

**DUNDEE TOWNSHIP
ZONING ORDINANCE
AMENDMENT**

Ordinance No 2021-Z-1; Date of Adoption: July 27, 2021

An Ordinance to amend the Dundee Township Zoning Ordinance by modifying Article II. – Definitions; Article V. – General Provisions, Section 5.15 Accessory Structures, Section 5.37 Ponds and Section 5.44 Solar Panels; Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses and Section 7.3 Requirements Applicable to Specific Uses.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF DUNDEE HEREBY ORDAINS:

Section 1. Title.

This Ordinance shall be known and referred to as Dundee Township Zoning Ordinance Amendment No. 2021-Z-1 revising Article II. – Definitions; Article V. – General Provisions, Section 5.15 Accessory Structures, Section 5.37 Ponds and Section 5.44 Solar Panels; Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses and Section 7.3 Requirements Applicable to Specific Uses.

Section 2.

Dundee Township Zoning Ordinance is hereby amended by revising Article II – Definitions as follows:

HOME OCCUPATION: Any occupation conducted within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby, provided further, that:

1. Not more than one (1) person outside of the family residing on the premises shall be engaged in such operations.
2. No article or service shall be sold or offered for sale on the premises except such as is produced by such occupation.
3. Home occupations can be conducted in an accessory building after special land use approval.
4. Such operation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
5. No home occupation shall generate other than normal residential traffic either in amount or type.
6. Parking needs generated by a home occupation shall be provided for in an off-street parking area, located other than in a required front yard.

7. One (1) non-illuminated nameplate, no more than two (2) square feet in area, may be attached to the building, which shall contain only the name and occupation of the resident of the premises.
8. No equipment or process shall be used in such home occupation, which creates noise, glare, vibration, fumes, odors, or electrical interference detectable to the normal senses on the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
9. Tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, among others shall not be deemed to be home occupations.

SOLAR FARM: See Alternative Energy Farms definition.

Section 3.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.15 Accessory Structures as follows:

SECTION 5.15 ACCESSORY BUILDINGS

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
2. Accessory buildings shall not be erected in any required yard except a rear yard, unless all buildings are at least 200 feet from the front property line, providing further that in no instance shall such a building be nearer than three (3) feet to any side or rear lot line. In addition, all accessory structures shall be located outside of the required front setbacks as established in Section 7.4 and Article XVI and behind the front building line of the principal structure. Where easements exist, the easement line shall be considered as the side or rear lot line insofar as the location of accessory buildings shall be concerned.
3. An accessory building, not exceeding two (2) stories or twenty (20) feet in height, may occupy not more than twenty-five percent (25%) of a required yard, plus forty percent (40%) of any non-required rear yard; provided, that in no instances shall the accessory building exceed one hundred fifty percent (150%) of the ground floor area of the main building.
4. An accessory building shall be located in the rear yard, except when structurally attached to the main building, and except that in row house development or apartment buildings, parking area location in the form of covered bays may be permitted in the rear of main buildings if the location is approved by the Zoning Board of Appeals.

5. No detached accessory building shall be located closer than ten (10) feet to any main building.
6. When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
7. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
8. Accessory building shall be permitted to be erected on a vacant lot only in conjunction with the issuance of a permit for residential dwelling on that same parcel in zoning districts Residential R-1A, R-1B, R-1C, and Rural Estates. This also applies to the Agricultural District when the parcel is less than 10 acres.

Section 4.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.37 Ponds as follows:

SECTION 5.37 PONDS

Ponds excavated for recreational, scenic or farm purposes shall be a permitted use in the Agricultural and Residential Districts subject further to the requirements and standards listed below:

1. The pond must be located on a parcel of at least two (2) acres in size.
2. Property owner shall live in a permanent residence on proposed pond site before construction of scenic/recreation pond; or shall have obtained a home building permit from the Township and be at a stage in construction where fill is required, as determined by the Township Building Inspector. A farm pond for purpose of irrigation or watering of livestock may be constructed on site where no permanent residence exists; however, there shall exist proven evidence of commercial agricultural operations, operated by a sole proprietorship, partnership, or corporation, and including all necessary farm buildings, structures and machinery.
3. The pond size shall be not less than twenty thousand (20,000) square feet, nor more than five (5) acres.
4. The pond begins at the excavation point of the original grade and must be setback a minimum of fifty (50) feet from property lines and dwellings and a minimum of seventy-five (75) feet from roads.
5. The pond shall be constructed in conformance with the design standards of the Soil Conservation Service and have a permit from the Monroe County Drain Commission in

accordance with the provisions of Act 347, P.A. 1972, the Soil Erosion and Sedimentation Act.

6. For the protection of the general public, appropriate safety measures shall be provided such as warning signs, and rescue facilities such as life rings.
7. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system or septic system replacement field is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system nor any closer than fifty (50) feet to a well.
8. Pond slopes shall comply with the following, depending on the use of the pond. The Township Supervisor or their designee may allow deviation from these requirements when strict interpretation is not practical:
 - a. Fishing & Swimming: Minimum size must be at least ½ acre to 1 acre in size, with as much of the pond as possible having a water depth of 15 feet or more. Side slopes beneath the surface of the water for fishing ponds must be at least 1:3 (1 vertical foot to 3 feet horizontal) to discourage aquatic plant growth. Side slopes beneath the surface of the water for swimming must not exceed 1:4 for safe entry and exit. Fishing ponds shall have irregular shorelines and protection from stormwater runoff.
 - b. Wildlife: Side slopes beneath the surface of the water must not exceed 1:10 (1 foot vertical to 10 feet horizontal). At least 50% of the pond shall not exceed 4 feet deep, to encourage aquatic plant growth. Wildlife ponds shall have irregular shorelines.
 - c. Stock Watering: Pond must be at least ¼ acre to 1 acre in size. Side slopes beneath the surface of the water for stock watering ponds must not exceed 1:4 for safe entry and exit.
9. The current Dundee Township permit fee is payable upon application.
10. If the pond is to be used in any part for livestock purposes, the setbacks shall be one hundred (100) feet from dwellings and lot lines.
11. A performance guarantee shall be posted with the Township prior to the issuance of a permit for excavation of a pond and shall be sufficient to cover the cost of restoration of the site if the pond is not properly excavated in accordance with the plans approved by the Planning Commission, or the Building Inspector, as required and the permit from the Monroe County Drain Commission. The amount of the performance guarantee shall be determined by the Building Inspector based upon two (2) dollars per cubic yard of soil to be removed or based upon a cost estimate supplied by a licensed contractor. The Performance guarantee shall be refunded upon inspection and approval of the completed pond by the Building Inspector.
12. No earth excavated during construction of the pond shall be removed from the parcel, unless special approval has been obtained from the Dundee Township Board. Special approval shall be based upon the recommendation of the Planning Commission following a

public hearing conducted in accordance with Section 15.2. The special approval standards of Section 15.3 shall be met in addition to the following requirements:

- a. The following information shall be provided:
 - (1) The amount of earth to be removed from the property.
 - (2) The destinations for the earth to be removed, including a description for its intended use.
 - (3) The off-site route over which materials will be hauled from the site, including an identification of the truck routes that will be used and the physical capabilities of these routes to accommodate the truck traffic. A Haul Route Permit shall be obtained from the Monroe County Road Commission prior to issuance of a permit for the pond's construction.
 - b. Dust control measures shall be utilized to ensure minimal impact on surrounding uses. All vehicles used to transport material to be removed from the property shall be loaded in a manner so the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action, or request by the Township, to immediately remove the spilled or deposited material.
 - c. A time limit shall be set for completing the soil removal. Soil removal from the site shall be limited to Monday through Friday, 8AM to 5PM.
 - d. The removal of soil under this section shall be limited to a total of five thousand (5,000) cubic yards of material. Removal of material in excess of the five thousand (5,000) cubic yards shall require a license from the Township Board under the requirement of the Dundee Township Mineral Extraction Ordinance.
13. The cleaning and maintenance of any pond shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However, a pond cleaning permit must be obtained from the Building Inspector prior to commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application. The fee for the permit shall be determined by the Township Board.

All requirements stated in Section 5.37 Ponds shall be adhered to during the cleaning process.

Section 5.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Section 5.44 Solar Panels as follows:

SECTION 5.44 SOLAR PANELS

Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:

1. **Attached to Building.** Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
 - a. Roof-mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
 - (1) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - (2) Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.
 - (3) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - (4) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features in accordance with Section 11.6.2.
 - b. Flush-mounted solar panels on the building wall may only be attached to one (1) side or rear building façade and shall not face a street.
2. **Freestanding.** Solar panels that are not attached to a building shall be permitted as accessory structures subject to the following regulations:
 - a. Freestanding solar panels shall be permitted in the rear yard only.
 - b. Freestanding solar panels shall be setback six (6) feet from the side and rear lot line.
 - c. Freestanding solar panels shall not exceed a height of sixteen (16) feet.
 - d. The surface area covered by a freestanding system shall not exceed two percent (2%) of the lot or three hundred sixty (360) square feet, whichever is less. Area covered shall be included in the lot coverage calculations for the lot.
 - e. All power transmission lines shall be underground.
 - f. Freestanding solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

3. **Glare.** Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. **Building Permit.** Solar energy systems shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system in accordance with Building and Electrical Codes.

Section 6.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Article VII. – Agricultural and Single-Family Residential Districts, Table 7.2 Schedule of Uses as follows:

TABLE 7.2 SCHEDULE OF USES

Accessory and Temporary	AG-1	AG-2	RE	R-1A	R-1B	R-1C	Requirements
Accessory buildings and uses customarily incidental to the above principal permitted uses	P	P	P	P	P	P	
Home occupations	P	P	P	P	P	P	
Recreation ponds	S	S	S	S	S	S	7.3(o)
Temporary uses and buildings, including buildings and structures for use incidental to construction work, for a period not to exceed one (1) year	S	S	S	-	-	-	
Wind Energy Conversion Systems	S	S					7.3(p)
Alternative Energy Farms	S	S					5.45

Section 7.

Dundee Township Zoning Ordinance is hereby amended by revising Article V. – General Provisions, Article VII. – Agricultural and Single-Family Residential Districts, Section 7.3 Requirements Applicable to Specific Uses as follows:

SECTION 7.3 REQUIREMENTS APPLICABLE TO SPECIFIC USES

- (l) **Nursery Schools, Day Nurseries, Child Care Centers and Group Day Care Homes:** Nursery schools, day nurseries, child care centers, and group day care homes shall comply with the following requirements:
 - (1) These child day care facilities shall be located at least one thousand five hundred (1,500) feet from any other child care facility.
 - (2) An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

- (3) For each child so cared for, there shall be provided and maintained a minimum of outdoor play area as required under the State of Michigan Licensing Requirements. Such play space shall be screened from any adjoining lot in any residential district in accordance with Section 5.32. The required open space shall not be located within a required front yard.
- (p) **Wind Energy Conversion Systems (WECS).** A WECS to service the energy needs of the property where the structure is located is allowed with special land use approval, subject to the following requirements:
- (1) Only one (1) WECS shall be permitted per parcel.
 - (2) The tower shall not be taller than eighty (80) feet. The height of the overall WECS with the blade in the vertical position shall not exceed one hundred and thirty (130) feet above ground level.
 - (3) All towers shall be set back a distance at least equal to one and a half (1.5) time the height of the overall WECS from all property lines. The height shall be measured to the top of the blade at its highest point.
 - (4) All towers used to support the wind generating equipment shall be adequately anchored to prevent their being knocked down by high winds.
 - (5) The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS from operation in high winds within eighty percent (80%) of design limits of the rotor.
 - (6) Noise emissions from the operation of a WECS shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.
 - (7) To prevent unauthorized climbing, the WECS must provide an anti-climb device.
 - (8) The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the WECS and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structure or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
 - (9) Construction codes, towers, and interconnections standards.
 - a. Every WECS shall comply with all applicable state construction codes and local building permit requirements.
 - b. Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structure Act (P.A. 259 of 1959), and any other applicable state or federal laws or regulations.

- c. On-site WECS that is tied to the electrical grid shall comply with the Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
- (10) The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.
 - (11) Every WECS shall have lightning protection.
 - (12) Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
 - (13) Towers and blades shall be painted a non-reflective neutral color designed on the application and approved by the Township or as otherwise required by law.
 - (14) In the event an on-site WECS is abandoned or unused for a period of one hundred eighty (180) days, or if an on-site WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the owner to fines established by the Township Board. In addition, by accepting a permit of the one-site WECS, the applicant agrees that in the event the tower and equipment is not removed as required, after thirty (30) days' notice from the township, the Township may undertake such removal and bill the costs to the applicant plus an administrative fee of fifteen percent (15%) which, if not paid within thirty (30) days, shall be assessed against the land on which the tower and equipment is located and collection in the same manner as delinquent taxes.

The Planning Commission shall require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. The Planning Commission shall include the bond requirement as a condition of approval.

- (15) Application materials to be submitted for review:
 - a. A plan showing a map with the physical features and land uses of the project area both before the after construction of the proposed WECS. The plan shall include:
 - i. The project area boundaries.
 - ii. The location, height, and dimensions of all existing and proposed structures and fencing.

- iii. Distance of proposed WECS from all property lines and permanent structures.
- iv. The location, grades, and dimensions of all temporary and permanent on-site WECS access roads.
- v. Existing topography.
- vi. Water bodies, waterways, wetlands, and drainage ditches (county drains).
- vii. All new infrastructure related to the project.
- viii. The location of all overhead utility wires.
- b. Proof of the applicant's liability insurance covering the WECS.
- c. Documentation of the manufacturer's designed sound pressure levels (decibels) for the unit to be installed.

Section 8. Repeal.

All Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 9. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 10. Effective Date.

This Ordinance shall become effective seven days after adoption and publication in a newspaper having general circulation in the Dundee Township, Monroe County, Michigan.