

**DALLAS TOWNSHIP
ZONING ORDINANCE**

Ordinance No. _____

Adopted _____, 2017

DALLAS TOWNSHIP, CLINTON COUNTY, MICHIGAN

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DALLAS TOWNSHIP ZONING ORDINANCE

DALLAS TOWNSHIP ORDINANCE NUMBER _____

Effective _____, 2017

The Township Board of Dallas Township, Clinton County, Michigan, pursuant to the authority vested in it by Act 110 of Public Acts of the State of Michigan of 2006, as amended, hereby adopts the following zoning ordinance, to be known as the “Dallas Township Zoning Ordinance,” applicable throughout Dallas Township.

THE TOWNSHIP OF DALLAS, CLINTON COUNTY, MICHIGAN, ORDAINS:

Preamble

An zoning ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of the Township of Dallas, Clinton County, Michigan, in accordance with Act 110 of Public Acts of the State of Michigan of 2006, as amended; to provide for the establishment of Zoning Districts to encourage and regulate the use of land and location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, remedies for violation, and amendment of this Ordinance; to further the goals and objectives set forth in the Dallas Township Master Plan; and to provide regulations regarding conflicts with other ordinances or regulations.

ARTICLE 1. TITLE AND PURPOSE

Section 1.01 — Title: This Ordinance shall be known, cited and referred to as the “Dallas Township Zoning Ordinance.”

Section 1.02 — Purpose: The provisions of this Ordinance shall be the minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

Section 1.03 — Conflicts: Where this Ordinance imposes greater restrictions upon the use of land, buildings or other structures, or requires larger yards or other open spaces than are imposed or required by other provisions of law or ordinance, the provisions of this Ordinance shall prevail. Any activity, structure, practice or use that is unlawful under state or federal law is unlawful in Dallas Township.

ARTICLE 2. DEFINITIONS

Section 2.01 — Rules Applying to the Text: The following rules of construction shall apply to the text of this Ordinance:

1. Except with respect to the headings contained in Section 2.02, the headings that title a chapter, article, section, or subsection of this Ordinance are for the purposes of organization and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting any of its terms or provisions in any respect.

2. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural, and words in the plural shall include the singular.

3. The words “shall,” “must,” and “will” are always mandatory and not discretionary. The word “may” is permissive and discretionary.

4. A “building” or “structure” includes any part thereof unless specifically excluded. The word “building” includes the word “structure,” and “dwelling” includes “residence.”

5. The terms “person” or “entity” shall include a firm, association, partnership, joint venture, corporation, trust, municipal, or public entity, or equivalent entity or any combination of them as well as a natural person.

6. The words “used” and “occupied,” as applied to any land, building, or structure, shall be construed to include the phrases “intended to be,” “arranged to be,” or “designed to be” used or occupied.

7. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built,” “constructed,” “reconstructed,” “moved upon,” or any physical operation or work on the land on which the building or structure is to be erected, built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

8. The particular shall control over the general.

9. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms “and,” “or,” and “either or” shall be interpreted as follows:

A. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.

B. “Or” and “either or,” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.

10. Terms not herein defined shall have common, customary meanings.

11. The word “Township” shall refer to Dallas Township.

12. The word “Ordinance” shall refer to the Dallas Township Zoning Ordinance, unless the context clearly indicates otherwise.

13. The Dallas Township Zoning Board of Appeals shall have the jurisdiction to provide any necessary interpretation of this Ordinance.

Section 2.02 — Definitions: For the purposes of this Ordinance, the following words have the definitions indicated:

ACCESSORY BUILDING or STRUCTURE: A subordinate building or structure on the same lot or parcel of land as the principal building or structure that is devoted exclusively to an accessory use as defined in this Ordinance.

ACCESSORY USE: A use specified in a zoning district that is clearly incidental to, customarily found in conjunction with, subordinate to, on, and located in the same zoning lot as the principal use. No accessory use shall be carried on any lot or parcel of land, unless there exists a principal use on such lot or parcel. Tents, trailers, mobile homes, tractor trailers, or similar structures or vehicles shall not be considered accessory structures.

ADJACENT LOT: A lot that shares all or part of a common lot line with another lot.

AGRICULTURE: The use of land for tilling of the soil, the raising of tree and field crops, animal husbandry, and other agriculturally related uses.

AIRPORT: That term as defined in Section 102 of the Michigan Zoning Enabling Act, MCL 125.3102, as amended.

ALTERED: Any change in previous conditions, including but not limited to changes in usage, location, square footage, or height of a building.

BASEMENT: That portion of a building that is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story unless over fifty (50) percent of its height is above the level from which the building is measured.

BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation.

BUILDING LINE, MINIMUM SETBACK: The minimum distance that any building must be located from a right-of-way, property line, or high water line.

BUILDING LINE, FRONT: The line that coincides with the face of the building nearest the front line of the lot. This face includes decks and porches, but does not include steps or the eave of the

roof. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING LINE, REAR: The line that coincides with the face of the building nearest the rear line of the lot. This face includes decks and porches, but does not include steps or the eave of the roof. Said line shall be parallel to the rear lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING LINE, SIDE: The line that coincides with the face of the building nearest either side yard line. This face includes decks and porches, but does not include steps or the eave of the roof.

CAMPGROUND: Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

CANOPY: A movable structure, constructed of tubular steel and canvas, plastic tarp, or sheet metal covers, or similar materials, typically used to cover vehicles or boats. Canopies shall be considered accessory structures.

CHILD CARE CENTER OR DAY CARE CENTER: A facility, other than a private residence, that provides care for seven (7) or more preschool or school age children, as defined by Michigan Public Act 116 of the Public Acts of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

CHURCH: See **PLACE OF WORSHIP.**

COMMERCIAL BUSINESS: A purposeful business that is engaged in the exchange of or buying and selling of goods and/or services as a means of livelihood.

COMMERCIAL VEHICLE: Any vehicle the manufacturer rates as having more than a 3/4 ton load capacity, excluding recreational or farm vehicles.

DWELLING OR DWELLING UNIT: Any structure erected on site, a mobile home, or a pre-manufactured or pre-cut structure, designed or used exclusively for residential purposes that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently, and complying with the standards set forth in this ordinance:

A. It contains a minimum area of 1,200 square feet of habitable floor area or such greater area as may be required in the district where it is located.

B. It complies in all respects with the Michigan Construction Code, as amended, including minimum height for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, then applicable Federal or State standards or regulations shall govern.

C. All dwellings shall be firmly attached to permanent continuous foundations in compliance with the provisions of the Michigan Construction Code required for on-site constructed single-family dwellings. Foundations shall consist of a continuous solid perimeter wall with adequate footings at least 42 inches in depth. The foundation shall have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required for on-site constructed single-family dwellings. Single-family dwellings that do not comply must meet State Building Code requirements. Proof of compliance with these requirements must be presented prior to issuing a zoning permit. Slab foundations are permitted and must comply with State Building Codes.

D. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set up instructions; shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission Act; shall be installed with the wheels, axle, and towing mechanism removed; shall have no exposed undercarriage or chassis; and shall have a perimeter wall as required above.

E. It is connected to a public or private sewer and water supply, provided that private systems or facilities are approved by the local Health Department.

F. It has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said door areas where a difference in elevation requires the same.

G. It contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure and in compliance with the Michigan Construction Code, including permanent attachment to the principal structure and construction of a perimeter foundation as required herein.

H. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home, shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

I. It shall have a minimum width and length along its front, sides and rear of twenty (20) feet.

J. It contains storage area(s) either in a basement located under said dwelling, in an attic area, in a closet area or in a separate fully enclosed structure on the site equal to not less than fifteen (15%) percent of the interior living area of the dwelling.

K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required herein.

L. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the Township. Acceptable used mobile home units are to be inspected and approved off-site by the Code Authority of Clinton County prior to delivery on-site.

M. In no case shall travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling or dwelling unit.

N. Only one (1) dwelling shall be permitted per parcel and the joining of two (2) or more separate mobile homes to form one (1) dwelling unit shall not be permitted.

In the case of buildings that are occupied for residential purposes in part, the portion occupied shall be considered a dwelling or dwelling unit, provided it is in conformance with the criteria for dwellings.

DWELLING, SINGLE-FAMILY: A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

DWELLING, TWO-FAMILY: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all respects to the standards set forth in Dwelling Unit.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

EASEMENT: The right, privilege, or interest that one (1) party has in the land of another. For the purpose of front, side, and rear yard setbacks, an easement will be considered the same as right-of-way.

EFFICIENCY UNIT: A dwelling unit for one (1) individual or small family consisting of one (1) room exclusive of bathroom, hallway, closets, and the like.

ESSENTIAL SERVICES: The term “Essential Services” shall include gas, electric, steam, or water transmission or distribution systems, collection, and communication, supply, or disposal systems reasonably necessary for the public health, safety, or general welfare.

FAMILY: A group of two or more persons related by blood, marriage or adoption, including foster children, and not more than one additional person not so related, living together as or single housekeeping unit in a dwelling unit.

FAMILY CHILD CARE HOME OR FAMILY DAY CARE HOME: A private home in which one (1) to six (6) minor children receive care and supervision, as defined by Michigan Public Act 116 of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

FARM: Any parcel of land that is used for gain in the production of field and tree crops, livestock, poultry, and dairy products. Includes both general and specialized farming and similar agricultural enterprises, such as nurseries and greenhouses and secondary agricultural uses such as fruit orchards, tree farms, and pastures.

FARM ANIMAL: Non-domesticated animals, including but not limited to, cows, pigs, sheep, goats, horses, llamas, alpacas, buffalo, and poultry. Domestic animals, including but not limited to dogs, cats and fish, are not considered farm animals.

FENCING: A permanent or temporary partition, structure, or gate erected as a dividing marker and not part of a structure.

FLOOR AREA: Area of all living space determined by outside wall dimensions of a dwelling. Garage and unfinished basement areas are excluded.

FRATERNAL LODGES OR CLUBS: A private group organized for some mutual aim or pursuit that meets regularly and whose activities are mainly confined within a meeting.

GARAGE, PRIVATE: A private garage is a building or structure that is typically used for the parking or storage of vehicles by the property owner(s). A private garage may be attached or unattached to a principal structure. This shall also include a carport.

GREENBELT: A greenbelt shall be a buffer area consisting of space that shall be level or a berm and landscaped with trees, shrubs, vines, and ground covers that will provide a continuous year round obscuring screen.

GROUP DAY CARE HOME: A private home in which seven (7) to twelve (12) minor children receive care and supervision, as defined by Michigan Act 116 of the Public Acts of 1973, as amended, that pertains to the regulation of Child Care Organizations, and as regulated by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

HOME OCCUPATION: An occupation for gain or support conducted by members of a family residing on the premises and conducted entirely on the premises in the dwelling and/or garage.

INTERCONNECTED WECS: A WECS that is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

JUNK YARD: A place, structure, or parcel of land where junk, discarded waste, salvaged or similar materials, such as scrap iron or other metal, wood, lumber, glass, paper, rags, cloth, bagging, motor vehicle parts, machine parts, cordage, barrels, containers, etc., are bought, sold, exchanged, maintained, baled, packed, disassembled, stored, including but not limited to, auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

KENNEL: A parcel upon which the building(s) or lands are designed or arranged to house three (3) or more dogs, cats, fowl or other domestic animals four (4) months or older, used for the sale, breeding, grooming, training, or care of animals for profit, but shall not include farm animals.

LOT: A parcel of land, separate from other parcels, that is part of a recorded subdivision, plat, or described by metes and bounds in any survey, conveyance or deed, whether or not recorded.

LOT, AREA: The total horizontal area within the lot lines of the lot.

LOT, CORNER: A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of (2) two streets is 135 degrees or less; a lot abutting on a curved street or streets is tangent to the curve at the two points where the lot lines meet the curve forming an interior angle of less than 135 degrees.

LOT, INTERIOR: An interior lot is a lot other than a corner lot.

LOT LINE, FRONT: The front lot line is a line dividing the lot from the road right-of-way, or a line designated on a plat as the front lot line. On a corner lot, the shorter lot line shall be considered the front lot line unless otherwise designated in the plat (see Figure 1).

LOT LINE, SIDE: Any lot line not a front or rear lot line (see Figure 1).

LOT LINE, REAR: The rear lot line is the lot line opposite the front lot line (see Figure 1).

LOT, RECORDED: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by county and community officials and that actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, WIDTH OF: Width of the lot at particular points as designated in this Ordinance.

MANUFACTURED HOME: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended; is transportable in more than one section, is built on a permanent chassis; and does not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “double-wides.”

MINING SITE: Premises from which any rock, gravel, sand, topsoil, or earth in excess of one-thousand (1,000) cubic yards in any one calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building on the mining site or construction within public highway right-of-way together with necessary buildings, apparatus, or appurtenances incidental thereto.

MOBILE HOME: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., §§ 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), as amended; is transportable in one section; is built on a permanent chassis; and does

not have hitch, axles, or wheels permanently attached to the body frame. This term shall include those structures commonly referred to as “single-wides.”

MOBILE HOME PARK: A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use, as defined by Act 419 of Public Acts of the State of Michigan of 1976, as amended

MOTEL: A series of attached semi-attached, or detached rental units providing overnight lodging transients that is open to the traveling public for compensation. The term “motel” shall include tourist cabins and motor cabins or courts. A motel shall not be considered or construed to be a dwelling unit or multiple dwellings.

NONCONFORMING: A use, building or structure, or parcel or tract of land lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. Non-conformity may also be defined as provided by relevant statute and/or other law.

OPEN SPACE: Open fields and open areas in natural undeveloped states.

OUTBUILDING: A secondary building or structure on a parcel, which may include a pole barn, garage, or an accessory building or structure.

PARKING SPACE: A single automobile parking space comprising 9 feet by 18 feet (162 contiguous square feet), exclusive of drives, entrances, and exits.

PERSON: Any individual, corporation, partnership, limited liability company, association, or other legal entity.

PHOTOVOLTAIC DEVICE: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

PLACE OF WORSHIP: A building wherein people regularly assemble for religious worship and that is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

PLANNED UNIT DEVELOPMENT (PUD): A form of land development comprehensively planned under a unitary site plan that permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses. PUDs are regulated and governed principally under Article 7 of this Ordinance.

POLE BARN: A structure supported by posts or poles, including post or pole construction, post and beam construction, platform framing and/or balloon framing. It is a structure in addition to the dwelling unit and garage. Pole barns include, but are not limited to: the parking or storage of

vehicles, farm machinery, boats, trailers or recreational vehicles, household goods, or home workshop or hobby center.

POLLUTION: Unnatural additions to land, air, or water rendering undesirable the uses for which they are intended.

PRINCIPAL USE: The principal purpose for which land, building or structure is arranged, designed, or intended, or for which land or a building or structure is or may be occupied.

PRIVATE DRIVEWAY: The route, way, ingress, egress, etc., that is used to provide vehicular access from a public or private street, road, highway, boulevard, or avenue to a structure. A private, driveway is not generally open to the public.

PUBLIC PARK: Parks for public use that may have such improvements as ball fields, swings, picnic facilities, tennis courts, and camping sites.

PUBLIC UTILITIES: Any person, firm or corporation, municipal department, board or commission duly authorized under federal, state, or municipal regulations to furnish the public with gas, steam, electricity, sewage, disposal, communication, telegraph, television, transportation or water.

RIGHT-OF-WAY LINE: Shall be the established deeded or platted right-of-way line that separates the public right-of-way from an adjacent lot, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be 33 feet from the center of the road.

ROAD OR STREET: A public or private thoroughfare that affords the principal means of vehicle access to abutting property and that has a right-of-way of not less than 66 feet in width for any road created hereafter. A “Hard Surface Road” is a road consisting of concrete or bituminous asphalt. A “Primary Road” is a county hard-surfaced road. A “Private Road” is a road built and maintained by private organizations or individuals. A “Secondary Road” is county hard surface, dirt, or gravel road that is not a Primary Road.

ROOMING OR BOARDING HOUSE: A building other than a motel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3) but less than twenty-one (21) persons at a time for compensation.

SERVICE STATIONS: A building or structure designed or used for the retail sale or supply of fuel, lubricants, air, water, tires, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities on or in such vehicles, including repairs.

SHADOW FLICKER: The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SKIRTING: A colored aluminum, vinyl, fiberglass, decorative wood or metal material designed specifically for siding, soffit, or skirting, extending from the ground to dwelling floor, encompassing the entire perimeter of the dwelling.

SOLAR ARRAY: Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

SOLAR ENERGY SYSTEM, COMMERCIAL: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user.

SOLAR ENERGY SYSTEM, NON-COMMERCIAL: A solar energy system where the sole use of the Photovoltaic Devices or other conversion technology is for personal consumption by the single-end user on the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kW.

SPECIAL USE: A use specified in a zoning district only allowed under this Ordinance following issuance of a special use permit.

STORY: That portion of a building included between the surface of any floor and the ceiling next above it.

STORY, ONE-HALF: A story under the gable, hip, or gambrel roof, the wall top plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

STRUCTURE: Anything attached to or upon the ground, the use of which requires more or less permanent location on the ground or attachment to something having more or less permanent location on the ground.

TEMPORARY BUILDING OR STRUCTURE: A building or structure permitted to exist during periods of construction of the main building or structure or for special events, for six (6) months or less. A temporary dwelling shall comply with all required setbacks for the district in which it is located.

TOURIST HOME (INCLUDING BED AND BREAKFAST): A dwelling in which overnight accommodations for compensation are provided or offered for transient guests.

VARIANCE: A modification of the specific regulations of this Ordinance granted by the Zoning Board of Appeals in accordance with the terms of this Ordinance and Act 110 of the State Public Act of 2006, as amended.

WELL HOUSE: An enclosure for covering a well. A well house shall be no greater than 48 square feet in area and 6 feet in height.

WIND ENERGY CONVERSION SYSTEM (WECS): Also commonly referred to as a wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

1. The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL: A WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses on the property where the WECS is constructed and that has greater than 150 kW in total generating capacity.

WIND ENERGY CONVERSION SYSTEM (WECS) HEIGHT: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position)

WIND ENERGY CONVERSION SYSTEM (WECS), NON-COMMERCIAL: A WECS or combination of WECS that is designed to have a capacity in for residential and agricultural uses on the property where the WECS is constructed and that has less than 150 kW in total generating capacity.

WIND ENERGY CONVERSION (WECS) TESTING FACILITY OR TESTING SYSTEM: A structure and equipment used to determine the potential for the placement of a WECS.

WIND FARM: Clusters of 2 or more Commercial WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.

WIND ENERGY OVERLAY DISTRICT: Districts created by the Township Board, upon recommendation of the Planning Commission, by identifying specific areas within the Township best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

WIRELESS COMMUNICATION FACILITY: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers, cellular phone and paging devices, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial radio-service facilities.

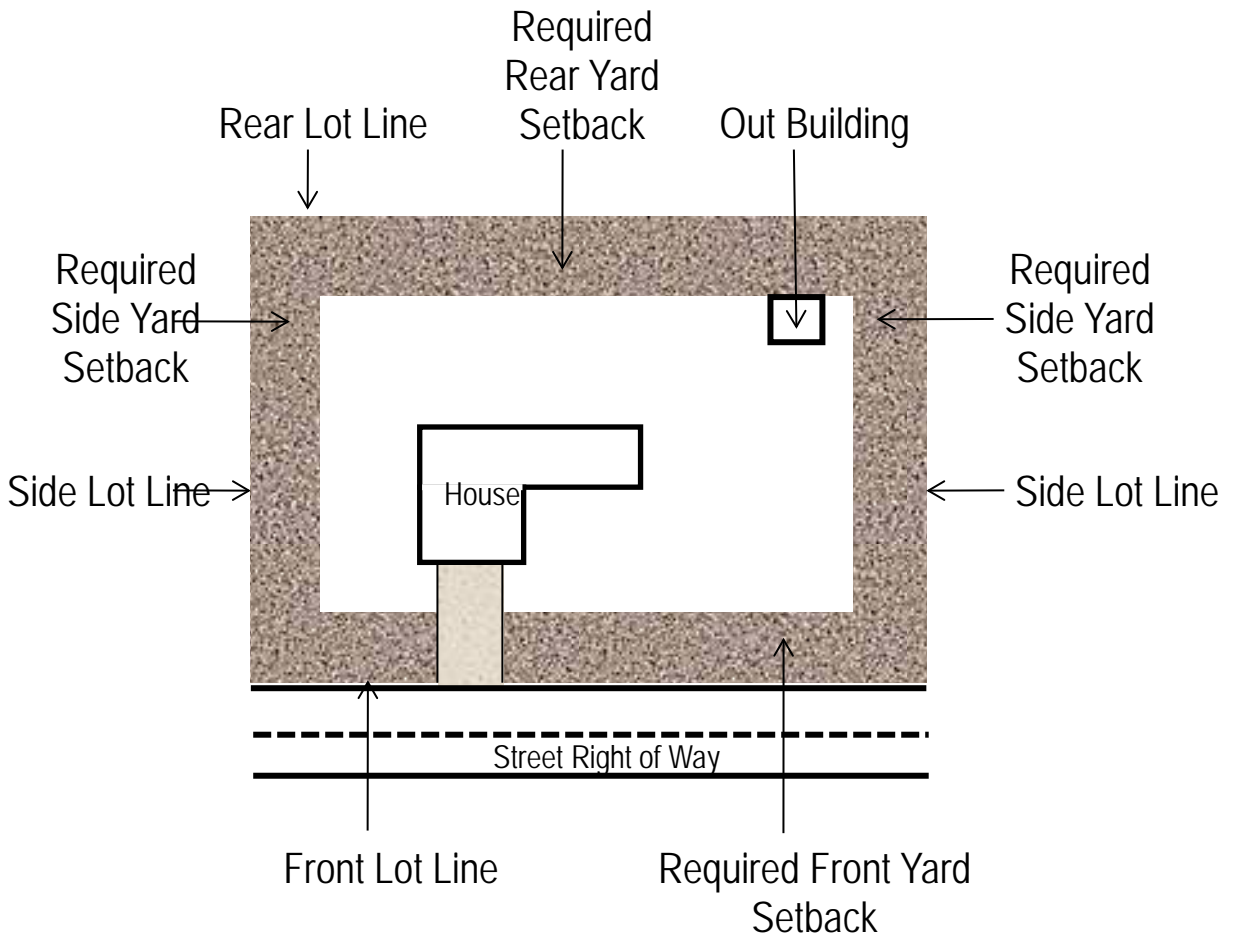
WIRELESS COMMUNICATION SUPPORT STRUCTURE: Any structure used to support attached wireless communication facilities or other antenna or facilities, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof mounted pole, monopole, or other similar structures that support wireless communication facilities.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width between the side lot lines and situated between the public or private road right-of-way and the front building line. (See Figure 1)

YARD, REAR: An open, unoccupied space on the same lot with the main building, extending the full width between the side lot lines and situated between the rear line of the lot and the rear building line and shall be measured between the rear line of the lot or the center line of the alley, if there is an alley, and the rear building line. (See Figure 1)

YARD, SIDE: An open, unoccupied space on the same lot with the main building, situated between the side building line and the adjacent sideline of the lot, extending from the front lot line to the rear lot lines. If no front yard, the front boundary of the side yard shall be the front of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear lot line. (See Figure 1)

Figure 1. LOT LINES AND REQUIRED YARDS



ARTICLE 3. ESTABLISHMENT OF DISTRICTS AND ZONING MAP

Section 3.01 — Districts: For the purpose of this Ordinance, all of the unincorporated areas in the Township of Dallas are hereby divided into the following types of districts, to be known as, and having the following symbols:

DISTRICT R-1	RESIDENTIAL
DISTRICT A	AGRICULTURAL
DISTRICT WE	WIND ENERGY OVERLAY

Section 3.02 — Zoning Map: Said districts, per written descriptions, as shown on a map entitled “Dallas Township, Clinton County, Michigan District Zoning Map” is hereby made a part of this Ordinance.

Section 3.03 — Location of District Boundaries: The first priority in determining District Boundaries shall be as identified by the written descriptions of District Boundaries. Where the boundaries of districts are so indicated that they appear parallel to the right-of-way lines of the roads, such boundaries shall be construed as parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is indicated, such dimensions shall be determined by use of the scale on said zoning map.

Section 3.04 — Site Development Requirements (See Table 1): All uses shall comply with the site development requirements in Table 1, unless specifically authorized otherwise, and shall also comply with all other applicable provisions of this Ordinance. In addition:

1. The depth of a lot shall not exceed four times its width.
2. For a corner lot, the minimum side yard setback of the side yard along the road shall equal the minimum front yard setback for the lot.
3. The minimum setback shall be increased to 50 feet where the yard abuts a Residential District.
4. Irrespective of any other requirements of this Ordinance pertaining to setbacks, under no conditions shall buildings housing animals, feed or manure be closer than one hundred (100) feet to any lot line.

Section 3.04 — Table 1. Site Development Requirements

	District R-1 Residential	District A Agricultural
Minimum Lot Area (acres or sq. ft)	15,000 sq. ft. or 2 Acres ¹	2 Acres
Minimum Lot Width (feet)	60 ft.	150 ft.
Minimum Building Width Throughout (feet)	24 ft. for dwellings	20 ft. for dwellings
Minimum Front Yard Setback (feet)	50 ft.	50 ft.
Minimum Back Yard Setback (feet)	10 ft.	10 ft.
Minimum Side Yard Setback (feet)	10 ft.	10 ft.

1. The minimum lot area in District R-1 shall be 15,000 sq. ft. if public water and sewer are used at the property. If no public water and sewer is available to serve the property, the minimum lot area shall be 2 Acres.

ARTICLE 4. DISTRICT R-1 RESIDENTIAL

Section 4.01 — Intent and Purpose: The purpose of this district is to reserve areas principally for single-family and two-family residential uses and to maintain safe and desirable conditions for year-round family living.

Section 4.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Family Day Care Home.
 - D. Home Occupations.
 - E. Non-Commercial WECS.
 - F. Non-Commercial Solar Energy System.

2. Uses Permitted by Special Use Permit
 - A. Public and private schools and other educational institutions.
 - B. Community and publicly owned and operated buildings and facilities.
 - C. Places of worship.
 - D. Pond.
 - E. Child Care Center.
 - F. Planned Unit Development (PUD).
 - G. Public utility substations and buildings.

Section 4.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted. Housing of horses is as follows: 1.5 acres for one horse, 1 additional acre for each additional horse is required.

Section 4.04 — Area and Dimensional Requirements: No dwelling in this district shall be erected or altered that provides less than 1,200 square feet of floor area, with a minimum dwelling width, throughout its length, of 24 feet.

Section 4.05 — Size of Building Lot: Every parcel of land upon which a dwelling is hereafter erected or altered shall not be less than 15,000 square feet in area nor less than 100 feet in width at the building line. If the parcel of land does not have public water and sewer servicing the parcel, the parcel shall not be less than 2 Acres. Every parcel of land shall have a minimum 60 feet of frontage upon a road or street as defined herein. The minimum lot area and lot width at the building site shall exclude any public, private road or street right-of-ways. No segment of any property line shall be less than 30 feet in length.

ARTICLE 5. DISTRICT A AGRICULTURAL

Section 5.01 — Intent and Purpose: The predominant land use in this district is agricultural. It is the intent and purpose of this district to conserve and promote the general continuation of agricultural use, while recognizing the gradual extension of residential and other compatible uses into the district.

Section 5.02 — Permitted Uses and Structures: Within this district, no building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Principal Permitted Uses and Structures
 - A. Single-family dwelling.
 - B. Two-family dwelling.
 - C. Farms.
 - D. Community and publicly owned and operated buildings and facilities.
 - E. Home Occupation.
 - F. Non-Commercial WECS.
 - G. Non-Commercial Solar Energy System.

2. Uses Permitted by Special Use Permit:
 - A. Mining.
 - B. Race track.
 - C. Shooting Range.
 - D. Junk yard and used auto parts dealers.
 - E. Transient and amusement enterprises.
 - F. Public utility substations and buildings.
 - G. Wireless communication facilities and support structures
 - H. Airport.
 - I. Kennel.
 - J. Ponds.
 - K. Additional one story family dwelling for use by temporary farm help.
 - L. Planned Unit Development (PUD).
 - M. Multi-family dwelling.
 - N. Family Day Care Home.
 - O. Child Care Center.
 - P. Group Day Care Home.
 - Q. Campground.
 - R. Tourist homes and rooming houses.
 - S. Commercial Solar Energy System.

Section 5.03 — Accessory Uses, Buildings, and Structures: Accessory uses, buildings, and structures customarily incidental to the principal use or special permit use are permitted.

Section 5.04 — Area and Dimensional Requirements: No dwelling in this district shall be erected or altered that provides less than 1,200 square feet of floor area, with a minimum dwelling width, throughout its length, of 24 feet.

Section 5.05 — Size of Building Lot: Every parcel of land shall not be less than 2 Acres in area and shall have a minimum 150 feet of frontage upon a road or street as defined herein. No segment of any property line shall be less than 30 feet in length.

ARTICLE 6. WIND ENERGY CONVERSION SYSTEM OVERLAY DISTRICT

Section 6.01 — Intent and Purpose: The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Commercial Wind Energy Conversion Systems (WECS) in Dallas Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy System Overlay District shall be considered a zoning map amendment, wherein lands so classified shall become prequalified for a Commercial WECS with construction of such system approved pursuant to this Article and an approved special use permit.

Section 6.02 — Applicability: A Commercial WECS may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this article. A Commercial WECS may be constructed on land that is zoned Agricultural and within an area designated as a WECS Overlay District on the zoning map for the Township, pursuant to this Article and an approved special use permit. No person shall locate, install, construct or operate a Commercial WECS or Testing System within Dallas Township, unless done within a WECS Overlay District and having received a special use permit for that purpose. Within the Agricultural District, a Wind Energy Overlay District shall be created based on characteristics identified in the Township Master Plan. A Wind Energy Overlay District classification and a special use permit are both prerequisite to constructing a Commercial WECS, Wind Farm or WECS Testing System.

Section 6.03 — Principal or Accessory Use: A Commercial WECS and related accessory structures may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Commercial WECS or a part of such system on such parcel. Commercial WECS that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. After designation as a WECS Overlay District, new structures and uses within the “overlay” area shall be limited to those uses identified within the respective underlying zoning district and WECS, subject to any additional standards of this Ordinance.

Section 6.04 — Issuance of Special Use Permit for Commercial WECS: A Special Use Permit may issue if the applicant has shown the following:

1. The property that is the subject of a Commercial WECS is located within the WECS overlay.
2. A site plan has been reviewed and approved by the Planning Commission.
3. The applicant has satisfied the development standards of this Article and all requirements for a Special Use Permit under this Ordinance.

Section 6.05 — Commercial WECS Site Plan Review Procedure: In addition to the other procedures required for a special use permit, the following process shall be utilized when reviewing an application for a Commercial WECS Special Use Permit:

1. Site Plan Review Required. A WECS Site Plan must be reviewed and approved by the Planning Commission pursuant to the development standards contained herein, in addition to those set forth in Article 13. All developments standards must be complied with unless an appropriate variance has been previously granted by the Zoning Board of Appeals.

2. Material Submitted. An applicant proposing a Commercial WECS, WECS Testing System or Wind Farm must submit the following site plan materials:

A. Site Plan Drawing: All applications for a Commercial WECS or WECS Testing System permit shall be accompanied by a detailed site plan in bond and Portable Document Format (PDF) drawn to a scale of not less than one (1) inch equals 100 feet on a sheet not less than 18" x 24" or larger than 24" x 36", and dimensioned, displaying all of the following information:

i. Legal description, all lot lines and dimensions of the property, dimensions of site boundary lines, total site area, contours at two (2) foot intervals, water courses and water bodies, and locations of all buildings, driveways, parking areas, and other structures on adjacent properties within 300 feet of the property including those across the street of the property or on adjacent properties.

ii. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the Commercial WECS.

iii. Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the lot or parcel where the proposed Commercial WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided.

iv. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the Commercial WECS or Testing Facility, located on the lot or parcel involved, as well as within 1,000 feet of the boundaries of such parcel or lot.

v. Existing and proposed setbacks for the Commercial WECS from all structures located on the property where the Commercial WECS will be located.

vi. Elevation of the premises accurately depicting the proposed Commercial WECS location and its relationship to the elevation of all existing and proposed structures within one-half (1/2) mile of the proposed Commercial WECS.

vii. Access driveway to the Commercial WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, traffic control signs or devices and maintenance of the proposed driveway. The Township Board shall require the construction of a private road to serve a Commercial WECS or Testing Facility if it is determined that said road is necessary to protect the public health, safety, or welfare or to offer an adequate means by which the Township or other governmental agency may readily access the site in the

event of an emergency. All private roads shall be constructed to Clinton County private road standards.

B. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers.

C. Commercial WECS and Testing Facility Maintenance Programs: The applicant shall provide the Township a written description of the maintenance program to be used to maintain the Commercial WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the Commercial WECS or Testing Facility become obsolete or abandoned.

D. Planned safety measures to prevent uncontrolled rotation or over speeding.

E. Planned lighting protection measures.

F. Soil borings demonstrating the capacity of the ground to adequately support the Commercial WECS at the intended locations.

G. Proposed grades and site drainage patterns, including existing and proposed drainage structures. Where applicable, indicate the location and elevation of the 100-year floodplain.

H. A hazard prevention plan that shall contain:

i. Certification that the electrical between Commercial WECS and in the utility right-of-way does not pose a fire hazard.

ii. Location of landscaping to be designed to avoid spread of fire from any source on a Commercial WECS; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

iii. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).

iv. Certification that the Commercial WECS has been designed to contain any hazardous fluids shall be provided.

v. A statement certifying that the Commercial WECS shall be routinely inspected to ensure that no fluids are released from the Commercial WECS.

I. Description of required approvals from other local, regional, state, or federal agencies that must be obtained evidence of such or progress toward obtaining approval shall be submitted with the site plan.

J. A decommissioning plan that shall include:

- i. The anticipated life of the project.
 - ii. The estimated decommissioning costs in current dollars. Such cost shall not include credit for salvageable value of any materials.
 - iii. The method of ensuring that funds will be available for decommissioning and restoration.
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
- K. Exterior lighting showing area of illumination and indicating the type of fixture to be used.
 - L. North arrow, legend, graphic and written scale, and titleblock containing project name.
 - M. The name and address of the person and firm who drafted the plan, the seal of the professional engineer licensed in the State of Michigan responsible for the accuracy of the plan and the date on which the plan was prepared.
 - N. Additional detail(s) and information as requested by the Township Board.
 - O. Approval Standards: In addition to the other requirements and standards contained in this section, the Township Board shall not approve any Commercial WECS or Testing Facilities unless it finds that the Commercial WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

3. Application Fee: An applicant for a Commercial WECS shall remit an application fee to the Township in the amount specified in the fee schedule adopted by resolution of the Township of Dallas. This schedule shall be based on the cost to the township of the review which may be adjusted from time to time.

4. Development Standards: All information and documentation necessary to show that the general development standards and applicable specific standards for a Commercial WECS have been met.

Section 6.06 - General Development Standards for Commercial WECS:

1. Site Plan: Prior to installation of a Commercial WECSs, a site plan must be filed and subsequently approved by the Planning Commission.

2. Compliance with Building Code: A copy of the manufacturer’s installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the Commercial WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building

Code as adopted by the County of Clinton. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

3. Construction Codes, Towers, & Interconnection Standards: The Commercial WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. The Commercial WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

4. Height: The permitted maximum total height of a Commercial WECS (i.e., WECS height) shall be 380 feet including the blade in vertical position.

A. State and federal regulations may require a lesser height.

B. As a condition of approval, the Township Board may require a lesser height for a Commercial WECS if reasonably necessary to comply with any other standards or requirements contained in this Ordinance.

C. A Commercial WECS shall be constructed with a tubular tower, not a lattice tower.

5. Height of Test Tower Facility: Unless a different height is approved by the Township Board, the Commercial WECS Testing Facility height shall be no greater than 380 feet from the ground (i.e., from normal grade to the test tower top) and shall comply with design standards. A Commercial WECS Testing Facility which is not in use for 6 months or more shall comply with the provisions of this Ordinance regarding abandonment.

6. Setbacks: No part of a Commercial WECS or WECS Testing Facility (including guy wire anchors) shall be located closer than (a) 1600 feet or four times the height of the structure, whichever is greater, from any residential dwelling, and (b) 1600 feet or four times the height of the structure, whichever is greater, from any parcel or lot line, and (c) one-half (1/2) mile from the village limits of the Village of Fowler.

7. Rotor or Blade Clearance: The minimum blade or rotor clearance shall have a minimum of seventy-five (75) feet of clearance above ground level, any structure, or tree.

8. Rotor or Blade Safety: Each Commercial WECS shall be equipped with both a manual and automatic braking device capable of stopping the Commercial WECS operation in high winds (forty (40) mph or greater) or in conditions of imbalance.

9. Tower Access: To prevent unauthorized climbing, Commercial WECS and Testing Facilities must comply with all of the following provisions:

A. Tower climbing apparatus shall not be located on the outside of the tower, but must be located inside the tower; and

B. A locked anti-climb device shall be installed and maintained; and

C. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.

10. Signs: Each Commercial WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:

A. Warning high voltage.

B. Warning falling ice.

C. Manufacturer's name.

D. Emergency telephone numbers (list more than one number).

E. Emergency shutdown procedures.

F. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Dallas Township.

G. If fenced, place signs on the fence.

11. Lighting: A lighting plan for each Commercial WECS and Testing Facilities shall be approved by the Township Board. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. 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. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Township Board.

12. Electromagnetic Interference: Each Commercial WECS and Testing Facility shall be designed, constructed and operated so as not to cause radio, wireless internet, telephone (both landline and cell phone) and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.

13. Stray Voltage: Each Commercial WECS and Testing Facility shall be designed, constructed and operated so as not to cause any stray voltage.

14. Noise Immissions: Noise immissions from the operation of a Commercial WECS or Testing Facilities shall not exceed (i) forty-five (45) decibels on the dB(A) scale during the hours between 7 am and 7 pm, and (ii) forty (40) decibels on the dB(A) scale during the hours between

7 pm and 7 am. In addition, noise immissions shall not exceed fifty (50) decibels on the dB(C) scale during the hours between 7 pm and 7 am. Such noise Immissions shall be as measured at the nearest property or lot line. All measurements shall be conducted in compliance with ANSI Standards for outdoor sound measurements and be under the supervision of a Full Member of the Institute of Noise Control Engineers (INCE). Applicable ANSI Standards include: S12.9, "Quantities and Procedures for Description and Measurement of Environmental Sound" Parts 1, 2, and 3; and S12.18 "Procedures for Outdoor Measurement of Sound Pressure Levels."

15. Noise Impact Report: The applicant shall provide a report of the impact of the proposed Commercial WECS or Testing Facility with the application. It shall describe in detail all noise studies and must demonstrate compliance with all ANSI/ISO standards for outdoor measurements and predictions. Where such standards include confidence limits or limitations of use the report shall present them and provide an explanation of how they were addressed. Applicable Standards include: S12.9 "Quantities and Procedures for Description and Measurement of Environmental Sound," Part 4 "Noise Assessment and Prediction of Long-term Community Response," and ISO 9613-2 "Acoustics-Attenuation of sound during propagation outdoors, Part 2, "General Method of Calculation." It shall be produced and certified by a qualified acoustical consultant with Full Member status with the Institute of Noise Control Engineering (INCE) and include:

A. A description and map of the project's sound producing features, including the range of decibel levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.

B. A description and map of the existing land uses and structures including any residences, hospitals, libraries, schools, places of worship, and parks within one (1) mile of the proposed Commercial WECS or Testing Facility. Said description shall include the location of the structure/land use, distances from the source of the sound or Commercial WECS or Testing Facility and background (as defined in S12.18 for "residual" noise) decibel readings (including appropriate documentation per ANSI standards for reporting, including the date and time, when measurements are taken) for each identified land use and structure described and mapped.

C. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to structures and land uses identified in the preceding item. Information about potential post construction mitigation options, such as operation in Noise Reduction Operating (NRO) modes shall be described. If there are no post construction mitigation methods available a statement to that effect shall be included along with reasons supporting that statement.

D. The report shall address the potential for any and all adverse impacts from wind turbine sound emissions on the community and its residents located within 1mile from the boundary of the Commercial WECS or Testing Facility.

16. Property Owners and Wildlife: In addition to the other requirements and standards contained in this section, the Township Board shall not approve any Commercial WECS or Testing Facilities unless it finds that the Commercial WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the Commercial WECS will be placed. Each such study or report shall be provided to the Township prior to the time when the Township Board makes its final decision regarding the permit.

17. Ornamental Wind Devices: Ornamental wind devices that are not a Commercial WECS shall be exempt from the provisions of this Ordinance, so long as they do not exceed the height limitations for permitted accessory structures (i.e., those permitted as of right) under the Township Zoning Ordinance within the zoning district where the ornamental wind device will be located. Such devices may also be regulated by other provisions of this Ordinance.

18. Inspection: The Township shall have the right upon issuing any Commercial WECS and Testing Facility permit to inspect the premises on which the Commercial WECS or Testing Facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.

19. Maintenance: Each Commercial WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a Commercial WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each Commercial WECS, which shall be available for the Township's review on a monthly basis.

20. Annual Permit Fee: As a condition of any permit for a Commercial WECS or Testing Facility, the Township Board shall establish an annual permit fee to be paid by the owner or operator in an amount determined by the Township Board necessary to cover annual costs of enforcement, inspection and administration of this Ordinance and the permit issued hereunder by the Township.

21. Abandonment: Any Commercial WECS or Testing Facilities that are not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.

22. Color: A Commercial WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

23. Strobe effect (also known as shadow flicker): No Commercial WECS or Testing Facility shall cause any strobe effect or shadow flicker without written approval by the Township Board or a waiver has been received from any affected property owner(s). Waiver of the amount of strobe effect or shadow flicker permitted by this section must be obtained by written consent from the affected property owner(s) stating that the affected property owner(s) is aware of the limitations imposed by this section, and that consent is voluntary granted to allow strobe effect or shadow

flicker that exceeds the maximum limits otherwise allowed. The affected property owner(s) may voluntarily agree to waive any limitations on strobe effect or shadow flicker or otherwise agree to a maximum limitation different than provided in this section. The waiver must be in the form of a permanent easement and recorded in the Clinton County Register Deeds and filed with the Township Clerk for each property affected.

24. Flicker Study: A strobe effect or shadow flicker study shall be required, and shall be submitted by the applicant with the application. The purpose of the shadow flicker study is to examine the duration and location of shadow flicker on non-participating properties. The model study area shall include all land extending a minimum of 1,600 feet or 4 times the height of the structure, whichever is greater, in all directions beyond the exterior boundaries of the participating properties. The model should be calculated using the following minimum inputs: turbine locations, shadow flicker receptor locations, existing topography, rotor diameter and hub height, joint wind speed and direction distribution (wind rose table, and hours of sunshine (long term monthly references). The model shall calculate the locations and durations of shadow flicker caused by the proposed Commercial WECS within the study area, and the total number of hours shadow flicker is likely to occur shall be clearly explained and subject to approval of the Township. The shadow flicker study shall include a map that indicates participating and non-participating property, all dwellings, and the exterior boundary of the pool. Estimates for shadow flicker shall be to the nearest tenth of an hour. Applicant shall also provide the control mechanisms that will be installed on the Commercial WECS to ensure that the strobe effect of a Commercial WECS does not exceed the maximum allowable limit permitted under Article 6.

25. Vibrations/Wind Currents: Under no circumstances shall a Commercial WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the Commercial WECS or Testing Facility is located.

26. Stray Voltage: The applicant shall not permit any stray voltage to be caused by its operation of a Commercial WECS, and violation of this prohibition shall be deemed evidence of the applicant's breach of its duty under the ordinance. Any person injured as a result of stray voltage caused by operation of an applicant's Commercial WECS may seek reimbursement against the applicant's security posted under subsection (l) above. The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a Commercial WECS.

27. Financial Impact Study: At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the Commercial WECS. Such study or report shall be provided to the Township prior to the time when the Township Board makes its final decision regarding the permit.

28. Reasonable conditions: In addition to the requirements of this section, the Township Board may impose additional reasonable conditions on the approval of a permit for a Commercial WECS or WECS Testing Facility.

29. Federal and State Law: Each Commercial WECS and WECS Testing Facility shall also comply with all applicable federal, state of Michigan, and county requirements, in addition to Township ordinances.

30. Certification: Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

31. Utility Company Interconnection (Interconnected Commercial WECS): All distribution lines from the Commercial WECS to the electrical grid connection shall be located and maintained underground (both on the property where the Commercial WECS will be located and off-site). The Township Board may waive the requirement that distribution lines for the Commercial WECS which are located off-site (i.e., are not located on or above the property where the Commercial WECS will be located) be located and maintained underground if the Township Board determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

32. Security: If a permit is approved pursuant to this Ordinance, the Township Board shall require security in the form of a cash deposit or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this Ordinance and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a permit has been approved but before construction commences upon a Commercial WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Township Board to be sufficient to have the Commercial WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this Ordinance or the permit approval. Such financial security shall be kept in full force and effect during the entire time while a Commercial WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the Commercial WECS or WECS Testing Facility) for at least 30 years from the date of the permit approval, or until every Commercial WECS and WECS Testing Facility has been completely removed as required by this Ordinance, whichever comes later. Failure to keep such financial security in full force and effect at all times while a Commercial WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a permit approval and this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the permit. In addition, the Township Board may require as a condition of any permit issued under this Ordinance that the owner of the parcel on which the Commercial WECS is to be located shall provide in a form acceptable to the Township a personal guarantee for the benefit of the Township to ensure the applicant's full compliance with this Ordinance and any conditions of approval, including the full costs of completely removing and disposing of the Commercial WECS and any accessory structures or materials from the parcel in their entirety.

33. Road repair: Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a Commercial WECS or Testing Facility shall be repaired to a new condition according to Clinton County Road standards at the applicant's expense.

34. Liability: The applicant shall insure each Commercial WECS at all times for at least \$2,000,000 (to be adjusted annually to an amount equivalent to 2012 dollars based on the federal CPI) for liability to cover the applicant, Township and land owner. Evidence of annual insurance renewal shall be given to the Township within 60 days of such renewal.

35. Mitigation: Mitigation measures for each receptor site shall be described, including but not limited to, siting changes, operational procedures, grading, modifications to a dwelling, and/or landscaping. If landscaping is used as a mitigation procedure, the planting of mature trees shall be required. The Township may require a performance guarantee, in the case of landscaping, and/or other mitigation measures, to assure the long term viability and effectiveness of the mitigation.

ARTICLE 7. PLANNED UNIT DEVELOPMENT (PUD)

Section 7.01 — Intent and Purpose: It is the intent of this Article to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; encourage useful open spaces; achieve economy and efficiency in the use of lands, natural resources, energy and the provisions of public services and utilities; and to provide housing, employment, and shopping opportunities that conform to the Township's Master Plan, regulations, or guidelines, while departing from strict application of use, setbacks, height and minimum lot size requirements of zoning districts in order to: permit valuable and beneficial land development; enhance the appearance of the neighborhood through the preservation of natural features, the provision of utilities and the provision of recreational areas and planned open space; and provide for efficient use of land that will be compatible with surrounding land uses and character.

Section 7.02 — Uses Permitted: PUD development may be permitted by the Planning Commission in any zoning district in accordance with this Article.

Section 7.03 — Application/Processing:

1. Application: The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.

2. Pre-Application Conference: The applicant/property owner must attend a pre-application conference to be coordinated by the Township. This meeting must include at a minimum two of the following individuals: Township Supervisor, Chairperson of the Planning Commission, Zoning Enforcement Officer, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's anticipated costs incurred for such a meeting and review of materials submitted.

3. Application: An application for a PUD permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the PUD is intended. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.

4. Application Information: The application shall provide the following information:

A. A legal description of the property, including the street address, tax code number, and zoning district.

B. The name, address and telephone number of the applicant.

C. Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.

D. Identification of the zoning district in which the subject parcel is located and the PUD requested.

E. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.

F. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.

G. Further information as requested by the Township, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

5. Site Plan Review. All PUD applications require the submission of a site plan for review in accordance with Article 13.

6. Right of Entry: The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.

7. Application Fee: The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.

8. Initial Review: The Planning Commission Chair shall review the application(s) for completeness and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.

9. Escrow Deposit: The Planning Commission Chair shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

10. Notice: Notice shall be provided in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

11. Public Hearing: The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing.

12. Administrative Report: Following the public hearing the Planning Commission may request that the Zoning Enforcement Officer and/or other persons retained by the Township present

a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

13. Standards and Burden: In deciding a request for a PUD, the Planning Commission shall be governed by the following principles and standards:

A. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.

B. In considering an application for a PUD the following factors shall be considered:

- i. Whether all required information has been provided and fees paid.
- ii. Whether the purpose of this Article would be served by the proposed uses.
- iii. Whether the PUD is consistent with the objectives and goals of the Master Plan.
- iv. Whether the proposed PUD will adversely affect neighboring lands.
- v. Whether the proposed PUD is compatible with and will not adversely affect the natural environment.
- vi. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.

14. Conditions: The Planning Commission may impose reasonable conditions including duration and review periods in granting a PUD. Conditions 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 or activity under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.

B. Ensure that public services and facilities affected by a proposed PUD will be capable of accommodating increased service and facility loads caused by PUD.

C. Promote the use of land in a socially and economically desirable manner.

D. Be related to the valid exercise of the police power and purposes that are affected by the proposed PUD.

E. Be necessary to ensure compliance with the standards set forth in this Article.

F. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

15. Planning Commission Decision: The Planning Commission shall approve, approve with conditions, or deny the PUD permit. The decision shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. A majority vote of the entire membership of the Planning Commission is required for a decision. The Planning Commission shall issue its decision in an open meeting, either orally or in writing. If submitted orally, the Planning Commission's decision and reasons shall be recorded in its minutes.

16. Appeals: The Zoning Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission on an application for a PUD.

17. Runs With The Land: Unless otherwise specified in the conditions, a PUD runs with the land.

18. Recording: If a PUD is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the PUD to be recorded with the Clinton County Register of Deeds.

19. Reapplication: An application for a PUD that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

20. Revocation of PUD: The Planning Commission, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a PUD in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the PUD permit.

ARTICLE 8. SOLAR ENERGY SYSTEMS

Section 8.01 — Intent and Purpose: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Solar Energy Systems within the Township.

Section 8.02 — Non-commercial Solar Energy Systems: All Non-commercial Solar Energy Systems, whether ground mounted or roof mounted, are subject to the following general requirements:

1. A solar energy system must conform to all County, State and Federal regulations and safety requirements as well as applicable industry standards.
2. Solar arrays shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
3. Solar arrays erected on a building shall not extend beyond the peak of the roof.
4. Solar arrays mounted on the ground shall not exceed the maximum building height for adjacent accessory buildings, but in any case the top of the system shall not be more than twenty-five (25) feet above the ground.
5. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
6. In the event that a solar energy system has been abandoned (meaning not having been in operation for a period of one (1) year), the system shall be removed by the property owner within six (6) months from the date of abandonment.

Section 8.03 — Commercial Solar Energy System Site Plan Review Procedure: All applications for Commercial Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in Article 13 of the Township Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Commercial Solar Energy System.
3. Names of owners of each lot or parcel within Dallas Township that is proposed to be within the Commercial Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.

5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Commercial Solar Energy System.

6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Commercial Solar Energy System and within 1,000 feet of the outside perimeter of the Commercial Solar Energy System.

8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Commercial Solar Energy System.

9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Commercial Solar Energy System.

10. Access driveways within and to the Commercial Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission approval, and shall be planned so as to minimize the use of lands for that purpose.

11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Commercial Solar Energy System.

12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Commercial Solar Energy System, including decommissioning and removal when determined by the Township to be obsolete, uneconomic or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Commercial Solar Energy System becomes obsolete, uneconomic or abandoned.

13. A copy of the manufacturer's safety measures.

14. Planned lighting protection measures.

15. Additional detail(s) and information as required by the Special Land Use requirements of the Dallas Township Zoning Ordinance, or as required by the Planning Commission.

Section 8.04 — General Development Standards for Commercial Solar Energy System:

1. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Commercial Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any

Special Land Use Permit under this section.

2. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization acceptable to the Township.

3. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Commercial Solar Energy System shall not exceed thirty (30) feet at any time or location on the property, as measured from the natural grade at the base of the Solar Array, device, component or building measured.

4. Lot Size: A Commercial Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.

5. Setbacks: A minimum setback distance of seventy five (75) feet from all property boundaries on the outside perimeter of the Commercial Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

6. Lot Coverage: A Commercial Solar Energy System is exempt from maximum lot coverage limitations.

7. Screening/Security: A Commercial Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 6 (six) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Commercial Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Commercial Solar Energy System’s entire perimeter from adjacent parcels, subject to the following requirements:

A. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Commercial Solar Energy Systems, including without limitation between such Commercial Solar Energy Systems and adjacent residential and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Commercial Solar Energy System as approved by the Special Land Use Permit.

B. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of four (4) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.

C. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted.

8. Signage: No lettering, company insignia, advertising or graphics shall be on any part of the Solar Arrays or other components of the Commercial Solar Energy System.

9. Noise: No component of any Commercial Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.

10. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.

11. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Commercial Solar Energy System. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.

12. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Commercial Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land User Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of abandonment or decommissioning.

13. General Standards: The Planning Commission shall not approve any Commercial Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 12 of this Ordinance are met.

14. Safety: The Planning Commission shall not approve any Commercial Solar Energy System Special Land Use Permit unless it finds the Commercial Solar Energy System will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.

15. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

16. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Commercial Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections at the Applicant's or project owner's expense.

17. Maintenance and Repair: Each Commercial Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Commercial Solar Energy System fails at any time to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a potential safety hazard, the Applicant shall shut down the Commercial Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Commercial Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Commercial Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

18. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Commercial Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the County in an amount necessary to assure repair of any damage to the public roads caused by construction of the Commercial Solar Energy System or any of its elements.

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

A. Continuing Security: If a Special Land Use Permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Commercial Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Commercial Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Commercial Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

B. Continuing Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded in cash by the applicant prior to the commencement of

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

C. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Commercial Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Commercial Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Land Use Permit.

20. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Commercial Solar Energy System as a Special Land Use Permit.

21. Other Requirements: Each Commercial Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

ARTICLE 9. WIRELESS COMMUNICATION TOWERS AND FACILITIES

Section 9.01 — Intent and Purpose: It is the intent of this Article to set forth the provisions that will regulate the location, design, and operation of wireless communication facilities, including but not limited to communication towers and accessory structures, in order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary in order to:

1. Facilitate the provision of wireless communication services to residents and businesses.
2. Minimize adverse visual effects of towers through careful design and sighting standards.
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.

Towers supporting private, not-for-profit communication antennas and personal communication devices shall be exempt from this Ordinance if less than 85 feet.

Section 9.02 — Location Requirements:

1. All wireless communication towers erected, constructed, or located within the Township shall comply with the following requirements:

A. A proposal for a new commercial wireless communication service tower shall be considered for approval only if the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers and buildings within the Township cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified a licensed professional engineer.

iv. Other unforeseen reasons that make it not feasible to locate the planned communications equipment upon an existing or approved tower or building.

B. Any proposed commercial wireless communication service tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is 60 to 100 feet in heights. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Tower owners are required to allow additional antennas on their towers for competitors and tenants as outlined above.

C. The owner of any existing and/or Township approved and constructed commercial wireless communication tower, shall be required to make said tower available, at a reasonable and pro rata cost relative to construction and maintenance, to any other wireless communications company and/or competitor seeking the approval or use of a similar tower in the Township, provided said tower still has the capacity to accommodate the needs of the wireless communications company and/or competitor seeking tower approval in the Township.

Section 9.03 — Towers and Antenna Design Requirements: Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by the federal or state authorities such as the Federal Aviation Administration.

2. Commercial wireless communication service towers shall be of monopole design, unless it is determined that an alternative design would better blend in with the surrounding environment.

Section 9.04 — Tower Height: The height of the tower shall be determined by measuring vertically down from the tower's highest point to the ground. When a tower is attached to a structure or dwelling, the height of the tower shall be determined by measuring vertically down from the tower's highest point to the ground upon which the structure or dwelling stands.

Section 9.05 — Tower Setbacks: Towers shall conform to each of the following minimum setback requirements:

1. Towers may encroach into the rear setback area, provided that the rear property line abuts an industrially zoned property and the tower does not encroach upon any easements.

2. Towers shall not be located between a principal structure and a public street, except that on sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure such as places of worship, light standard, power line support device, or similar structure.

4. Towers shall be set back from all adjacent property lines at least a distance equal to the height of the tower unless the design of the tower is such that it collapses upon itself in which case

the setback from all adjacent property lines must be at least a distance equal to half the height of the tower.

Section 9.06 — Accessory Utility Buildings:

1. Only buildings accessory to the communication towers shall be allowed on site.
2. All utility buildings and structure accessories to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
3. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. Isolated towers shall be fenced against easy access.

Section 9.07 — Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. Such lighting shall be designed and arranged so that it does not glare onto adjacent property or roadways.

Section 9.08 — Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Section 9.09 — Abandonment of Unused Towers or Portions of Towers: Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission.
2. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
3. The applicant will submit (in accordance with Section 8.13 of this Ordinance) a copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site a letter of credit, performance bond, and/or other security acceptable to the Township to cover the costs of the antenna or tower's removal.

Section 9.10 — Antennas and Wireless Communication Facilities Mounted on Existing Roofs, Walls, and Towers: The placement of antennas and wireless communication facilities on roofs, walls, and towers requires approval by the Planning Commission, provided the antennas and

wireless communication facilities meet the requirements of this Ordinance, and the following are submitted:

1. A site plan.
2. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna.

Section 9.11 — Interference with Public Safety Communications: No new or existing wireless communications service shall interfere with public safety communications. All applications for new wireless communication service shall be accompanied by an inter-modulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

Section 9.12 — Inspections: All towers shall be inspected at regular intervals by the owner and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition.

Section 9.13 — Application Requirements: In addition to Site Plan Review and the general or requirements of this Ordinance, applications for towers shall include the following supplemental information from a qualified and licensed professional engineer that:

1. Describes the tower height and design including the cross section and elevation.
2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas.
3. Describes the tower's capacity, including the number and type of antennas that it can accommodate and the number of spaces that are to be utilized by the tower owner.
4. Provides documentation stating that the equipment shall not interfere with the established public safety communications.
5. Includes a qualified and licensed professional engineer's stamp and registration number.
6. Includes a tower removal agreement, letter of credit, performance bond and/or other security with the application.
7. Includes other information necessary to evaluate the application as may be requested by the Township.

Section 9.14 — Priority of Users: Priority for wireless communication antennas, facilities, and towers shall be given to the following entities in descending order:

1. Tower owner.

2. Clinton County Emergency Services Director.
3. Other governmental agencies, for uses unrelated to public safety.

4. Entities providing licensed commercial wireless communication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Section 9.15 — Antennas and Wireless Communication on Township Property: The placement of wireless communication antennas or towers on Township property must comply with the following requirements:

1. The antennas or towers will not interfere with the purpose for which Dallas Township property is intended.

2. The antennas or towers will not have an adverse impact on surrounding private property.

3. The applicant must obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the use of the land, other necessary provisions and safeguards and requires the applicant to hold harmless and indemnify Dallas Township for any and all liability claims arising out of the construction, operation, use or maintenance of the wireless communications tower or facility.

4. The applicant will submit a letter of credit, performance bond, or other security acceptable to Dallas Township to cover the costs of the antenna or tower's removal.

5. The antennas or towers will not interfere with other users who have a higher priority as defined in this Article at the time of installation.

6. Upon reasonable notice, the antennas or towers may be required to be removed at the users' expense.

7. The applicant must reimburse Township for any costs that it incurs because of the presence of the applicant's antennas or towers.

8. The applicant must obtain all necessary land use approvals and construction permits.

Notwithstanding the above, Dallas Township reserves the right to deny, for any reason, the use of any or all Township owned property by any or all applicants for antennas or towers under this Article.

ARTICLE 10. SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following regulations:

Section 10.01 — Intent and Purpose: The intent and purpose of this Article is to identify modifications, additions, exceptions and/or limitations to the requirements set forth in the other sections of this Ordinance.

Section 10.02 — Height Limitations; Exemptions: Maximum height will be measured from the natural grade to the highest point of the structure.

1. No building or structure shall be erected or altered to a height exceeding 2 1/2 stories or 35 feet unless otherwise specifically authorized by another section of this Ordinance.

2. Exemptions: Height limitations of this Ordinance shall not apply to the following uses or features that shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations and approval of the Planning Commission.

- A. buildings used for agricultural purposes.
- B. places of worship.
- C. belfries.
- D. cupolas.
- E. penthouses and domes not used for human occupancy.
- F. chimneys.
- G. ventilators.
- H. skylights.
- I. water tanks.
- J. bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level.

Section 10.03 — Corner Lots: Structures on corner lots shall comply with front yard setback requirements along both abutting rights-of-way.

Section 10.04 — Yard Requirements: Every lot on which a building or structure is erected shall have a front yard not less than fifty (50) feet in depth from the right-of-way and side yards of not less than ten (10) feet in width and a rear yard of no less than twenty-five (25) feet.

When a parcel fronts on a body of water, the dwelling shall be not less than fifty (50) feet from the normal high-water mark at the point where the water line is nearest to the dwelling.

Section 10.05 — Skirting: All structures without a continuous perimeter foundation shall be skirted with a suitable building material before electrical service is approved for connection.

Section 10.06 — Roads and Streets: Public and private streets and roads shall comply with all the following:

1. A road or street shall have at least sixty-six (66) feet of right-of-way width.
2. Each road or street shall be provided with one (1) safe exit and one (1) safe entrance from a public thoroughfare. Such exit and entrance may be combined or provided separately. Approval for location of such exit and entrance shall be obtained from the Clinton County Road Commission or MDOT, which shall also approve the design and construction thereof in the interest of safety, adequate drainage, and other public requirements.
3. A road or street shall be centered in the rights-of-way.
4. The travelled portion of a road or street shall be a minimum twenty (20) feet in width, with a minimum twelve (12) feet overhead clearance to allow access for emergency vehicles.
5. All public and private roads and streets must be reviewed by the Township Fire and Rescue Department to ensure that the Township's equipment can readily traverse the road and or street at least to a point within 100 feet of the structure served by the roadway.

Section 10.07 — Private Driveways: All Private Driveways shall be subject to the following standards and requirements:

1. Minimum width and height:
 - A. The driveway shall have a minimum clear and passable area at least fourteen (14) feet in width for the entire length of the driveway. "Clear and passable" shall mean that the area is free of roots, brush shrubs, trees, obstructions or any other debris.
 - B. The driveway shall have a minimum clear and passable area of at least thirteen (13) feet in height for the entire length of the driveway.
2. The driveway shall have an aggregate base course of compacted gravel, crushed concrete, slag, or similar material that is at least six (6) inches in depth and at least ten (10) feet in width for the entire length of the driveway.
3. Driveways that exceed 100 feet in length or have turns must be reviewed by the Township Fire and Rescue Department to ensure that the Township's public safety equipment can readily traverse the driveway at least to a point within 100 feet of the structure served by the driveway. The Township Fire Chief shall have the discretion to deny approval of any proposed driveway that cannot be readily traversed by the equipment of the Township Fire and Rescue Department due to severity of turns or inadequate radius of the turns in the proposed driveway.
4. Site plans must depict driveways and specify dimensions of the driveways.

Section 10.08 — Accessory Buildings and Structures:

1. No building or structure of any kind, shall be hereafter constructed, erected, or moved into space within the required front yard setback.
2. Pole Barns or similar structures shall be set back a minimum of 100 feet from the front lot line.
3. Structures alone or in combination greater than 200 square feet require a building permit.
4. Accessory structures shall be constructed with commercially available building materials and the exterior finished with building materials made for that purpose. Plastic sheets, tarps, pallets, and similar materials do not satisfy this requirement.

Section 10.09 — Fences:

1. Fences may be constructed of wood, masonry, woven wire, and/or chain link.
2. Fence composition shall be of uniform design and material. No fence shall be constructed of material that impairs the character of the neighborhood.
3. Fences constructed within 25 feet of the road right of way must be open fencing that provides a clear view and shall not exceed four (4) feet in height.
4. On lots adjacent to waterways, fences constructed in the space between the water's edge and the dwelling must be open fencing that provides a clear view and shall not exceed four (4) feet in height.

Section 10.10 — Kennel:

1. All kennels must be operated in accordance with County and State laws and regulations.
2. Structures or pens/runs shall be located not less than 100 feet from a road right-of-way, easement line or interior, side, or rear property line.
3. Outdoor runs and breeding areas shall have paved surfaces suitable for cleaning by high-pressure hose water or steam and shall be provided with a drainage and septic system that prevents pollution of adjacent and neighboring properties or water courses or bodies of water.
4. Outdoor runs and breeding areas shall be enclosed on all sides by a wall or fence not less than five (5) feet high.
5. Sight and sound barriers shall be provided around all outdoor facilities and use areas.

Section 10.11 — Storage:

1. Vehicles. No vehicles shall be parked on public right-of-way or public property for more than three consecutive days in any calendar year. No vehicle parts shall be placed on public right-

of-way or public property. Permitted vehicles, trailers, travel trailers and motor homes that are parked on private property shall be duly licensed vehicles and/or registered and operable with substantially all main component parts attached. Duly licensed vehicles that are temporarily inoperable because of minor mechanical failure can be placed outside of a fully enclosed building for a period not exceeding 30 days in any calendar year. No limit is placed on vehicles or parts stored inside a completely enclosed building.

2. Public Right-of-Way. Private property shall not be stored on public rights-of-way.

3. Boat. No boats shall be parked on a public right-of-way or public property for more than three consecutive days in any calendar year. No boat parts shall be stored on public-right-of-way or public property. Boats maintained on their owners' private property shall be duly licensed and/or registered boats and operable with substantially all main component parts attached. Duly licensed and/or registered boats that are temporarily inoperable because of minor mechanical failure may be placed outside of a fully enclosed building for no more than 30 days during any calendar year. No limit is placed on boats or parts stored inside a completely enclosed building.

4. Manufactured Home (mobile home). The storage of mobile homes is not allowed.

5. Outdoors. No outdoor storage shall be permitted unless it is part of an approved site plan.

Section 10.12 — Lighting: The purpose of this section is to reduce unwanted light pollution.

1. Unnatural lighting sources shall be installed so as to contain the light on the property upon which it is installed, except that waterfront dwelling units are allowed to spill lighting onto the water in front of the owner's property only.

2. Spill lighting onto adjacent properties shall not exceed 0.2-foot candles at the property line of adjacent properties.

3. No lighting sources shall shine upon or illuminate the windows or doors of adjacent dwellings.

Section 10.13 — Water Supply and Sanitary Sewage Facilities: Required water supply and sanitary sewage facilities shall conform to the standards, regulations and requirements of the Mid-Michigan District Health Department.

Section 10.14 — Unsafe Structures: Buildings and structures shall not be allowed to degenerate to the point where they constitute a public nuisance or endanger the public health, safety, or welfare.

Section 10.15 — Screening: Dust collectors, trash receptacles, and similar equipment shall be screened from view from any abutting residential zoning district.

Section 10.16 — Home Occupations: A home occupation may be permitted in a single-family dwelling within any zoning district where such dwelling is permitted, subject to the following conditions:

1. At least one member of the family residing on the premises shall be engaged in such home occupation. A maximum of two non-family members are allowed to work there.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The total floor area used by the home occupation shall not exceed twenty (20) percent of the floor area of the dwelling unit.
3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation and there shall be no external or internal alterations not customary in residential areas.
4. No article shall be sold on the premises except that which is prepared within the dwelling or is provided as incidental to the service or profession conducted therein.
5. Traffic generated by a home occupation shall not be greater in volume than that normally generated by a residence.
6. Off-street parking spaces shall not be located in the required front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation is prohibited.
8. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to adjacent or neighboring properties. Any electrical equipment or processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
9. Hazard of fire, explosion, or radioactivity shall not be significantly greater than similar structures in the Township.

Section 10.17 — Non-commercial WECS: Non-commercial WECS to service the energy needs of only the property where the structure is located may be operated on property at least three and one-half (3-1/2) acres in size and the WECS complies with all of the following:

1. The tower shall not exceed a height of 80 feet.
2. The blade diameter (tip to tip) shall not exceed 100 feet.
3. The height of the overall WECS (with the blade in the vertical position) shall not exceed 130 feet above ground level (at normal grade).

4. The distance of the structure from all property lines shall be at least two (2) times the WECS height.

5. The tower can be of either monopole or lattice design.

ARTICLE 11. NONCONFORMING USES

Section 11.01 — Nonconforming Lots of Record:

1. In any district, principal structures and accessory buildings may be erected on any nonconforming lot that was a lot of record at the time of adoption of this Ordinance, provided that permits for construction of a well and septic system are granted by the Mid-Michigan District Health Department, and variances to yard requirements any other applicable regulations are obtained through approval of the Zoning Board of Appeals.

2. If any nonconforming lot or lots are of continuous frontage with other lots under the same ownership, the owner shall be required to combine such lots to provide parcels that shall meet at least the minimum requirements for the district in which they are located.

Section 11.02 — Nonconforming Building:

1. Whenever the use of a building shall become nonconforming through a change in the zoning regulations or in the district boundaries, such use may be continued and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification; provided that no such nonconforming building shall be enlarged or extended.

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

3. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of 180 days, such nonconforming use shall be deemed to be abandoned, and any future use of such building or portion thereof, shall be in conformity with the regulations of the district in which such building is located.

Section 11.03 — Nonconforming Uses of Land: A nonconforming use of land existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of 180 days, such discontinuation shall be presumed to be an abandonment of the nonconforming use, and any future use of such land shall be in conformity with the provisions of this Ordinance.

Section 11.04 — Alterations, Changes, and Extensions:

1. A nonconforming use shall not be enlarged or extended except by specific approval of the Zoning Board of Appeals.

2. Where the nonconforming use is a residential structure, and nonconforming due to setbacks only, the Zoning Enforcement Officer can approve enlargement of the structure, providing the enlargement meets all requirements of the zone in which the structure is located.

3. Nonconforming use of any parcel of land, building, or structure shall not be changed to any other nonconforming use after such use has been changed to a conforming use.

Section 11.05 — Repair, Alteration, and Rehabilitation of Damaged Nonconforming Buildings and Structures: A nonconforming building that has been damaged to the extent of more than 50 percent of its assessed value at the time of damage, shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than 50 percent of its assessed value, a nonconforming building may be repaired or reconstructed and used as before the time of damages provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

Section 11.06 — Abandonment and Discontinuance: If the nonconforming use of any building, structure, land, or premises or part thereof is discontinued or abandoned through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, act of God, public enemy, or otherwise damaged to an extent of 50% its assessed valuation for a continuous period of 180 days, then any further use of said building, structure, land, or premises shall conform in its entirety to the provisions of this Ordinance; provided, however, the Zoning Board of Appeals may, upon application within thirty (30) days of termination of said period, permit the resumption of such nonconforming use; provided that, (a) such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use or; (b) that circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

Section 11.07 — Questionable Cases: Any questionable case involving whether certain buildings, accessories, or structures do or do not conform to the provisions of this Ordinance shall be determined by the Township Zoning Enforcement Officer and, if necessary, appealed to the Zoning Board of Appeals.

ARTICLE 12. SPECIAL USE PERMITS

Section 12.01 — Authority: The Planning Commission, as hereinafter provided, shall have the authority to grant Special Use Permits subject to such conditions of design and operation, safeguards and time limitations as it may determine for special uses in any district. Application for any Special Use Permit permissible under the provisions of this Ordinance shall be subject to fee as may be set by the Township Board from time-to-time.

Section 12.02 — Purpose: Uses requiring Special Use Permits are those that possess characteristics or location qualities that require individual review and the placement of restrictions, in order to avoid incompatibility with the character of the surrounding area and adjacent land uses. The purpose of this Article is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish special land uses.

Special uses may be permitted only in those districts where they are designated by this Ordinance and are permitted only when specifically approved by the Planning Commission in accordance with the provisions of this Ordinance.

Prior to approval of a Special Use Permit, the Planning Commission shall ensure that all standards specified in this Article, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

Section 12.03 — Application: An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

1. An application and site plan, filled out in triplicate, shall be submitted to the Planning Commission. An application shall be accompanied by a fee in accordance with the township schedule of fees established by the Township Board.

2. In addition to any established application fee, the Planning Commission Chair shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit. The escrow deposit shall defray anticipated costs to be incurred by the Township for attorneys, planners, engineers, or other experts in the review of the application. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. At any point during the review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any unused portions of the escrow deposit remaining after consideration and processing of the application(s) shall be returned to the applicant(s).

3. The Planning Commission may impose conditions with permit approval that it deems necessary to ensure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the Special Use Permit and shall be enforced by the Zoning Enforcement Officer.

4. Any additions to or expansions of an existing establishment or land use listed under Special Uses, shall also require a Special Use Permit issued by the Planning Commission.

Section 12.04 — Public Hearing: If properly requested by the applicant, the Planning Commission shall hold a public hearing, or hearings, within 90 days of the receipt of the application for a Special Use Permit. Such hearing(s) and the notice(s) of hearing shall comply with the Michigan Zoning Enabling Act (Act 110 of 2006).

Section 12.05 — Standards: In deciding a request for a Special Use Permit, the Planning Commission shall be governed by the following principles and standards:

1. The applicant(s) shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.

2. In considering an application for a Special Use Permit, the following shall be considered:

A. Whether all required information has been provided and fees paid.

B. Whether the proposed use is specifically provided as a use by special permit in the district in which the property is zoned.

C. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan and this Ordinance.

D. Whether the proposed use will adversely affect neighboring lands, including whether the proposed use will produce, create, or result in more traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than permitted uses in the district or increase hazards to the subject property or neighboring lands.

E. Whether the proposed use will change the essential character of the surrounding area, disrupt the orderly and proper development of the District as a whole, or conflict with or discourage the permitted uses of the adjacent lands or buildings.

F. Whether the proposed use is compatible with and will not adversely affect the natural environment.

G. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

H. The special use shall comply with soil erosion and sedimentation control requirements and groundwater protection management provisions of local, state, and federal laws.

I. The proposed use shall comply with all relevant provisions of this Ordinance, including supplementary provisions for buildings, structures, uses, lots, yards, and premises, as well as those specific requirements in the district in which the property is zoned.

Section 12.06 — Conditions: The Planning Commission may impose reasonable conditions including duration and review periods in granting a special permit. The Planning Commission may enter into a development agreement to meet the purposes of this Article. Conditions imposed shall meet all of 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 or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
3. Promote the use of land in a socially and economically desirable manner;
4. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
5. Be necessary to ensure compliance with the standards set forth in this Article.
6. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

Section 12.07 — Decision: After the hearing, the Planning Commission shall:

1. Approve the special use permit application and direct the Zoning Enforcement Officer to issue the special use permit; or
2. Grant the special use permit application subject to conditions that are imposed in order to ensure the special land use complies with standards stated in this Ordinance; or
3. Deny the special use permit application.

All decisions shall be accompanied with a concluding statement citing the reasons for decision under Section 11.05 or other applicable requirements and any condition imposed under Section 11.06. The written decision of the Planning Commission shall be sent to the applicant signed by the chairperson or secretary of the Planning Commission with a copy to the Township Board.

Section 12.08 — Issuance; Compliance and Violation: Upon approval, the Planning Commission shall issue a Special Use Permit to the applicant. It shall be the responsibility of the Zoning Enforcement Officer to monitor compliance with the terms, conditions, and restrictions of

any Special Use Permit and take any enforcement action necessary in the event of violation of the Special Use Permit.

Special Use Permits shall be reviewed annually by the Zoning Enforcement Officer to ensure compliance with this Ordinance. Any violation of the Special Use Permit or the conditions placed upon the Special Use Permit shall automatically void the entire permit. Violation of the Special Use Permit or conditions placed thereon is a violation of this Ordinance.

Section 12.09 — Appeals: The decision of the Planning Commission may be appealed to the Clinton County Circuit Court as permitted by law.

ARTICLE 13. SITE PLAN REVIEW

Section 13.01 — Intent: It is the intent of this chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development.

Section 13.02 — Uses Subject to Site Plan Review:

1. Either the Planning Commission or Zoning Enforcement Office shall conduct site plan reviews for the following:

- A. Uses permitted by right in all districts, excluding single-family dwellings in any district.
- B. Special uses in all districts.
- C. Subdivisions of land and site condominium developments in all districts.
- D. Any change in a use subject to site plan review.

2. Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning Enforcement Officer, who shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission.

Section 13.03 — Site Plan:

1. Applications for site plan approval shall consist of the following:

- A. An application form supplied by the Township.
- B. A review fee as determined by resolution of the Township Board based upon the cost of processing the review. Such resolution shall be on file with the Township Clerk for public information.
- C. Eight copies of a site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
 - i. Dimensions of property, of the total site area, locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
 - ii. Required and proposed building setbacks.
 - iii. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, including existing right-of-way and pavement widths.

- iv. Location, screening, dimensions, and heights of proposed buildings, structures, such as trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
- v. Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
- vi. Proposed water supply and wastewater systems locations and sizes.
- vii. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
- viii. Proposed common open spaces and recreational facilities, if applicable.
- ix. Proposed landscaping, including quantity, size at planting, botanical, and common names of plant materials.
- x. Signs, including location, height, and sizes.
- xi. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs, or devices, and service drives.
- xii. Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- xiii. The Planning Commission may request elevation sketches of proposed buildings, along with a general description of materials and colors to be used.

2. Development plans for residential projects, such as multiple family developments, mobile home subdivisions, and mobile home parks. The plans shall include the following additional information:

- A. Minimum floor area of the dwelling units.
- B. Total number of units proposed.
- C. Number of bedrooms per unit in multiple-family developments.
- D. Areas to be used for open space and recreation.
- E. Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.

3. The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state of Michigan) and the date on which the plan was prepared.

A. Planning Commission Review: The Planning Commission shall review the application and site plan and shall approve, approve with conditions, or deny the submitted site plan. If denied, the Planning Commission shall cite reason for denial. If approved, the applicant may submit the necessary plans and documents for necessary permits.

Section 13.04 — Validity of Site Plans:

1. Approval of the site plan is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during the period, the approval of the site plan shall be null and void.

2. Upon written application that must be filed prior to the termination of the one (1) year review period, the Zoning Enforcement Officer may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

Section 13.05 — Standards for Site Plan Approval: In addition to the other requirements in this Ordinance, the Planning Commission shall require that the following standards be satisfied before approving the site plan:

1. Adequate ingress and egress to public right of ways.

2. Landscaping, landscape buffers and green belts shall be provided and designed in accordance with the provisions of the Zoning Ordinance.

3. All elements of the site plan shall be designed to take into account the sites topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.

4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in right-of-ways, possible future rights-of-way, or potential building sites.

5. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.

6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.

7. The proposed use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. To demonstrate compliance with this standard, applicant shall obtain approval from Michigan Department of Transportation or the Clinton County Road Commission.

8. There shall be provided a pedestrian circulation system that is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as

crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses that generate a considerable amount of pedestrian traffic.

9. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives that are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required by the Clinton County Road Commission.

10. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. The proposed shall comply with soil erosion and sedimentation control requirements and groundwater management provisions of local, state, and federal laws.

11. All loading and unloading areas and outside storage areas, including areas for the storage of trash that face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.

12. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

13. For proposed uses in recreational districts, no building or structure shall be constructed within 100 feet of road rights-of-way or property lines.

14. Landscaping landscape buffers and greenbelts shall be required where a non-residential use is adjacent to residential use

15. Waiver from Landscaping and Screening Requirements: The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria that shall be used when considering a waiver shall include, but shall not be limited to:

- A. Existing natural vegetation;
- B. Topography;
- C. Existing wetland, floodplain, and poor soil areas;
- D. Existing and proposed building placement;
- E. Building heights;
- F. adjacent land uses;

- G. Distance between land uses
- H. Dimensional conditions unique to the parcel;
- I. Traffic sight distances
- J. Traffic operational characteristics on and off site
- K. Visual, noise and air pollution levels
- L. Health, safety and welfare of the township

16. All provisions of the Township Zoning Ordinance must be complied with unless an appropriate variance has been previously granted by the Zoning Board of Appeals.

Section 13.06 — Conditions of Approval:

1. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.

2. Such conditions shall be related to and ensure that the review standards of this Article are met.

3. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.

4. A record of conditions imposed shall be maintained. The conditions shall remain unchanged, unless an amendment to the site plan is approved.

5. Additional Fees. If the Planning Commission determines the need for a professional opinion, monies for the services requested shall be provided by the applicant.

Section 13.07 — Decision: The Planning Commission shall:

- 1. Approve the site plan; or
- 2. Approve the site plan subject to conditions; or
- 3. Deny the site plan.

A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

Section 13.08 — Amendments to Approved Site Plans:

1. Any person who has been granted site plan approval shall notify the Zoning Enforcement Officer of any proposed amendment to such approved plan.

2. The Zoning Enforcement Officer shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:

- A. The addition of land to the legal description of the original site plan approval;
- B. The establishment of another use or uses;
- C. The addition of more sales or service area, or the addition of dwelling units;
- D. An expansion or increase of intensity of use;
- E. The relocation of proposed buildings in regard to the approved site plan;

3. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning Enforcement Officer.

Section 13.09 — Appeals: Any person aggrieved by the decision of the Planning Commission in granting or denying of a site plan or with conditions required, shall have the right to appeal the decision to the Zoning Board of Appeals. Special Uses and Planned Unit Developments, including the site plans for such discretionary uses, are not appealable to the Zoning Board of Appeals, and can only be appealed to the Circuit Court of Clinton County.

Section 13.10 — Conformity and Compliance: The Zoning Enforcement Officer may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate said approval following a public hearing. The change of use for an existing building shall be first approved by the building department.

Property that is the subject of site plan approval must be developed in the strict compliance with the approved site plan and any amendments thereto that have received the appropriate approval. If construction and development does not conform to the approved plan, the approval thereof shall be forthwith revoked by the township Zoning Enforcement Officer, by written notice of such revocation posted upon the premises involved and shall be mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than activities related to purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developers construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of this Ordinance.

ARTICLE 14. ZONING BOARD OF APPEALS

Section 14.01 — Intent and Purpose: The intent and purpose of this section is to create a Zoning Board of Appeals and identify the duties of this body, and the appeals process for challenges to zoning decisions.

Section 14.02 — Authority: A Zoning Board of Appeals is hereby created in conformance with and shall perform its duties and exercise its powers and jurisdiction as provided by, the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals powers and duties are those authorized by the Michigan Zoning Enabling Act and as follows:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination, made by Dallas Township and/or its officers, representatives or agents in the administration or enforcement of this Ordinance, except in the decision on any Special Use Permit or Planned Unit Development.

2. To hear and decide appeals from the action of the Zoning Enforcement Officer when a Zoning Compliance Permit has been refused or the construction or use of a building or premises stopped because of the failure of such building, or use, to comply with the provisions of this Ordinance, where such appeal is based on unusual conditions that cause practical difficulties or unnecessary or unintended hardship in the application of the strict letter of this Ordinance to the case under appeal.

3. To authorize variances only if the Zoning Board of Appeals finds from reasonable evidence that all the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district and are not the result of self-induced hardship.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not itself be deemed sufficient to warrant a variance.

C. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.

D. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to require the formulation of a general regulation for such condition or situation.

4. The Zoning Board of Appeals shall not have the authority to grant a use variance.

5. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the application of any dimensional provisions of this Ordinance. The Zoning Board of Appeals shall make such order, requirement, decision or determination as in its opinion ought to be made on the property. The Zoning Board of Appeals shall notify the Township and/or its officers, representatives or agents in writing of any such action taken and such action shall not be valid until such notice shall have been delivered to the office of the Zoning Enforcement Officer within 14 days after the Zoning Board of Appeals decision is made.

6. The Zoning Board of Appeals may require the posting of a performance bond to ensure compliance of all conditions associated with the issuance of a variance. The bond must be deposited with the township clerk before a variance is issued. Bond may be by cash, certified check, irrevocable letter of credit, or a surety bond, acceptable to the township board.

Section 14.03 — Membership:

1. The Zoning Board of Appeals shall have three (3) regular members. A member of the Planning Commission shall serve on the Zoning Board of Appeals. The Township Board shall always have one of its members serve as the second member of the Zoning Board of Appeals, but such Township Board member shall not serve as chairperson of the Zoning Board of Appeals. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be appointed by the Township Board. The members appointed shall be selected from and be representative of the population distribution and the various interests in the Township.

2. The Township Board also may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member may not serve for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

3. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

4. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) calendar month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

5. Any vacancy shall be filled for any unexpired term in the same manner as provided for in the initial appointment and each member shall serve until his or her successor has been appointed.

6. The members of the Zoning Board of Appeals shall elect one member to serve as Chairman and another to serve as Secretary.

7. The members of the Zoning Board of Appeals shall be paid per diem as established by the Township Board plus expenses actually incurred in the discharge of their duties.

Section 14.04 — Rules of Procedure:

1. The Zoning Board of Appeals shall fix the rules and regulations to govern its procedure when acting upon appeals. It shall hear and decide appeals and review any order, requirement, decision or determination made by the Zoning Enforcement Officer.

2. All meetings of the Zoning Board of Appeals shall be open to the public.

3. A record of the proceedings shall be maintained and a copy of each proceeding shall be filed in the office of the Township Clerk for public record.

Section 14.05 — Jurisdiction:

1. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order requirements, decision, or determination appealed from, excepting here from any denials, requirements, decision, or determination as in its opinion ought to be made in the premises. To that end, the Zoning Board of Appeals shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; including but not limited to matters, where it is alleged by an appellant that there is error or misinterpretation in the Zoning Enforcement Officer or other administrative officer's order, requirement, decisions, grant, or refusal, except as relate to special use permits.

2. The Zoning Board of Appeals may also classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or special use, in accordance with the purpose and intent of each district. If no comparable use is found, the Zoning Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

Section 14.06 — Appeal Requirements:

1. Appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Township Clerk within such time as the Zoning Board of Appeals provides from when the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Township Clerk shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action for appeal was taken.

2. The appellant must supply the following written information to the Zoning Board of Appeals chairperson before the case will be heard:

- A. Appellant’s name, address, phone number, and legal property description.
 - B. A copy of written Zoning Compliance Permit application denial from the Zoning Enforcement Officer. The denial should state the reason for denial.
 - C. Written request for an appeal hearing.
 - D. An accurate plan of property showing location, size, and use of all existing and proposed structures, street right-of-way, structures on adjoining property, surface drainage patterns, lot dimensions, yard setbacks, and other pertinent data.
 - E. Names and addresses of all adjoining property owners.
3. A notice of the Public Hearing shall be mailed to the chairperson of the Planning Commission.
4. The Zoning Board of Appeals may waive portions of the data required.

Section 14.07 — Hearings and Decisions Upon Appeals:

- 1. Upon receipt of a complete appeal, the Zoning Board of Appeals shall fix a time for the hearing of the appeal, which shall occur no later than ninety (90) calendar days following the date of the appeal, and provide due notice thereof, in accordance with the Michigan Zoning Enabling Act.
- 2. The hearing shall be conducted in accordance with the Michigan Zoning Enabling Act. Any person may appear in person or by agent or his attorney at the hearing.
- 3. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse the order, decision, or determination of the Zoning Enforcement Officer, or to decide in favor of the applicant in the matter on which the Zoning Board of Appeals is required to pass under this Ordinance. A tie vote is considered a “non-vote” and the issue will be placed on the agenda for the next meeting. In the event of a tie vote, a meeting will be arranged in a timely fashion.

Section 14.08 — Stay: An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Zoning Board of Appeals after the notice of appeal has been filed that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In the latter case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court, on notice to the Zoning Enforcement Officer and on due cause shown.

Section 14.09 — Appeals from Zoning Board of Appeals: Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Clinton County Circuit Court. An appeal shall be filed within the time provided for by law.

ARTICLE 15. ORDINANCE AMENDMENTS

Section 15.01 — Authority: The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the zoning map.

Section 15.02 — Procedure for Amendment of Zoning Ordinance:

1. Applicants: Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents of Dallas Township, or by one or more persons acting on behalf of a resident of Dallas Township.

2. Pre-Application Conference: The applicant/property owner must attend a pre-application conference to be coordinated by the Township. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Enforcement Officer and consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.

3. Application: An application and ten (10) copies seeking an amendment to the text or map shall be filed with the Township Clerk. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.

A. The application shall provide the following information if an application involves an amendment to the zoning map:

- i. A legal description of the property, including the street address and tax code number(s).
- ii. The name, address, and telephone number of the applicant.
- iii. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
- iv. Identification of the zoning district requested and the existing zoning of the property.
- v. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
- vi. Further information as requested by the Zoning Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.

B. The application shall provide the following information if an application involves an amendment to the text of this Ordinance:

- i. Name and address of the applicant.
- ii. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
- iii. Reasons for the proposed amendment.

- iv. Further information as requested by the Zoning Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.

4. Right of Entry: The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Article.

5. Application Fee: The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.

6. Escrow deposit: The Township Supervisor, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

7. Initial Review: The Planning Commission Chair shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or his/her designee shall coordinate public notices.

8. Notice:

A. Upon receipt of an application and petition for amendment, Planning Commission shall provide notice pursuant to the requirements of the Michigan Zoning Enabling Act.

B. Upon receipt of a rezoning petition, the Planning Commission shall provide notice pursuant to the requirements of the Michigan Zoning Enabling Act.

9. Public Hearing-Planning Commission: Within sixty (60) days of receipt of the application and petition, the Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning pursuant to the requirements of the Michigan Zoning Enabling Act. The hearing shall proceed as follows: open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing

10. Administrative Report: Following the public hearing, the Planning Commission may request that the Zoning Enforcement Officer and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules, and regulations.

11. Submission to the Township Board: The petition and all Planning Commission materials minutes, and the like shall be submitted to the Township Board by the Planning Commission and acted upon in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

12. Standards and Burden: In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:

A. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.

B. Decisions to amend the Ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety and general welfare.

C. In considering an application for rezoning, the following factors may be considered, among others:

- i. Whether all required information has been provided and fees paid.
- ii. Consistency with the goals, policies and future land use map of the Master Plan. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- iii. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning;
- iv. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the “health, safety and welfare” of the township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- v. The precedent, and the possible effects of such precedent, that might result from approval or denial of the petition; and
- vi. Whether the requested rezoning will create an isolated and unplanned spot zone.

13. Payment of Costs: Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

Section 15.03 — Re-Application: An application for an amendment that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

ARTICLE 16. ADMINISTRATION

Section 16.01 — Zoning Enforcement Officer: The provisions of this Ordinance shall be administered by the Zoning Enforcement Officer, who shall be appointed by the Township Board for such term and subject to such conditions and employed at such rate of compensation, as said board shall determine. The rights, duties, and obligations of Zoning Enforcement Officer shall be those defined by the Township Board.

Section 16.02 — Building Permit, Duration, and Extension:

1. Except as otherwise provided, any building or structure over 200 square feet hereafter erected, or altered shall require a building permit.
2. Building permits shall be issued for one-year duration.
3. Extensions for up to one year may be obtained from the building inspector. To qualify for an extension, the exterior of the building under construction must be completed, including roofing and siding, and the yard shall be free from waste materials.

Section 16.03 — Zoning Ordinance Review: This Zoning Ordinance, including the Zoning Map, should be reviewed by the Township Planning Commission at least once every five years.

Section 16.04 — Fees: All fees for administration or implementation of any section of this Ordinance, including permit fees and escrow fees, shall be authorized from time-to-time as needed by resolution of the Township Board. Permit and application fees shall be fixed, non-refundable amounts. Escrow fees will vary, are set on a case-by-case basis, and unused portions of an escrow fee shall be refunded.

Section 16.05 — Development Agreements:

1. The Zoning Enforcement Officer, in conjunction with the Planning Commission, shall draft development agreements when necessary to ensure that the provisions of applicable federal and state statutes, local ordinances, rules, regulations, and conditions are adhered to by the owner of the land and/or developer of the project. Such agreements shall be reviewed by the Planning Commission and approved, approved with revisions or disapproved.
2. As a condition to the grant of authority under this Ordinance, the owner and developer may be required to enter into a development agreement. The development agreement shall embody the parties' intent with respect to the project. The agreement may include the following provisions:
 - A. Posting of funds with the Township to ensure that the costs incurred by the Township with respect to the subject property are borne by the owner and/or developer and not the Township.
 - B. Installation of specified improvements at the expense of the developer in accordance with federal, state and local requirements and standards and, if applicable, to provide

for the conveyance of such improvements to the Township by deed, easement, bill of sale or other means.

C. Depiction of all dedicated open spaces, common areas, conservation easements and improvements on the site plan, together with a statement that specifies the use(s) that may be made of such areas.

D. Set forth conditions to a site plan review; to a special use; or to a planned unit development.

E. Specify the authorized use(s) on the subject property.

F. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.

G. Posting certificates of insurance and hold harmless provisions.

H. Provisions to ensure maintaining improvements in perpetuity.

I. Construction completion date(s).

J. Such other and further provisions as come within the scope of authority granted to the Township that have a reasonable relationship to the subject property.

3. The Development Agreement, among other things, is intended to assure that the improvements depicted on the site plan are properly installed and that the costs associated with the project are borne by the owner and/or developer (not the Township) of the project. The site plan shall become part of any subsequent permit issued by the Township, such as (but not limited to) certificates of zoning compliance and certificates of occupancy. The Development Agreement may be amended with the mutual consent of the parties to the Agreement or their successors in interest.

4. The Development Agreement, at the expense of the owner/developer, shall be recorded with the Clinton County Register of Deeds and bind successors in interest. Any transfer of responsibility under the agreement from one developer to another shall require the approval of the Township Board that shall not be unreasonably withheld, but may require the posting of additional financial assurances.

Section 16.06 — Performance Guarantees:

1. To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.

2. As used in this Section, “improvements” means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include principal buildings, but may include accessory buildings or common elements.

3. The Township Board, Planning Commission, Zoning Board of Appeals and Zoning Enforcement Officer are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.

4. The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.

5. The letter of credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within not more than 50 miles of the Township or transmitted by facsimile or email.

6. The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; that conditions are met; that all materials, debris and equipment are removed from the site; and that actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not by the Township).

7. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be covered by the performance guarantee, such estimate shall be verified as to the amount by the Township Engineer. The exact amount shall be determined by the Township Engineer.

8. If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite, provided that each phase of the development must be able to stand on its own without regard for improvements in other phases, or otherwise all improvements necessary to sustain that phase must be covered by financial guarantees.

9. If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning Enforcement Officer may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.

10. As the contingencies covered by the performance guarantee diminish, the Zoning Enforcement Officer, upon direction of the Township Board, may decrease the amount.

11. The amount of a performance guarantee may be reduced to an amount not less than ten (10%) percent when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials; replace dead or dying landscape materials; ensure proper grading; and that actual costs incurred by the Township related to the project are fully paid by the owner/developer.

12. For improvements under the zoning jurisdiction of the Township, “satisfactorily completed” means the Zoning Enforcement Officer or Township Engineer has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, “satisfactorily completed” means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.

13. The performance guarantee shall fully terminate one (1) year after ninety (90%) percent of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.

14. The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days prior to the date of termination, then the Township may call the existing performance guarantee due and payable.

15. Upon failure to comply with a requirement of this Ordinance, approved site plan, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs and attorney fees, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

Section 16.07 — Right of Entry: The filing of an application for a certificate of zoning compliance, temporary certificate of occupancy, certificate of occupancy or any other application signed by the owner or the applicant’s agent shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Ordinance.

Section 16.08 — Compliance with Plan and Application: Certificates of zoning compliance issued on the basis of plans and applications approved by the Planning Commission or Township Board authorize only the use, design and construction set forth in such approved plans and

applications, and no other use, design, or construction. Use, design, or construction different from that authorized shall be deemed a violation of this Ordinance.

ARTICLE 17. VIOLATIONS

Section 17.01 — Violation Declared a Nuisance Per Se: Any building or structure that is erected, constructed, reconstructed, altered, converted, maintained or used, or any use of, and or premises that is begun, maintained or changed in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

Section 17.02 — Sanctions for Violation:

1. Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct and indirect expenses, including attorney fees, to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

2. Each violation of a specific provision of this Ordinance shall be considered a separate municipal civil infraction.

3. Each act of violation and every day that any such violation occurs, continues or remains shall constitute a separate offense and civil infraction.

ARTICLE 18. EFFECTIVE DATE

Section 18.01 —Severability: Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provisions hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or in part hereof, other than the part so declared to be unconstitutional or invalid.

Section 18.02 — Effective Date: This Zoning Ordinance shall be in effect following adoption by majority vote of the Township Board and seven (7) days after publication of the notice of Zoning Ordinance adoption in a newspaper of general circulation within Township.

Date: _____, 2017 _____
Vern Feldpausch, Supervisor
Dallas Township

Date: _____, 2017 _____
Therese Koenigsknecht, Clerk
Dallas Township

CERTIFICATION

The foregoing Dallas Township Zoning Ordinance, including and incorporating the attached copy of Official Zoning Map was adopted by the Dallas Township Board on the ____ day of _____, 2017, at a regular meeting of the Dallas Township Board, and notice of its adoption was published as required by law on _____, 2017.

Therese Koenigsknecht, Clerk
Dallas Township

COPY OF ZONING MAP

APPENDIX A - ZONING ORDINANCE HISTORY

Dallas Township Interim Zoning Ordinance — _____, 2015

Dallas Township Zoning Ordinance — _____, 2017