarding the location, character, landscaping or treatment of the buildings or premises as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interests.

CHAPTER X
AMENDMENTS

10.1

Amendments or supplements to this Ordinance may be made from time to time in the manner provided in Michigan Zoning Enabling Act, Act 110 of 2006.

CHAPTER XI
SEPARABILITY

11.1

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and said holding shall not affect the validity of the remaining portions hereof.

CHAPTER XII

DEFINITIONS

12.1

For the purpose of this Ordinance, words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word “shall” is mandatory; the word “person” includes a firm, partnership, or corporation, as well as an individual; and any terms not herein defined shall have the meanings customarily assigned to them.

- **Accessory building:** A subordinate building or structure on the same premises with the main building, or a portion of the main building or structure, occupied or devoted to an accessory use and occupying no more than ten percent of the area of the premises on which it and the main building is located.
- **Accessory use:** A use naturally and normally incident and subordinate to the main use of the premises.
- **Alternative Energy:** Renewable energy sources, such as wind, flowing water, solar energy, and biomass, which create less environmental damage and pollution than fossil fuels and offer an alternative to nonrenewable resources.
- **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- **ANSI:** American National Standards Institute.
- **Basement:** The floor of a building next below the principal or first floor. A basement shall not be counted as a story for the purpose of height regulations. Nor shall it be considered a dwelling place, unless specifically authorized by permission of the Zoning Officer(s).
- **Building:** A structure having a room supported by columns or walls for the shelter, support or enclosures of persons, animals, or chattels.

- **Db(A):** The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- **Family:** A person living alone, or two or more persons related to each other, customarily living together as a single housekeeping unit in one dwelling unit.
- **FAA:** The Federal Aviation Administration.
- **Habitable Structure:** Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not include in this definition.
- **Hub Height:** When referring to a Wind Energy System, the distance measured from the ground level to the center of the turbine hub. Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.
- **IEC:** International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- **ISO:** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- **Junk:** Any worn out, previously used, dilapidated, discarded materials, including but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes including garbage, discarded appliances, and yard debris.
- **Junkyard:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed disassembled or handled, including, but not limited to, house-wrecking yards, used lumber yards, materials, and equipment.

- **Legislative Body:** The Township Board of the Township of Washington.
- **Met Tower:** A meteorological tower used for the measurement of wind speed.
- **Michigan Tall Structure Act (M.C.L. 259.481 and following):** Governs the height of structures in proximity to airport related uses and is included as a standard in the Article by reference.
- **Nonconforming structure or use:** A use which was lawfully made of a structure or land at the time of the adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the district in which it is located.
- **Non-Participating Parcel:** Any parcel of property in the **(city/village/township)** not participating in the Wind Energy Facility.
- **On Site Use Wind Energy Systems:** This system is intended to primarily serve the needs of the consumer and is considered an accessory building.
- **Photovoltaic Device:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.
- **Principal use:** The primary and predominant use of the premises.
- **Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- **SCADA Tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
- **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.
- **Solar Array:** Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

- **Solar Energy System, Abandoned:** Any Solar Energy System, Solar Array, or combination of Photovoltaic Devices that remain nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of twelve months.
- **Solar Energy System, Large:** A utility-scale Solar Energy System where the primary use of the land is to generate electric energy, or other energy, by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery, or consumption of the generated energy by more than one end use, and the power output of that system is equal to or greater than twenty-five (25) kW.
- **Solar Energy System, Small:** A Solar Energy System where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the Solar Energy System is located, with a generating capacity of less than twenty-five (25) kW. Small Solar Energy Systems are permitted in zoning district as an accessory structure, subject to the requirements of each district for accessory structures and Chapter VI, Subsection 10.11 of this Ordinance.
- **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at the receiver.
- **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- **Structure:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.
- **Tip Height:** When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.
- **Township:** Washington Township.

- **Unreasonable Safety Hazard:** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness, or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.
- **Utility Grid Wind Energy Systems:** This system is designed and built to provide electricity to the electric utility grid.
- **Wind Energy Conversion Facility, (WECF) or Wind Energy Facility:** An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- **Wind Energy Facility Site Permit:** A permit issued upon compliance with the standards enunciated in this Section.
- **Wind Energy System:** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
- **Wind Site Assessment:** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

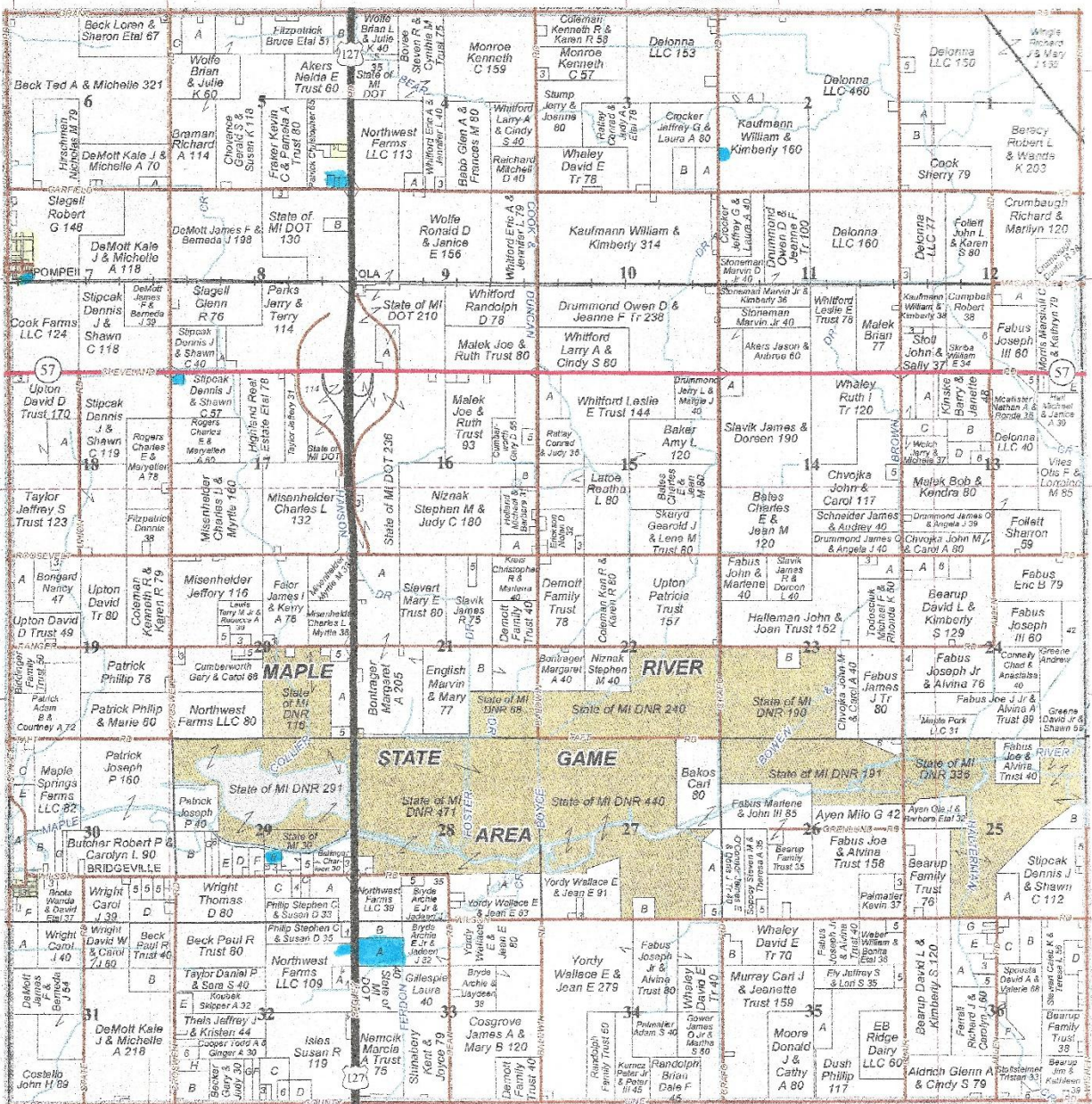
Chapter XIII
EFFECTIVE DATE

13.1 The provisions of this Ordinance shall take effect upon approval of the Township Board and after thirty days have elapsed after the publication of such Ordinance following such approval, as required by Act 191, Public Acts of the State of Michigan of 1939 MSA 5.6(1)

The above Zoning Ordinance effective May 16, 2024

X

Barbara Hoffer
Wahsington Township Clerk



Blue- Commercial Yellow- Residential
All other parcels are Agricultural