

TOWNSHIP OF GREENLEAF

ZONING ORDINANCE

ORDINANCE NO. 200

Adopted: September 20, 2018

TOWNSHIP OF GREENLEAF ZONING ORDINANCE
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TOWNSHIP OF GREENLEAF ZONING ORDINANCE

ORDINANCE NO. _____

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

THE TOWNSHIP OF GREENLEAF ORDAINS:

ARTICLE I **PURPOSE AND OBJECTIVES**

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

Section 1.02. PURPOSE AND OBJECTIVES. This Zoning Ordinance is based on the Michigan Zoning Enabling Act and the adopted Greenleaf Township Master Plan and any amendments to the Master Plan addressing future development patterns and development goals. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- A. Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
- B. Accommodate and promote land uses which are compatible with the Township's character and conserve the property values and stability of prime farmlands, rural residential areas, residential neighborhoods, conservation/recreation areas, and general business districts.
- C. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and significant natural features in the Township, such as wetlands, lakes, prime farmland, topography, open space, mature vegetation and wildlife habitat. The Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Township and the overall quality of life for Township residents.
- D. Limit or prohibit improper use of land.
- E. Reduce hazards to life and property.
- F. Balance the Township's right to compatible and quality development with the property owners' rights in land.
- G. Provide property owners with reasonable, though not always direct, access to property.
- H. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
- I. Promote the gradual elimination of uses, buildings and structures which do not conform to the regulations and standards of this Ordinance.
- J. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Zoning Enabling Act.
- K. Protect natural features, ground and surface waters from pollution.

ARTICLE II **ACTIVITIES COVERED BY ORDINANCE**

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

ARTICLE III **ADMINISTRATION**

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

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

A. APPLICATION. A land use permit shall be applied for in writing on an application form provided by the Township.

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B. PERMIT ISSUANCE. A land use permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

C. EXPIRATION. A land use permit shall expire one year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding land use permits for uses which have not been commenced and which would violate the amendment.

D. VOID PERMITS. Any land use permit issued in error or pursuant to an application containing any false statements shall be void.

E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a land use permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

F. FEES. The amount of any fees charged for land use permits, applications, or inspections shall be established by the Township Board.

Section 3.03. PERMIT COORDINATION. All land uses and construction activities shall conform with the provisions of this Ordinance and all applicable local, county, state and federal regulations including, but not limited to those listed below. Prior to the issuance of a Building Permit, Land Use Permit, Special Approval Use Permit, or other permit required under this Ordinance, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

A. Driveway permit including approved culverts, where necessary, as approved by the County Road Commission or the Michigan Department of Transportation, as applicable.

B. Septic system permit approved by the Sanilac County Health Department.

C. Soil erosion and sedimentation control permit from the Sanilac County Department of Construction and Land Use.

D. Wetland permit from the Michigan Department of Environmental Quality.

E. Permit for the Erection of towers or communication equipment from the Federal Communications Commission.

F. Other permits from local, county, state or federal authorities as pertinent such as transport, storage, use, and/or disposal of hazardous substances, waste or other materials.

G. Floodplain permit from the County Building Inspector.

H. Any other permits except Building Permit, which cannot be obtained until a Land Use Permit is obtained from the Zoning Administrator.

ARTICLE IV ZONING DISTRICTS

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

AR	Agricultural – Residential
MHP	Manufactured Housing Park
S	Small Business District
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Greenleaf Township Zoning Map.

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

Section 4.04. USES PERMITTED AFTER SPECIAL APPROVAL. A use of land or structures listed as "uses permitted after special approval" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

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ARTICLE V

AR AGRICULTURAL - RESIDENTIAL DISTRICT

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses.
- B. Livestock on parcels often (10) or more acres, as long as the generally accepted agricultural management practices adopted under the Right to Farm Act are complied with.
- C. Single-family dwellings (subject to Section 12.05).
- D. Seasonal roadside stands limited to the selling of locally raised farm produce.
- E. Family day care homes.
- F. State licensed residential facilities for six (6) or fewer residents.
- G. Home occupations
 - 1. The home occupation must be conducted entirely within an existing building.
 - 2. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
 - 3. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.
 - 4. No outdoor storage of merchandise, materials, or items involved in the business shall be allowed. However, display of representative items for advertising purposes shall be permitted.
 - 5. There shall be no more than one (1) employee, other than family members who reside in the home on the property.
- H. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 5.02. USES PERMITTED AFTER SPECIAL APPROVAL

- A. Public or private parks, recreation facilities, hunt club facilities, hunting preserves, campgrounds, and golf courses.
 - 1. Minimum site size shall be ten (10) acres.
 - 2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.
 - 3. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.
 - 4. Any commercial uses shall be adequately screened from abutting property.
- B. Dog kennels and the raising of fur bearing animals.
 - 1. All animals shall be housed and maintained in a safe and sanitary manner.
 - 2. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
 - 3. Dog kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
 - 4. For purposes of this Section, a dog kennel is defined as any property on which four (4) or more dogs over the age of six (6) months are kept or harbored.
- C. Quarrying of soil, sand, clay, gravel or similar materials.
 - 1. Each application for special approval shall contain the following:
 - a) Names and addresses of property owners and proposed operators of the premises.
 - b) Legal description of the premises.

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- c) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
 - d) Detailed statement as to the type of deposit proposed for extraction.
 - e) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.
2. Operational Requirements.
- a) Pit Operations.
 - b) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, and warning signs.
 - c) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment.
 - d) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
 - e) No cut or excavation shall be made closer than two Hundred (200) feet from the centerline of the nearest road right-of-way nor closer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sub lateral support to surrounding property where soil or geologic conditions warrant it.
 - f) The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying, require the applicant to furnish a bond in an amount determined by the Planning Commission.
- D. Two family dwellings provided each dwelling unit contains at least 1,080 square feet.
- E. Multiple family dwellings.
- 1. A minimum site size of three (3) acres shall be required, plus one (1) additional acre for each additional dwelling unit additional dwelling unit beyond the first three (3).
 - 2. Each dwelling unit shall contain at least eight hundred (800) square feet plus 120 square feet for each bedroom beyond the first.
- F. State licensed residential facilities for seven or more residents.
- G. Group day care homes.
- H. Township and County governmental buildings, structures and facilities.
- I. Schools, churches, and cemeteries.
- J. Bed and breakfast establishments.
- K. Communications towers and wind electrical generation towers (subject to Section 12.11).
- L. Keeping of livestock on parcels less than ten (10) acres in size.
- 1. The livestock shall be kept for noncommercial purposes such as 4-H projects or family use.
 - 2. In no event shall livestock be kept on parcels of land containing less than five (5) acres.
 - 3. No more than one (1) head of livestock maybe kept for each two and one-half (2-1/2) acres of land in the parcel.
 - 4. Adequate fencing and housing for the livestock shall be constructed prior to placing livestock on a parcel of land. Any livestock housing shall be no less than 100 feet from any property line.
- M. Cluster housing and open space.
- 1. Open Space. Land qualifying as open space shall be land set aside for recreational, conservation or agricultural uses and preserved in an otherwise undeveloped state. Open space shall not be deemed to include areas within road rights of way, county drain easements or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation or agriculture purposes shall be prohibited.

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2. Open Space Minimum. A single-family cluster development must preserve open space equal to a minimum of fifty (50%) percent of the total area of the parcel on which the cluster housing is constructed.
3. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
 - a) Natural stands of large trees
 - b) Natural habitat for wildlife
 - c) Unusual topographic features
 - d) Productive farmland
 - e) Water or wetland areas
4. Reduction of Minimum Lot Area. Within a cluster housing development, the Planning Commission may allow a dwelling unit density greater than otherwise permitted in the AR zoning district. The minimum lot area for each dwelling unit required in the AR zoning district may be reduced by the Planning Commission to no less than one-half (1/2) acre to accommodate a cluster housing development. Proposed lots under one (1) acre in size shall meet the septic standards of the county health department.
5. Reduction of Setbacks and Lot Dimensions. In areas approved for cluster housing, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following standards:
 - a) The minimum side yard setbacks shall be no less than twenty (20) feet.
 - b) The minimum rear yard setback shall be no less than twenty-five (25) feet
 - c) The minimum front yard setback shall be no less than one hundred (100) feet.
 - d) The minimum lot width shall be no less than one hundred (100) feet.
 - e) The maximum depth to width ratio shall be no greater than six (6) to one (1).
6. Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
 - a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
 - b) That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
 - c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
 - d) That the restrictions could be enforced by all property owners and by the Township.
7. Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions necessary with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
 - a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
 - b) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
 - c) That the restrictions could be enforced by all property owners and by the Township.

ARTICLE VI

MHP Manufactured Housing Park

Section 6.01. PRINCIPAL.PERMITTED USES.

- A. Manufactured housing parks.

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1. The minimum size of the park shall be 30 acres.
 2. The minimum width of the park property shall be 1,000 feet.
- B. Single-family dwellings, subject to Section 12.05.
 - C. Crop production.
 - D. Family day care homes.
 - E. State licensed residential facilities for six or fewer residents.
 - F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two-family dwellings, subject to the requirements of Section 5.02.D.
- B. Recreational facilities, campgrounds, and golf courses, subject to the requirements of Section 5.02.A.
- C. Home occupations subject to the requirements of Section 5.01.G.
- D. Group day care homes.
- E. Governmental buildings, structures, facilities, and parks.
- F. Schools and churches.
- G. Convalescent homes.
- H. Detention and penal facilities, including rehabilitation camps.
- I. Communication towers and wind electrical generation towers (subject to Section 12.11).

ARTICLE VII S Small Business District

Section 7.01. PRINCIPAL USES PERMITTED.

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

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Single-family dwellings, subject to the requirements of Section 12.05.

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- B. Communications towers and wind electrical generation towers (pursuant to Sections 12.11).

ARTICLE VIII C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

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

Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Open-air businesses such as drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, or any retail business activities which are conducted entirely or partially outside of an enclosed building.
- B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment. Any outside storage shall comply with the applicable provisions of the Junkyard, Salvage Yard and Equipment/Motor Vehicle Facility Ordinance.
- C. Single-family dwellings, subject to the requirements of Section 12.05.
- D. Communications towers and wind electrical generation towers (pursuant to Section 12.11).
- E. Billboards, pursuant to Section 12.06.

ARTICLE IX I Industrial District

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Junk or salvage yards. Any such yard shall comply with the applicable provisions of the Junkyard, Salvage Yard and Equipment/Motor Vehicle Facility Ordinance.

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B. Sewage treatment plants and similar facilities.

1. Must comply with all regulations of the State of Michigan.
2. Must be completely enclosed by an obscuring wall, fence, or greenbelt.

C. Slaughter houses and meat processing facilities.

D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, radioactive, or other hazardous materials.

E. Communications towers and wind electrical generation towers (pursuant to Section 12.11).

F. Billboards, pursuant to Section 12.06.

ARTICLE X
Area, Setback and Height

Section 10.01 COMPLIANCE

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

Section 10.02 TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS

Zoning District	Minimum Lot Area Per Dwelling Unit Or Commercial/ Industrial Bldg. (In Sq. ft.)	Minimum Lot Width (In feet) (1)	Minimum Front Yard Setback (In feet) (2)	Minimum Side Yard Setback (In feet)	Minimum Rear Yard Setback (In feet)	Minimum Floor Area Per Dwelling (In Sq. ft.) (3) (4)	Maximum Building Height (In feet)
AR	2 acres	165	100	25	35	840	100
MHP (5)							
S	2 acres	165	100	25	35	-	50
C	2 acres	165	100	25	35	-	50
I	5 acres	330	100	25	35	-	50
(1) Measured at minimum front yard setback line.							
(2) Measured from center of road. In the case of state highways M-81 and M-53 the minimum front yard setback shall be 150ft							
(3) The minimum floor area shall be required on the first floor and shall be exclusive of porches.							
(4) The minimum square feet of floor area per dwelling unit in multiple family dwellings shall be 800 square feet and shall be increased by 120 square feet for any additional bedroom beyond the first bedroom							
(5) Regulated by the Michigan Manufactured Housing Commission.							

ARTICLE XI
Parking and Loading Requirements

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

- A. **MINIMUM PARKING SPACE SIZE.** Each parking space shall be at least 10 feet wide and 20 feet long, exclusive of drives.
- B. **MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS.** The minimum width of access lanes for parking spaces in parking lots shall be twenty-five (25) feet.
- C. **LOCATION OF PARKING SPACE.** The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. **SEATING.** As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. **SIMILAR USES AND REQUIREMENTS.** In the case of a use not specifically mentioned, the requirements of off-street parking for a

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use which is similar shall apply.

- F. **EXISTING OFF-STREET PARKING.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. **DRAINAGE.** All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. **ILLUMINATION.** Any illumination provided for parking areas shall be deflected away from adjacent residential areas.
- I. **HARD SURFACING.** All required parking areas shall be paved with asphalt, concrete binder, or compacted limestone. This shall not apply to single-family residences.

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

	Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A.	Auditoriums, Assembly Halls, Theaters, and Churches	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for each employee.
B.	Automobile Service Stations	2	Each gasoline pump and lubrication stall
C.	Banks and Business or Professional Office of Doctors, Lawyers, Architects, Engineers, or other similar professions	1	Two hundred (200) square feet of usable floor area.
D.	Barber Shops and Beauty Parlors	2	Each barber or beauty operator.
E.	Drive-In Restaurants	1	Twenty-Five square feet of usable floor area, with a maximum of forty parking spaces.
F.	Golf Courses	1	Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of ten parking spaces per hole on the golf course.
G.	Industrial Establishments and Warehouse Facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
H.	Residential Dwellings	2	Each dwelling unit.
I.	Restaurants or similar establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments. This shall include private clubs, lodges, and recreational facilities	1	Each employee computed on the basis of the greatest number of persons employed at any period during the day.
J.	Retail stores and service establishments other than those specified herein	1	One hundred and fifty square feet of usable floor area, plus one space for each employee.
K.	Sanitariums, convalescent homes, hospitals, hotels, and similar establishments	1	Two beds.
L.	Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at anyone time, plus two spaces for each auto serviced.
M.	Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee

For purposes of this Section, "usable floor area" shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms.

Section 11.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for

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

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

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

ARTICLE XII General Provisions

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

Section 12.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a parcel of land which shall front upon a public road.

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

Section 12.04. RESIDENTIAL OCCUPANCY OTHER THAN IN COMPLETED DWELLINGS. Garages, barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings.

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

- A. MINIMUM SIZE. Each dwelling shall contain the minimum number of square feet specified in Section 10.02, prior to any alterations or additions.
- B. MINIMUM WIDTH. Original fabrication of all dwellings must be a minimum continuous width of eighteen (18) feet, and all dwellings must contain a minimum of eight hundred (800) square feet of living space on a single level excluding breezeways, porches, sunrooms and garages.
- C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars or cement slab pursuant to the specifications of the building inspector. Skirting consisting of brick, concrete blocks, wood, vinyl or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.
- D. STORAGE FACILITIES. Each dwelling shall have either a basement, garage or storage building containing at least eighty (80) square feet of storage area. The storage facility shall be constructed within 1 year of the completion of the dwelling.
- E. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with building code requirements in effect at the time the dwelling is constructed or moved within the Township.

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

- A. The following signs may be erected in the Township without prior Planning Commission approval, provided the other requirements of this Section are complied with:
 - 1. Signs advertising real estate for sale or rent. Such signs may not exceed nine (9) square feet in sign area.
 - 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed nine (9) square feet in sign area.
 - 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed nine (9) square feet in sign area.
 - 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed nine (9) square feet in sign area.
 - 5. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall not be erected more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election.

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6. Signs stating the name and/or address of a property owner. Homeowner signs may not exceed four (4) square feet in sign area~ Farm owner signs may not exceed forty-eight (48) square feet in sign area.
 7. Temporary signs advertising non-commercial public events for not to exceed thirty (30) days. Such signs shall not exceed thirty-two (32) square feet in sign area. Such signs shall be removed within ten (10) days of the event.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by subsection A above.
 - C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
 - D. No sign shall include any flashing, oscillating, or intermittent illumination.
 - E. All illuminated signs shall be so placed as to prevent the rays and illumination from being directly cast upon any residences or roadways.
 - F. No sign shall rotate nor contain any moving parts.
 - G. All signs shall be set back from all property lines no less than the minimum distance required by the Zoning Ordinance for buildings and structures and from all road right of way lines at least ten (10) feet.
 - H. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair.
- I. ON-SITE SIGNS.
1. One principal sign shall be permitted on the site of each commercial, industrial, or institutional facility.
 2. Principal on-site signs shall not exceed sixty-four (64) square feet in sign area
 3. No more than two secondary signs shall be permitted on the site of each commercial, industrial, or institutional facility.
 4. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
- J. OFF-SITE SIGNS (BILLBOARDS).
1. Off-site signs may only be located on parcels of land which are zoned for commercial or industrial use.
 2. Off-site signs shall not exceed sixty-four (64) square feet in sign area.
 3. No off-site sign shall be erected within three hundred (300) feet of any other off-site or on-site sign.

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

Section 12.08. GREENBELTS.

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

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Section 12.09. TEMPORARY MOBILE HOMES.

- A. The Zoning Administrator may issue a permit for a temporary mobile home to be occupied for one year during the time that a permanent dwelling is being constructed. A temporary mobile home does not have to comply with the single-family dwelling standards contained in Section 12.05. A temporary mobile home permit may be issued if the following requirements are complied with:
1. A building permit for the permanent dwelling must be acquired before the temporary mobile home is placed on the premises.
 2. The permanent dwelling must be completed and the temporary mobile home removed from the property before the expiration of the temporary mobile home permit.
 3. The applicant must execute an affidavit guaranteeing that the temporary mobile home will be removed from the premises at the expiration of the permit period.
 4. A temporary mobile home permit may be renewed one time by the Township Board to grant up to one additional year for completion, providing reasonable progress has been made on construction of the permanent dwelling during the first one year permit period.
- B. Variances to permit the occupancy of mobile homes which do not comply with the single-family dwelling standards of Section 12.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article XVII. Such variances for mobile home occupancy may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any mobile home approved under this Section may not be over 10 years old at the time it is placed on the site. Any mobile home approved pursuant to this Section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting. In the event that the temporary mobile home ceases to be used for the purpose it was granted for, the mobile home shall be removed from the property within thirty (30) days of the date it ceases to be used for the purpose for which it was granted.

Section 12.10. PROHIBITED STRUCTURES. No bus, semi-trailer, or truck body or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. In the case of bonafide farming operations, a property owner may be granted a variance by the Board of Zoning Appeals for a semi trailer or truck body for agricultural storage purposes.

Section 12.11. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

- A. Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this Section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations or similar structures shall be subject to the site plan review requirements of Article XV. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- B. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers or homeowners and used for noncommercial purposes shall be exempt from the requirements of this Section and shall be allowed as a permitted use in all residential zoning districts, providing that the antenna, windmill or related facilities do not exceed eighty (80) feet in height. This shall also include equipment used by ham radio operators, as well as residential television and radio antennas.
- C. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article XVI, subject to the following requirements:
1. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.
 2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
 3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
 4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
 5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The site shall be maintained in a neat manner.

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6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
 7. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
 - a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - c) Existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.
 - d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
 8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
 9. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
 10. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- D. 1. Utility-Grid Wind Energy System Special Use Permit Application: A Utility-Grid Wind Energy System comprised of wind energy conversion towers, or wind turbines, is designed and built to provide electricity to the electric utility grid. Prior to the installation of a Utility-Grid Wind Energy System, applications for Site Plan Review and a Special Use permit must be filed and subsequently approved by the Greenleaf Township Planning Commission and shall include the following:
- a. Applicant Identification: Applicant name, address, and contact information.
 - b. Project Description: A general description of the proposed project including a legal description of the properties on which the project would be located.
 - c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include all required information noted in Article XV of the Greenleaf Township zoning ordinance. In addition, the site plan shall include the following information:
 1. Project area boundaries,
 2. The location, height, and dimensions of all existing and proposed structures and fencing,
 3. Storage location of all equipment and materials associated with the construction and maintenance of a Utility-Grid Wind Energy System,
 4. The location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road,
 5. Water bodies, waterways, wetlands, and drainage channels,
 6. Existing infrastructure and utilities that is located underground and above-ground, and

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7. All new infrastructure that is located underground and above-ground related to the project.
 - d. Fees: An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the Greenleaf Township Board of Trustees. This schedule shall be based on the cost of the application review and may be adjusted from time to time.
 - e. Engineering Data: Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of four (4) feet.
 - f. Maintenance Schedule: Anticipated construction schedule, and description of operations, including anticipated regular and unscheduled maintenance.
 - g. Consent Documents: Copies of any written waivers from adjacent property owners.
 - h. Sound Pressure Level: Copy of the modeling and analysis report, as required in Section 12.11.D.2.b. of this zoning ordinance.
 - i. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations, as required in this zoning ordinance. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
 - j. Visual Impact: Visual simulations of how the completed project will look from four viewable angles, as required in Section 12.11.D.2.e. of this zoning ordinance.
 - k. Environmental Impact: Copy of the Environmental Impact analysis, as required in Section 12.11.D.2.f. of this zoning ordinance.
 - l. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis, as required in Section 12.11.D.2.g. of this zoning ordinance.
 - m. Shadow Flicker: Copy of a shadow flicker modeling report.
 - n. Manufacturers' Material Safety Data Sheet: Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - o. Decommissioning: Copy of the decommissioning plan, as required in Section 12.11.D.2.j. of this zoning ordinance.
 - p. Complaint Resolution: Description of the complaint resolution process as described in Section 12.11.D.2.m. of this zoning ordinance.
 - q. Map of Electromagnetic Interference.
2. The Utility-Grid Wind Energy system project shall meet the following standards and requirements:
 - a. Setbacks: The following setbacks and separation requirements shall apply to all wind turbines within a Utility-Grid Wind Energy System.
 1. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity.
 2. Setbacks from Property Lines:
 - i. Leased Property: The distance between a wind turbine and the property lines of adjacent leased properties shall be at least 2.0 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base. Exceptions for adjacent leased properties are allowed with the written consent of those property owners. Written consent letters requesting setback variances must be submitted at the time of the public hearing for the special use permit application.
 - ii. Non-Leased Property: The distance between a wind turbine and the property lines of adjacent non-leased properties shall be at least 3.0 times the height of the wind turbine, as measured from the top of the blade in its vertical position to the centerline of its base.
 3. Setbacks from Habitable Structures:
 - i. Leased Property: The distance between a wind turbine and any residence, school, hospital, church, or public library, or any other habitable structure located on leased property shall be at least one

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thousand three hundred twenty (1,320) feet, measured from the centerline of the base of the wind turbine to the nearest edge of the habitable structure. Written consent letters requesting setback variances must be submitted at the time of the public hearing for the special use permit application.

- ii. **Non-Leased Property:** The distance between a wind turbine and any residence, school, hospital, church, or public library, or any other habitable structure located on non-leased property shall be at least two thousand (2,000) feet, measured from the centerline of the base of the wind turbine to the nearest edge of the habitable structure.
4. The distance between a wind turbine and public rights-of-ways and roads shall be:
 - i. At least 2.0 times the height of the wind turbine, measured from the top of the blade in its vertical position to the centerline of its base, determined at the nearest boundary of the underlying right-of-way, when property abutting the public-right-of-way or road is leased.
 - ii. At least 3.0 times the height of the wind turbine, measured from the top of the blade in its vertical position to the centerline of its base, determined at the nearest boundary of the underlying right-of-way, when property abutting the public-right-of-way or road is not leased.
 5. The distance between a wind turbine and the nearest railroad shall be:
 - i. At least 2.0 times the height of the wind turbine, measured from the top of the blade in its vertical position to the centerline of its base, determined at the nearest boundary of the underlying right-of-way, when property abutting the railroad is leased.
 - ii. At least 3.0 times the height of the wind turbine, measured from the top of the blade in its vertical position to the centerline of its base, determined at the nearest boundary of the underlying right-of-way, when property abutting the railroad is not leased.
 6. SCADA (supervisory control and data acquisition), or meteorological (Met), towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower.
 7. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall be located at least 1,000 feet from any property boundary line. Noise emanating from an operations and maintenance building, sub-station, or ancillary equipment shall be ambient dB(A) plus 5 dB(A), as measured from the property line. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 3 dB(A). The applicant shall provide ambient sound pressure level measurements and analysis that will determine the ambient sound pressure level prior to construction. Such measurements shall be done by a qualified third-party professional paid for by the applicant.
 8. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities. Underground transmission lines must be buried a minimum of 4 feet underground.
 9. Turbine/tower separation shall be based on: industry standards, manufacturer recommendation, and the characteristics of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the rotor diameter. Documents shall be submitted by the applicant confirming specifications for turbine/tower separation.
- b. Sound Pressure Level:
1. The sound pressure level generated by a Utility Grid wind energy system shall not exceed 40 dB(A) from 6:00 a.m. to 9:00 p.m. and 35 dB(A) from 9:00 p.m. to 6:00 a.m., measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded by 5 dB(A)/(C) for more than 5 minutes in any hour of the day.
 2. As measured at a habitable structure located on non-leased property in Greenleaf Township, the sound pressure level generated by a Utility Grid wind energy system shall not exceed 35 dB(A) or 40 dB(C) from 6:00 a.m. to 9:00 p.m. and 30 dB(A) or 35 dB(C) from 9:00 p.m. to 6:00 a.m. This sound pressure level shall not be exceeded by 5 dB(A)/(C) for more than 5 minutes in any hour of the day.
 3. As measured at a habitable structure located on leased property in Greenleaf Township, the sound pressure level generated by a Utility Grid wind energy system shall not exceed 40 dB(A) or 45 dB(C) from 6:00 a.m. to 9:00 p.m. and 35 dB(A) or 40 dB(C) from 9:00 p.m. to 6:00 a.m., only if consent letters of the property owners located on the leased property are submitted at the time of the public hearing for the special use permit application. This sound pressure level shall not be exceeded by 5 dB(A) for more than 5 minutes in any hour of the day.
 4. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will

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confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels.

5. Modeling and analysis shall conform to IEC 61400 and ISO 9613. Background sound (L90), which is the sound level present at least 90% of the time, shall be the standard for measuring ambient sound.
 6. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.
 7. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days after construction is completed on the wind energy system project.
- c. Construction Codes, Towers, and Interconnection Standards:
1. The maximum height of a wind turbine structure shall be 500 feet, measured from ground level to the top of the rotor in its highest position.
 2. Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
 3. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Zoning Enabling Act (Public Act 110 of 2006), the Michigan Tall Structures Act (Public Act 259 of 1959), and any local jurisdiction airport overlay zone regulations.
 4. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
 5. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- d. Safety:
1. All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 2. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system, and properly disposed of in accordance with applicable state and federal law.
 3. Spills of any hazardous materials shall be reported to the Greenleaf Township Zoning Administrator within 24 hours of release and shall be removed and disposed of in accordance with applicable state and federal laws.
 4. Storage, handling, and use of hazardous materials shall conform to all applicable federal and state laws.
 5. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 6. The minimum vertical blade tip clearance from grade shall be 35 feet for a wind energy system employing a horizontal axis rotor.
- e. Visual Impact:
1. Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
 2. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
 3. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification
 4. No lettering allowed on any part of turbine.
 5. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the

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comprehensive plan.

f. Environmental Impact:

1. The applicant shall have an independent third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
2. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
3. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system. In addition, the applicant shall submit to Greenleaf Township and the appropriate Sanilac County office(s):
 - i. A description of the routes to be used by construction and delivery vehicles
 - ii. Any road improvements that will be necessary in Greenleaf Township to accommodate construction vehicles, equipment or other deliveries
 - iii. A bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid wind energy system. Such bond guarantee shall state that any damage to a public road within Greenleaf Township resulting from the construction, maintenance, or operation of a Utility Grid wind energy system shall be repaired at the applicant's expense. The bond guarantee provided by the applicant shall be an amount that is agreed upon by the applicant and Greenleaf Township, with guidance from applicable experts, including the Sanilac County Road Commission, to pay for repair of damage to public roads. Failure of the applicant to provide these funds shall result in the termination of the Special Use Permit

g. Avian and Wildlife Impact:

1. The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
2. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
3. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
4. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

h. Electromagnetic Interference:

1. No Utility Grid wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to the level present before operation of the wind energy system.
2. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing

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microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- i. Shadow Flicker:
 1. The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine and at habitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Use Permit Application to the Greenleaf Township Planning Commission.
 2. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. Shadow flicker output from modeling software shall be based on the five-year average of cloud cover for Sanilac County.
 3. The analysis shall identify problem areas where shadow flicker may affect the occupants of the habitable structures for more than thirty (30) hours per year and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a habitable structure shall not exceed thirty (30) hours per year.
- j. Decommissioning: The applicant shall submit a Decommissioning Removal and Restoration Plan describing the intended disposition of the Utility-Grid Wind Energy System and all equipment associated with the system upon termination of the lease, revocation of the permit, or at the end of the system's useful life, and shall describe any agreement(s) with landowner(s) regarding equipment removal upon termination of a lease. The plan shall include:
 1. The anticipated life of the project
 2. The estimated decommissioning costs net of salvage value in current dollars
 3. The method of ensuring that funds will be available for decommissioning and restoration
 4. The anticipated manner in which the project will be decommissioned and the site restored. The top four feet of concrete must be removed from the turbine base and the soil returned to the original state.

In addition, the applicant is required to submit a fee, as set by the Board of Trustees, for each turbine, to be deposited into an escrow account for the purposes of addressing the potential decommissioning of the utility-grid wind energy system and is based on the actual costs of decommissioning.

- k. Storage of Equipment: All materials and equipment associated with construction and maintenance of a Utility Grid wind energy system shall be stored in an enclosed structure designated for the purposes of storing said equipment.
- l. Performance Guarantee: To ensure compliance with the provisions of the Greenleaf Township zoning ordinance and any conditions imposed, a surety bond acceptable to the Township covering the estimated cost of improvements and/or decommissioning associated with a Utility-Grid Wind Energy System project shall be deposited with the clerk of the Township to ensure faithful completion of the improvements. The surety bond shall be deposited at the time of the issuance of the Land Use Permit. Deposit of the surety bond is not required prior to the issuance of said permit. The Township may return any unused portion of the surety bond to the applicant in reasonable proportion to the ratio of work completed on the required improvements and/or decommissioning as work progresses. The surety bond shall be in favor of Greenleaf Township in an amount of at least \$1 million and shall contain a replenishment obligation.
- m. Complaint Resolution: Should an aggrieved property owner allege that the Utility-Grid Wind Energy System is not in compliance with the noise and shadow flicker requirements of this Zoning Ordinance, the procedure shall be as follows:
 1. Noise Complaint
 - i. Notify the Greenleaf Township Planning Commission in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Planning Commission shall make a recommendation that the Board of Trustees will require the aggrieved property owner to deposit a fee as set by the Board of Trustees to pay for a noise level test conducted by an acoustic technician approved by Greenleaf Township to determine compliance with the requirements of this Zoning Ordinance.
 - iii. If the test indicates that the noise level is within Zoning Ordinance noise requirements, the Board of

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Trustees will use the deposit to pay for the test.

- iv. If the Utility-Grid Wind Energy System Owner(s) is in violation of the Zoning Ordinance noise requirements, the Owner(s) shall reimburse the Board of Trustees for the noise level test and take immediate action to bring the violating turbine(s) within the Utility-Grid Wind Energy System into compliance which will include ceasing operation of said turbine(s) until Zoning Ordinance violations are corrected. The Board of Trustees will refund the deposit to the aggrieved property owner.

2. Shadow Flicker Complaint

- i. Notify the Greenleaf Township Planning Commission in writing regarding concerns about the amount of shadow flicker.
- ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Planning Commission shall make a recommendation that the Board of Trustees will require the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Zoning Ordinance.
- iii. If the Utility-Grid Wind Energy System Owner(s) is in violation of the Zoning Ordinance shadow flicker requirements, the Owner(s) shall take immediate action to bring the turbine into compliance which may include ceasing operation of said turbine until the Zoning Ordinance violations are corrected.

n. Certification & Compliance:

1. The Greenleaf Township Board of Trustees must be notified within thirty (30) days of closing of a change in ownership of a Utility-Grid Wind Energy System or a change in ownership of the property on which the Utility-Grid Wind Energy System is located.
 2. The Greenleaf Township Board of Trustees reserves the right to inspect the Utility-Grid Wind Energy System annually in order to ensure compliance with the Zoning Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the Utility-Grid Wind Energy System.
 3. In addition to the Certification & Compliance requirements listed previously, the Utility-Grid Wind Energy System shall also be subject to the following:
 - i. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the Utility-Grid Wind Energy System becomes operational. Sound shall be measured by a third-party, qualified professional approved by Greenleaf Township Board of Trustees.
 - ii. The Utility-Grid Wind Energy System Owner(s) or Operator(s) shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.
3. All requests to modify any of the requirements for a Utility-Grid Wind Energy System shall be considered requests for a variance(s) and therefore, must follow the Zoning Board of Appeals procedures for such, as described in Article XVII.

Section 12.12. SOLAR ENERGY

A. Exempt Solar Energy. Non-Commercial Solar Energy per Section 21.01 must adhere to all Sanilac County Construction Codes and Greenleaf township zoning ordinances. Non-Commercial Solar Energy per Section 21.01 is exempt from the remainder of Section 12.12.

B. Procedure. The Planning Commission will decide whether to issue a Special Land Use Permit per the procedures of Article 15, Article 16, and Section 12.12 of this Ordinance. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Utility Scale Solar Energy Facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations / maintenance building(s).

C. Additional Site Plan Requirements. The applicant shall submit a site plan in full compliance with Article 15 of this ordinance for the Utility Scale Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy site plan are as follows:

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1. **APPLICANT IDENTIFICATION.** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Utility Scale Solar Energy Facility shall also be dated to indicate the date the application is submitted to Greenleaf Township;

2. **PROJECT DESCRIPTION.** A construction schedule along with a general description of the proposed project including the following:

- (a) the project area boundaries,
- (b) the location, height, and dimensions of all existing and proposed structures and fencing,
- (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest public road,
- (d) existing topography,
- (e) water bodies, waterways, wetlands, drainage channels, and drain easements, and
- (f) all new infrastructure, both above and below ground, related to the project.

3. **INSURANCE.** Proof of the applicant's public liability insurance with at least \$2,000,000.00 to cover the Utility Scale Solar Energy Facility, the Township, and the landowner; The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits appropriate to the size of the solar facility. Applicant shall carry dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner / operator and Planning Commission. All applicants shall be required to provide proof that they meet the insurance requirements to the Planning Commission prior to approval;

4. **CERTIFICATION.** Certifications that applicant has complied with or will comply with all applicable county, state, and federal laws, regulations, and ordinances. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a Utility Scale Solar Energy Facility on the property prior to construction;

5. **MANUFACTURER'S MATERIAL SAFETY DATA SHEETS.** Documentation shall include the type and quantity of all material used in the operation of all equipment located at the site and used during the operation of the Utility Scale Solar Energy Facility.

6. **DECOMMISSIONING.** A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:

- a. the design life of the project;
- b. the estimated decommissioning costs net of salvage value in current US Dollars;
- c. the method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 - i. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
 - ii. Complete restoration of property to condition prior to development of the Utility Scale Solar Energy Facility;
- d. The manner in which the project will be decommissioned and the site restored;
- f. The timeframe for completion of decommissioning activities.

7. **SURETY BOND.** To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a Utility Scale Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Facility which will be posted at the time of receiving a Special Land Use permit for the Facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township;

8. **CONSTRUCTION BOND.** Applicant shall file a construction performance bond or other acceptable agreement, in an amount determined by the Township Board, to ensure that, in the event that the project is not completed, the project site and other affected private or government properties (e.g., roads, ditches, bridges, etc.) will be restored to pre-construction condition. The bond shall be terminated upon timely completion of construction and activation of the facility;

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9. COMPLAINT RESOLUTION. Description of the complaint resolution process;
 10. FIRE SUPPRESSION PLAN. A plan describing the fire suppression process and procedure;
 11. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.
 12. A notarized affidavit as proof of an agreement between the parcel owner and the facility's owner or operator confirming the facility owner or operator has permission of the parcel owner to apply for the necessary permits for construction and operation of the Utility Scale Solar Energy Facility;
 13. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation;
 14. An informational sign shall be posted, maintained and updated at the entrance(s) which list the name and phone number of the owner/operator and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Greenleaf Township. The Solar Energy Facility owner/operator shall respond to the public's inquiries and complaints.
 15. APPLICATION FEE. An applicant shall remit an application fee, in an escrow deposit, in the amount specified by the Planning Commission. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, those costs shall be borne by the applicant with his consent;
 16. SGHAT reports for all airports and flight paths within five (5) nautical miles from the center of the proposed Utility Scale Solar Energy Facility along with proof that the SGHAT report and intent to construct a Utility Scale Solar Energy Facility have been sent to the FAA and/or airport manager(s) per 12.11E.E;
 17. A SGHAT report showing the solar glare impact to vehicular traffic on all public roads located within 1 statute mile from the any boundary of the proposed Utility Scale Solar Energy Facility;
 18. A structural analysis report of the proposed Utility Scale Solar Energy Facility that proves that the Utility Scale Solar Energy Facility is capable of withstanding sustained winds per 12.11E.D.15. The report shall be certified by a Professional Engineer contracted by the applicant or by the manufacturer of the solar panels and the manufacturer of the solar panel support structures.
 19. If the solar panels will be installed onto an existing structure, the applicant shall provide a structural analysis report demonstrating that the existing structure is capable of withstanding all dead and live loads, including, but not limited to, wind load, snow load, and the installed weight of the solar energy equipment. The report shall be certified by a Professional Engineer contracted by the applicant.
 20. A Phase I Environmental Site Assessment.
 21. If the following information is not included in the Phase I Environmental Site Assessment, an additional environmental report describing the environmental impact of the Utility Scale Solar Energy Facility, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - i. Impact on area water resources
 - ii. Impact on air quality,
 - iii. Noise impacts caused by the Utility Scale Solar Energy Facility System.
 - iv. Impact on utilities and infrastructure.
 - v. Protection of neighboring property owners and occupants.
 - vi. Impact on wildlife.
 - vii. Effects on flood plains and wetlands.
 - viii. Unique farmlands or soils.
 - ix. Areas of aesthetic or historical importance.
 - x. Archeological or cultural concerns,
 - xi. Any other environmental factors typically evaluated by other members of the Commercial Energy industry when evaluating
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location for a proposed power-generating facility.

xii. Identify all woodlots in each Utility Scale Solar Energy Facility System.

22. A written description of measures to be taken to support the flow of rainwater throughout the Utility Scale Solar Energy System Facility, including any measures to promote the growth of vegetation beneath the Solar Array(s) and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Sanilac County Drain Commissioner.

23. Any other relevant studies, reports, certificates, and approvals as may be reasonably required by Planning Commission.

24. Indemnity Clause. Applicant agrees to defend, indemnify and hold harmless the Township from and against, and to reimburse the Township with respect to, all liabilities, losses, costs and expenses, including, without limitation, any and all damage to public roads, utilities, and drain systems, reasonable attorneys' and consultants' fees and disbursements, asserted against or incurred by the Township by reason of, arising out of, or in connection with any Solar Energy Facility, or Solar Energy Project both during construction and during operation.

D. Additional Special Land Use Requirements. Utility Scale Solar Energy Facilities shall only be allowed as a special land use in the AR Agricultural-Residential District, the C Commercial District, and the I Industrial District, pursuant to Article 16 as to Special Land Use approvals and the following requirements:

1. All Utility Scale Solar Energy Facilities must comply with the requirements established in the Greenleaf Township Zoning Ordinance and be presented to the township planning commission.

2. All fences and improved areas located on the site shall comply with applicable setback for the district in which it is located.

3. Utility Scale Solar Energy Facilities shall be located at least 500 feet from any Inhabited Structure, unless there is a written agreement between the Utility Scale Solar Energy Facility owner/operator and the owner of the Inhabited Structure.

4. All access roads and storage areas shall be established on a 100 foot minimum easement to a public right of way.

5. Utility Scale Solar Energy Facilities shall be located at least 75 feet from any lot lines of non-participating neighboring property on outside perimeter, unless there is a written agreement with land owner.

6. All Utility Scale Solar Energy Facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. This may be located within the 75 foot setback from any lot lines of non-participating neighboring property on outside perimeter.

a. Each owner, operator or maintainer of a Utility Scale Solar Energy Facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscape buffer shall be maintained by the facility operator not to exceed twelve inches in height

7. Site Security.

a. Utility Scale Solar Energy Facilities may be surrounded by a chain link fence not to exceed eight (8) feet in height. The fence may be designed to restrict unauthorized access.

b. Security lights shall incorporate "cutoff" shielding to minimize glare and horizontal stray light. Security lights shall only be installed at the Utility Scale Solar Energy Facility or substations if there is clear documented evidence of vandalism or theft, or a serious safety concern. Security lights shall utilize motion activation where ever possible. Installation of security lights at the Utility Scale Solar Energy Facility or substations shall be approved by the Planning Commission

8. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore,

an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.

9. All electrical connection systems and lines from the Utility Scale Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of four (4) feet underground (both on the property where the Utility Scale Solar Energy Facility will be located and off-site). The Planning Commission may waive the requirements that distribution lines for the Utility Scale Solar Energy Facility which are located off-site (i.e., are not located on or above the property where the Utility Scale Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

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10. The design of Utility Scale Solar Energy Facility buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

11. If the Utility Scale Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure that all local, state and federal requirements regulating outdoor battery storage have been met.

12. The applicant must obtain a driveway permit from the Sanilac County Road Commission or MDOT, as applicable.

13. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.

14. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with vehicular driver vision for any vehicle being operated on a public road.

15. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.

16. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce electrical emissions that would interfere with residential or commercial communications systems, including, but not limited to broadcast television, AM/FM/SW broadcast radio, internet service, cordless phones, business radio, citizen band radio, amateur radio, FRS, and GMRS.

17. The Utility Scale Solar Energy Facility operator/owner shall submit an annual report to the Greenleaf Township Planning Commission. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours (MW-hr). The annual report shall also list all complaints received regarding the Utility Scale Solar Energy Facility along with the status of the compliant resolutions and the actions taken to mitigate the complaints. The report shall list any and all maintenance activities performed during the reporting period along with any and all maintenance activities planned for the next reporting period. The report shall also provide an updated cost estimate for decommissioning along with proof that the surety bond posted at the time of application is still valid. The reporting period shall be from the first day in April of a given year to the thirty first day of March of the following year. Annual reports shall be submitted on or before the thirtieth day of April each year.

18. The Utility Scale Solar Energy Facility shall be engineered to ensure that the Utility Scale Solar Energy Facility can withstand sustained winds of 120 miles per hour without structural damage that would result in the release of debris.

19. The height of the solar panels and of the solar panel support structure shall not exceed 16 feet as measured from the ground.

20. All under ground wiring and equipment must be registered with Miss Dig

21. The construction, operation, and decommissioning shall not disrupt any farm tile or drainage systems within the Township which exist at the time of the Special Land Use permit application without a written agreement between the owner of the tile or drainage system and Utility Scale Solar Energy Facility owner or operator.

22. All aspects of the Utility Scale Solar Energy Facility shall adhere to the Sanilac County Construction Code.

E. AVIATION NOTIFICATION.

1. For consideration of potential impacts to civilian flight paths for Utility Scale Solar Energy Facilities located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a Utility Scale Solar Energy Facility shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) office with oversight of the Michigan Department of Transportation (MDOT). Notification shall include location of Utility Scale Solar Energy Facility (i.e. map coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

2. For consideration of potential impacts to civilian flight paths for Utility Scale Solar Energy Facilities located within five (5) nautical miles from an airport not-listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a Utility Scale Solar Energy Facility shall be sent to the airport manager or designated official. Notification shall include location of Utility Scale Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

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3. The applicant for the Utility Scale Solar Energy Facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT) , per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to the site plan approval. Proof of delivery of notification and the date of delivery shall be submitted to the planning commission with the permit application

a. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed Utility Scale Solar Energy Facility: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration (FAA).

b. Airport operations at an airport not in the NPIAS within 5 nautical miles of the center of proposed Utility Scale Solar Energy Facility: provide required SGHAT analysis information to the management of the airport for non-military airports.

4. Any applicable Utility Scale Solar Energy Facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified above in 3.a. and 3.b. for accurate records of the as-built system.

F. ABANDONMENT AND DECOMMISSIONING

1. Abandonment: A Utility Scale Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Utility Scale Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee 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 completely restore the Parcel to its condition prior to development of the Utility Scale Solar Energy Facility.

a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Utility Scale Solar Energy Facility and restore the site to its condition prior to development of the Utility Scale Solar Energy Facility within six (6) months of notice by the Planning Commission or its designee.

b. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Utility Scale Solar Energy Facility, 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 Utility Scale Solar Energy Facility and restore the site to a non-hazardous pre-development condition.

2. Decommissioning: The Owner/Operator of the Utility Scale Solar Energy Facility shall give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning shall be required. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

G. COMPLAINT RESOLUTION.

a. The Utility Scale Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process developed by the Utility Scale Solar Energy Facility Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Utility Scale Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.

b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township, property owner, or resident and the Utility Scale Solar Energy Facility Applicant.

c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.

d. The Utility Scale Solar Energy Facility owner/operator shall provide the opportunity for the Complaint Resolution Committee to attend any and all complaint resolution discussions and meetings and shall provide not less than five (5) business days' notice to the Complaint Resolution Committee of any such discussions or meetings.

e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee

H. CONFLICTING PROVISIONS. In the event of a conflict between any provision in this and any other section of this Zoning Ordinance with regard to Utility Scale Solar Energy Facilities, the provisions of this section shall control.

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I. PROHIBITIONS. It shall be unlawful after the effective date of this Ordinance for any person, firm, corporation, or other legal entity to operate, maintain or establish in any area of Greenleaf Township a Solar Energy Facility which the site plan has not been approved by the Greenleaf Township Planning Commission. Any modifications or upgrades to an existing Solar Energy Facility that increases the area by any amount of the original footprint or changes the solar panel type or capacity shall be subject to new land use approval.

J. TRANSFER OF OWNERSHIP/OPERATION. Prior to a change in the ownership or operation of a Solar Energy Facility, including, but not limited to, the sale or lease of that Facility or the underlying property, the current landowner, facility owner or operator shall provide written notice to the Township at least 60 days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Solar Energy Facility, and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Solar Energy Facility shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing decommissioning funds, and any other required funding has been established.

K. INSPECTIONS. The Township will conduct annual inspections of any and all Solar Energy Facilities. The cost of the annual Township inspection will be reimbursed to the Township by the Solar Energy Company's owner/operator through an escrow fund established pursuant to a schedule of "Fees and Permits" as adjusted from time-to-time by the Township Board. The inspections will consist of but not limited to evaluating compliance with the original contract terms; compliance with improvement and updates and evaluating compliance with the special land use permit. The Township Board shall provide inspection protocols at completion of the project.

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

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. No yard sale shall be operated before 7:00 a.m. or after 9:00 p.m. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty four (24) hours after the completion of the yard sale.
- E. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale". Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this ordinance.

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

- A. No building, mobile home, or other structure shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, mobile home, or structure. In the case of new mobile homes, the Zoning Administrator shall be provided with verification that the mobile home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code. In all other cases (buildings, structures, or used mobile homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must be corrected prior to the building, structure, or used mobile home being brought into the Township.

Section 12.15. RECREATIONAL VEHICLES

- A. For purposes of this Section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy and which do not meet the single-family dwelling standards of Section 12.05.
- B. Recreational vehicles may be stored on property containing an occupied single-family dwelling, provided that the recreational vehicles are owned by the occupants of the single-family dwelling and the number is limited to not more than two (2) recreational vehicles.
- C. In no case shall a recreational vehicle be stored or used on a vacant property containing less than five (5) acres.
- D. A maximum of two (2) recreational vehicles may be stored or used on vacant properties of five (5) acres or more for no more than 90 days per calendar year. A current Recreational Vehicle Storage Permit issued by the Zoning Administrator must be obtained by

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the owner and must be prominently displayed in the window of the recreational vehicle.

SECTION 12.16. ACCUMULATION OF JUNK OR OTHER WASTE. No junk or other waste shall be accumulated, stored or placed outside of a building of any property except as specifically permitted under this Ordinance, or by any local ordinance, including the Blight Ordinance 2007-01.

SECTION 12.17 LAND DIVISIONS AND ACCESS REQUIREMENTS

- A. All divisions/splits of land shall comply with the provisions of P.A. 288 of 1967 as amended by P.A. 591 of 1996 and P.A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route(s) are noted below:
1. Access roads shall be constructed to meet the requirements of the County Road Commission; and,
 2. Where new access roads cross a watercourse, drainage way, channel, or stream, bridge(s) or other structures providing access over such watercourse(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., fire trucks, ambulances, tow trucks, road maintenance equipment, etc.
- B. All land divisions/splits of land will be reviewed to ensure that all new parcels and lots that are proposed to be created, meet the requirements of the Land Division Act, and minimum Zoning Ordinance requirements not only for lot frontage, depth and area, but also have enough buildable area for erection of a structure outside of a floodplain, wetland, and/or sensitive groundwater recharge area, where such lot is to be used for building purposes.

Section 12.18. Drainage. Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion. Design of storm water management measures should protect adjacent waters from runoff from developed areas as the result of 10 year storm events, unless the Drain Commissioner indicates a higher standard is necessary based on the characteristics of site and surrounding property. Low Impact Development standards shall be applied where feasible and prudent.

Section 12.19. SETBACKS FROM SIGNIFICANT NATURAL FEATURES.

- A. A building setback of at least 25' with the setback area planted with sod-forming vegetation or covered by retaining naturally occurring vegetation, including shrubs and trees, is encouraged to be maintained along all watercourses, drains, water bodies and wetlands.
- B. The building setback standard in subsection A above is required to be maintained by any land use receiving Site Plan approval pursuant to Article XIV. Vegetation within the buffer strip may not be clear cut, plowed or graded, except as part of an official drain cleaning project.

ARTICLE XIII

Non-conforming Lots, Uses, and Structures

Section 13.01. CONTINUED NON-CONFORMING USES PERMITTED. Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to the adoption of this Ordinance. These non-conformities may continue until they are removed. The non-conformities shall not be enlarged upon, expanded or extended in any manner which increases their non-conformity.

Section 13.02. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, depth, and area is not less than one-half (50%) percent of that required by this Ordinance. Permission to build on smaller recorded lots which lack adequate width, depth, or area, may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 13.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

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Section 13.04. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied -at the effective date of adoption or amendment of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) - months any subsequent use shall conform to the regulations specified by this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- D. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

ARTICLE XIV Planning Commission

Section 14.01. MEMBERSHIP. There is hereby established a Township Planning Commission as authorized by Public Act 110 of 2006, being the Michigan Zoning Enabling Act or Public Act 33 of 2008, being the Michigan Planning Enabling Act. The Planning Commission shall consist of between five and seven members appointed by the Township Supervisor with the approval of the Township Board. The members shall be representative of major interests as they exist in the Township. One member of the Planning Commission shall also be a member of the Township Board. Each member shall be appointed for a term of three years, except that the term of the member who also serves on the Township Board shall terminate if the membership on the Township Board terminates before the end of the three-year Planning Commission term. The Planning Commission shall elect a Chairman, Vice-Chairman, and Secretary from its members. The terms of these offices shall be one year.

Section 14.02. MISFEASANCE, MALFEASANCE and NONFEASANCE. The Township Board may remove a member of the planning commission for misfeasance, malfeasance and nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter in which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the Township Board, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws.

Section 14.03. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article XV of this Ordinance, to hear and decide requests for uses permitted after special, approval pursuant to Article XVI of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Article XVIII of this Ordinance. The Planning Commission shall also have the power to prepare and adopt, and review or update at least every five years, a Master Plan as a guide for the development of the Township as provided for in the Michigan Planning Enabling Act, Act 33 of 2008.

ARTICLE XV Site Plan Review Requirements

Section 15.01. SCOPE. A site plan shall be prepared and submitted for every construction project and every proposed change in land use.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan, except those for single-family residences, farm buildings, or buildings which are accessory to single-family residence, to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

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

- A. Area of the site.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines.

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- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article XI).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 12.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 12.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

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

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.
- F. Groundwater Protection Standards:
 - 1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes. For facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), the following additional site plan review information is required:
 - a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - b. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 - c. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - d. Delineation of areas on the site which are known as suspected to be contaminated, together with a report on the status of site cleanup.
 - 2. Site plan review standards for facilities which use, store, or generate hazardous substances:
 - a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - c. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges shall be allowed without required permits and approvals.

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

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

Section 15.07. SOIL EROSION. The proposed development shall include measures to prevent soil erosion and sedimentation during and after construction. All development within 500 feet of an inland lake or stream, or which proposes to expose more than an acre of soil shall obtain a Soil Erosion and Sedimentation Control Permit before undertaking land clearing, top soil removal, tree cutting or development unless the activity is exempt under the Natural Resources and Environmental Protection Act, as it is for bonafide agricultural activities.

ARTICLE XVI

Procedures For Uses Permitted After Special Approval Of The Planning Commission

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

Section 16.02. HEARING. Requests for Uses Permitted After Special Approval (special land uses) maybe heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

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

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

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. A Use Permitted After Special Approval shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusion on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

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

Section 16.05. EXPIRATION. Planning Commission permission for a use permitted after special approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

ARTICLE XVII

Zoning Board of Appeals

Section 17.01. ESTABLISHMENT AND MEMBERSHIP OF ZONING BOARD OF APPEALS. There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. One member shall be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining member and any alternate members shall be electors who ~~is~~ are not employees or contractors of the Township. One or two alternate members may

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be appointed. An alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made. Each member and alternate member shall be appointed for staggered terms of three years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. The Township Board member may not serve as Chairman. No business shall be conducted unless a majority of the regular members of the Zoning Board of Appeals are present.

Section 17.02. APPLICATIONS AND NOTICES OF HEARINGS. All applications for variances or appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board Of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done at least fifteen (15) days prior to the hearing.

Section 17.03. POWERS.

A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Uses Permitted After Special Approval and Planned Unit Developments.

B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provisions whenever there are practical difficulties imposed on a property owner if the strict letter of the ordinance is carried out.

C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:

1. The situation cannot be self created.
2. The circumstances must be unique to the property.
3. The character of the neighborhood cannot be altered by the granting of the variance.
4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

Section 17.04. DECISIONS.

A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

B. No decision can be made unless a majority of the regular members are present. The Zoning Board of Appeals shall state the grounds for each decision.

C. In making a decision, the Zoning Board of Appeals may impose such conditions that it may deem necessary to comply with the spirit and purpose of the Zoning ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

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

Section 17.05. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE XVIII Amendments and Rezoning

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

Section 18.02. NOTICE OF HEARING. Notice of a public hearing by the Planning Commission shall be published at least once in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. The ~~first~~ publication shall be made not less than fifteen (15) days before the date of the hearing. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners and occupants of all property within three hundred (300) feet of the property proposed to be rezoned. The notice shall be delivered at least fifteen (15) days before the hearing.

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

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

ARTICLE XIX

Voluntary Rezoning Agreements

Section 19.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Public Act 110 of 2006, being the Michigan Zoning Enabling Act.

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

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

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

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

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

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

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

ARTICLE XX

Violations

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Section 20.01. ENFORCEMENT AND PENALTY. Any person, firm, or corporation, or anyone acting in behalf of said person, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals, or the Planning Commission, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) Dollars and court costs, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

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

ARTICLE XXI

Definitions

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

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

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

AGRICULTURAL LAND. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

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

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

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

COMMERCIAL OR INDUSTRIAL FACILITY. Any business or industry located on a parcel of land which has been zoned for commercial or industrial use or which is recognized by the Township as a legal non-conforming use which existed prior to the adoption of the Zoning Ordinance.

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

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

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

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

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

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

FARM. All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, feedlots, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

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

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

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

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

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

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

KENNEL. Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept either permanently or temporarily.

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

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

LOW IMPACT DEVELOPMENT (LID): An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems, water quality and reduce infrastructure costs.

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

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

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

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

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

PLANNING COMMISSION. The duly appointed Planning Commission of Greenleaf Township, as authorized by Public Act 110 of 2006, being the Michigan Zoning Enabling Act.

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

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

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

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

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

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

SIGNIFICANT NATURAL FEATURE: A natural area as designated by the Planning Commission, County Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, high risk erosion area, environmental area, water features, or other unique natural features.

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

TIP HEIGHT. When referring to a Wind Energy System the distance measured from ground level to the furthest vertical extension of the rotor.

TOWNSHIP OF GREENLEAF ZONING ORDINANCE

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

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

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

UNDEVELOPED STATE. A natural state preserving natural resources, natural features scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

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

USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

UTILITY-GRID WIND ENERGY SYSTEM. A wind energy system that is designed and built to provide electricity to the electric utility grid.

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

INHABITED STRUCTURE. A legally permitted structure intended for frequent human use and, for the purpose of this ordinance, shall be limited to a residential dwelling, studio, business, church, school, family or group child day-care home, bed and breakfast establishment, rooming house, residential facility, and any other residence.

NON-COMMERCIAL SOLAR ENERGY. Solar energy systems and associated accessories located on the premises of a farm, home, or business which do not produce more electricity per year than is consumed by said farm, home, or business and do not primarily involve the sale of electricity off the premises. Used exclusively for private purposes and not utilized for any commercial resale of any energy except for the sale or credit of surplus electrical energy back to the electrical grid.

PUBLIC ROAD. Any road or highway which is now or hereafter designated and maintained by the Sanilac County Road Commission and/or the Michigan Department of Transportation (MDOT), whether primary or secondary, hard surfaced or other dependable road.

UTILITY SCALE SOLAR ENERGY FACILITY. A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

SGHAT SOLAR GLARE HAZARD ANALYSIS TOOL (SGHAT). This tool determines when and where solar glare can occur throughout the year from a user-specified photovoltaic (PV) array as viewed from user-prescribed observation points. The potential ocular impact from the observed glare is also determined, along with a prediction of the annual energy production.

PHOTOVOLTAIC ARRAY. A photovoltaic array, or solar array, is a linked collection of solar modules

AICUZ AIR INSTALLATION COMPATIBLE USE ZONE. The Air Installations Compatible Use Zones, or AICUZ, program is a Department of Defense discretionary program designed to promote development compatible with military flight operations.

ARTICLE XXII Severability and Repeal

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

Section 22.02. REPEAL. The former Greenleaf Township Zoning Ordinance No. 200 adopted on July 21, 2005, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE XXIII Enactment

TOWNSHIP OF GREENLEAF ZONING ORDINANCE

Section 23.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Greenleaf.

Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 22.03, pursuant to Public Act 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

Section 23.03. CERTIFICATION. The undersigned Clerk of the Township of Greenleaf hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Greenleaf Township Board, at a meeting held on the ____ day of _____, 2017. I further certify that a notice of Adoption of this Ordinance was duly published in the Cass City Chronicle on the ____ day of _____, 2017, pursuant to Public Act 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

Judy Keller
Greenleaf Township Clerk