

## **ARTICLE V GENERAL PROVISIONS**

Except as hereinafter specifically provided, the following regulations shall apply:

### **SECTION 5.1 CONFLICTING REGULATIONS**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

### **SECTION 5.2 SCOPE**

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

### **SECTION 5.3 STREETS, ALLEYS AND RAILROAD RIGHT-OF-WAYS**

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

### **SECTION 5.4 PERMITTED USES**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

### **SECTION 5.5 PERMITTED AREA**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations of the district in which the building is located.

### **SECTION 5.6 PERMITTED HEIGHT**

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, storage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, wireless telecommunication facilities, or similar structures may be erected above the height limits herein prescribed. Except for wireless telecommunications facilities, no such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building, nor shall a structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building. The height of wireless telecommunication facilities shall be established by Section 5.3.9.

## **SECTION 5.7 ZONING LOT**

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one (1) such building on one (1) lot unless otherwise provided in this Ordinance.

## **SECTION 5.8 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS**

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this Ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An open porch or paved terrace may occupy a required front yard or rear yard provided that the unoccupied portion of the front yard or rear yard furnishes a depth of not less than twenty-one (21) feet.

## **SECTION 5.9 PROJECTIONS INTO YARDS**

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend to project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

## **SECTION 5.10 USE OF YARD SPACES AND OTHER OPEN AREAS FOR STORAGE**

No front or other yard shall be used for the storage of automobiles or any other material or equipment; provided that in residential areas automobiles with a current license and in operating condition may be parked on an approved service driveway, extending from the street directly to a side yard or a garage. No machinery, equipment vehicles, lumber piles, crates, boxes, building blocks, or other materials either discarded, unsightly or showing evidence of a need for repairs, with or without current license, shall be stored, parked abandoned or junked in any open area that is visible from the street, public place or adjoining residential property; and should such use of land occur, it shall be declared to be a nuisance. If such nuisance is not abated within ten (10) days after the owner of such land is notified by the Township, then the Township may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days, after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property.

## **SECTION 5.11 STREET ACCESS**

No dwelling or building shall be erected on any lot or parcel of land in the Township of Dundee that does not abut on a public street, road or highway, provided that this Ordinance shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this Ordinance upon a lot or parcel of land that does not so abut such a street or highway.

## **SECTION 5.12 VISIBILITY**

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the drive of vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two and one-half (2 1/2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level

will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points twenty (20) feet from the intersection of said curb lines.

## **SECTION 5. 13 DWELLINGS IN NON-RESIDENTIAL DISTRICTS**

No dwelling unit shall be erected in the C, I or FP Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in aid districts in conformance with the specific requirements of the particular district.

## **SECTION 5.14 ONE SINGLE FAMILY STRUCTURE PER LOT**

No single family residential structure shall be erected upon a lot with another single family residential structure.

## **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 the front 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. 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. (Eff. 8/94)
3. An accessory building, not exceeding two (2) story 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 instance shall the accessory building exceed one hundred fifty percent (150%) of the ground floor area of the main building. (Ord. 18-7, eff. 6-23-92)
4. An accessory building shall not be located in the front 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 buildings shall be permitted to be erected on a vacant lot only in conjunction with the issuance of a permit for a 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. (Eff. 4/ 00)

## **SECTION 5.16 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS AND BOATS**

Campers, travel trailers, motorized homes, snowmobiles and trailers of any type, and boats may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

1. No more than one (1) licensed camper or travel trailer, and no more than two (2) licensed boats, and no more than four (4) snowmobiles may be parked on a lot of record which is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lease.
2. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.
3. Licensed campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located in the rear yard and, in addition shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located. Further they may be stored inside yards at the discretion of the Building Inspector.
4. The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space, shall not be exceeded.
5. All campers, travel trailers, boats and the like, shall be locked or secured at all times when not in use so as to prevent access thereto by children.
6. A suitable covering (e.g. tarpaulin) shall be placed over all boats, whenever they are not enclosed, in order to prevent vandalism by, or injury to children.
7. Recreational equipment parked or stored shall not be connected to water, gas or sanitary facilities, and at no time shall same be used for living, lodging or housekeeping purposes.
8. All recreational equipment must be kept in good condition and have a current year's license and/ or registration.
9. The parking or storage of a mobile home unit outside of a mobile home park, under these provisions, is expressly prohibited.

## **SECTION 5. 17 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES**

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance, as well as a blighting influence on surrounding properties, the following additional

regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this Ordinance, shall comply with all requirements of this section. No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existing on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. An automobile service station building housing an office and/ or facilities for servicing, greasing and/ or washing motor vehicles shall be located not less than forty (40) feet from any street lot line.
3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street, and no more than two (2) curb openings are permitted on any street. No driveway or curb opening shall be located nearer than twenty-five (25) feet to any corner of exterior lot line, as measured along the property line.
4. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
5. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
6. An automobile service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than two (2) enclosed stalls for servicing, lubricating, greasing and/ or washing motor vehicles. An additional one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
7. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. Where an automobile service station adjoins property located in any residential zone, a screening wall five (5) feet in height shall be erected and maintained along the service station property line. All screening walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
9. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
10. When a structure designed and used for automobile service station purposes ceases to operate on a continuing basis for a period of ninety (90) days within any period of eighteen (18) months, the owner of the premises shall be served written notice by the Building Inspector of the requirement within sixty (60) days of the date of said notice, to either: 1) resume operation of the premises on a continuing basis as a lawful automobile service station or filling station, or 2) lawfully convert said structure to another permitted use and completely remove the debris from the premises.

All new automobile service stations or filling stations constructed after the effective date of this Ordinance shall be required to post a bond with the Building Inspector in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the above mentioned three (3) alternatives shall empower the Building Inspector to utilize said bond for the demolition and clearance of the premises in question.

If there should be declared a national emergency which could curtail the operation of motor vehicles or if the Planning Commission should determine that there exists a state of general economic depression or hardship, the provisions of this subsection (10) shall not apply.

11. Abandoned automobile service stations or gasoline filling stations may be converted to Principal Permitted Use in the District in which such station is located, provided the following conditions are met:
  - a. The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.
  - b. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed Township, County and State fire safety provisions.
  - c. All buildings shall meet all applicable requirements of the Township Building Code for safety and structural condition.
  - d. There shall be adequate off-street parking provided in accordance with Article XX.
  - e. No outside storage areas shall be permitted.
  - f. The use shall meet all Area, Height, Bulk and Placement requirements of the District in which such use is located in accordance with Article XIV.
  - g. The use shall comply with all other requirements of the applicable District unless otherwise provided in this Ordinance.

#### **SECTION 5.18 DRIVE-IN ESTABLISHMENTS**

1. When a drive-in establishment adjoins property located in any residential district, a screening wall, five (5) feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by said five (5) foot screening wall. The screening wall shall be protected from possible damage inflicted by vehicles using the parking area by a suitable barrier.
2. The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier. Paving may be waived for a period of up to one (1) year by the Zoning Board of Appeals, then the lot must be maintained dust free.

3. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.
4. Before approval is given for any use, a site plan shall first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting signs and other design features, in accordance with the provisions of Article XVI.

#### **SECTION 5.19 BUILDING GRADES**

1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
2. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
3. Final grade shall be approved by the Building Inspector.

#### **SECTION 5.20 TEMPORARY BUILDINGS AND USES**

Temporary buildings, trailers and other similar structures used as a field office in conjunction with construction work may be permitted in any district during such time that construction work is in progress, that adequate arrangements for sanitary facilities are made, that any such temporary field office shall be certified as such and as being in conformance with this Ordinance by the Building Inspector and provided further that any such temporary facilities shall be removed upon completion of construction work.

No temporary trailers shall be placed in any residential district unless a building permit has been issued for a permanent building on the same site. Further, said temporary trailer shall be permitted for six (6) months, only with one renewal of six (6) months. Before a certificate of occupancy shall be issued any temporary building shall be removed from the site within ten (10) days.

Circuses, carnivals, open air concerts, festivals and other transient amusement enterprises may be permitted in any district upon approval by the Township Board, based upon a finding that such an activity will not adversely affect public health, safety, morals and the general welfare.

1. The Township Board may require the following protections for the welfare of the community:
  - a. Necessary and reasonable sanitary facilities
  - b. Adequate security for the protection of the general public who attends the festivities and to protect private property.
  - c. Adequate medical protection or ambulance facilities on the premises.

- d. Compliance with all State Health Codes and all State Fire Protection and life guards if necessary and appropriate.
2. Any contracts to provide for such protection shall be provided by recognized legal entities and approved by the Board.
3. The Board may require the posting of a Bond running to the Township in a reasonable amount to hold the Township free from all liabilities incident to the operation of such above activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity and which damages shall be provable before a court having jurisdiction over the premises or which the damages occurred and payable through such court.

#### **SECTION 5.21 SEWAGE DISPOSAL**

No human excreta or domestic, commercial or industrial wastes shall be deposited on the surface of the premises. Where a sewer system is available, all sanitary fixtures, such as water closets, lavatories, catch and slop sink, laundry trays and bath tubs shall be connected to such system. Where a sewer is not available all facilities used in connection with the disposal of human excreta and water carried wastes shall be connected with and the wastes therefrom discharged into a private disposal system, the operation of which creates neither a nuisance nor pollutes a stream or lake or a water supply.

#### **SECTION 5.22 OUTSIDE PRIVIES**

Whenever earth pit outhouses, septic tank privies or chemical toilets are used for the disposal of human excreta for farm dwelling or for non-farming, the construction and maintenance shall comply with the provisions of the Monroe County, Michigan Sanitary Code, as presently established or hereafter amended, a copy of which is on file in the office of the Township Clerk.

#### **SECTION 5.23 STORAGE: DUMPING OF WASTE, JUNK, GARBAGE, ETC.**

The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping, disposal, or accumulation of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district in the Township of Dundee except in the I, Industrial District, and then only after a petition has been submitted to the Township Board and such Board may approve and order the issuance of temporary certificates to the petitioner by the Building Inspector. This approval may be given by the Township Board only in appropriate cases where such petition is accompanied by a suitable agreement between the Township and the petitioner together with an appropriate bond to secure performance by the petitioner pursuant to this section that such dumping or disposal will not pollute the waters of the Township or cause stagnant water to collect on, or leave the surface of the land, at the expiration date of such permit, in an unstable condition or unfit for the growing of turf, or for other land uses permitted in the district in which such dumping occurs, except as provided in any other existing Ordinances. The dumping of dirt, sand, rock or other materials excavated from the earth is permitted in any district provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district. The Bond required hereunder shall be in such amount as shall be reasonably necessary to insure conformity with this Section.



## **SECTION 5.24 RESTORING UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or required compliance with his lawful order, except as provided in Section 6.6.

## **SECTION 5.25 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE**

Nothing in this Ordinance shall be deemed to require any changes in the plans, construction or design use of any building upon which actual construction as lawfully begun prior to the adoption of the Ordinance, and upon which building actual construction has been diligently carried on, and provided further, that such buildings shall be completed within two (2) years from the date of passage of this Ordinance.

## **SECTION 5.26 VOTING PLACE**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with municipal or other public elections.

## **SECTION 5.27 APPROVAL OF PLATS**

No proposed plat of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission, unless the lots within such plat equals or exceeds the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statutes of the State of Michigan and all other provisions of the Dundee Township Code.

## **SECTION 5.28 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Michigan or any ordinance of the Township of Dundee, it being the intention hereof to exempt such essential services from the application of this Ordinance, except as hereinafter required.

## **SECTION 5.29 COMMERCIAL RADIO, TELEVISION TOWERS**

All commercial radio, television shall be permitted in any agricultural, commercial or industrial district which has access upon a major thoroughfare. The setbacks for such towers from all abutting streets or adjacent property, shall be a distance equal to the height of such tower. The structural plans must be approved by the Township Engineer. (Ord. 1B-6, eff. 2-90) Wireless communication facilities are not included in this provision.

## **SECTION 5.30 OPEN AIR BUSINESS USES**

Open air business uses, where permitted in C-District shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. There shall be provided around all sides of the site, except at entrances, exits and Ion& sides

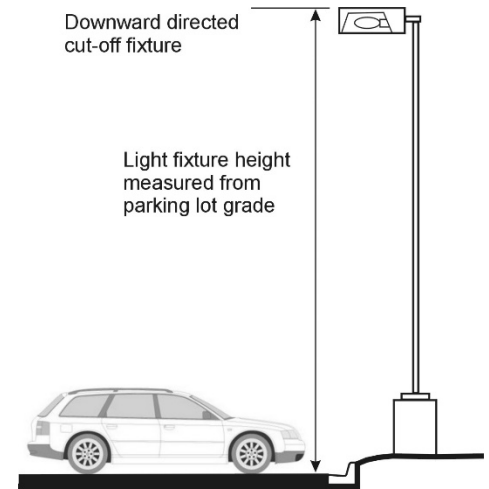
of the premises enclosed by buildings, a screening wall five (5) feet m height in order to intercept windblown trash and other debris. Where the site abuts any residential zoned district, the requirements for protective screening shall apply as specified.

4. Off-street parking areas and aisles, as required under Article XX shall be paved in accordance with the requirements thereof.
5. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets, or which will cast direct illumination on adjacent properties.
6. Before approval is given for any use, a site plan shall be first submitted to the Building Inspector for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting and other design features.
7. All open air business uses shall comply with all Township and County health regulations regarding sanitation and general health conditions.

### **SECTION 5.31 EXTERIOR LIGHTING (All Districts) (Ord11-02)**

1. *Intent and purpose.* It is the intent of this Section is to protect the health, safety, and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security, and visibility for occupants, users, pedestrians, and motorists. To do so, this section provides standards for various forms of lighting that will: 1) minimize light pollution; 2) maintain safe nighttime driver performance on public roadways; 3) preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”; 4) reduce light trespass from light sources onto adjacent properties; 5) conservation of electrical energy; and 6) curtail the degradation of the nighttime visual environment.
2. *Applicability.* All site plans shall include a detailed lighting plan that demonstrates compliance with the standards of this section. Such lighting plan shall include a photometric grid indicating lighting intensities on the site and at all site boundaries and shall include detailed specifications for proposed light fixtures.
3. *Lighting Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:
  - a. Canopy Structure. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
  - b. Footcandle. The standard imperial unit used to measure the amount of light falling onto a surface, such as a roadway or parking lot.
  - c. Flood or Spotlight. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
  - d. Glare. Direct light emitted by a lamp, luminous tube lighting or other light source.
  - e. Lamp. The component of the luminaire that produces the actual light including luminous tube lighting.

- f. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- g. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- h. **Luminaire.** The complete lighting system including the lamp and light fixture.
- i. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- j. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- k. **Fully Shielded Fixture.** Outdoor light fixtures shielded or constructed so that zero percent (0.0%) of the lamp lumens are emitted above ninety degrees (90°). A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this section.
- l. **Sky Glow.** The “haze” or “glow” that surrounds highly populated areas and reduces the ability to view the nighttime sky. Specifically, light that enters the sky from an outdoor lighting system by indirect light reflected from atmospheric particles such as fog, dust, or smog.



- 4. **Submittal Requirements.** The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Township Supervisor or designee prior to lighting installation:
  - a. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
  - b. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
  - c. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
  - d. Use of the fixture proposed.
  - e. Any other information deemed necessary by the Planning Commission, Township Supervisor or designee to determine compliance with provisions of this section.

5. Lighting Standards. All lighting must comply with the following standards:

a. Freestanding Pole Lighting

- (1) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide, LED or induction full cutoff fixtures or approved decorative fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent “sky glow”.
- (2) The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential or agricultural district can be a maximum of 0.5 footcandles at the property line. The only exception is for gas station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above standards shall apply to intensity at the property line. All gas station and canopy lighting and other canopy lighting must be recessed.
- (3) The Planning Commission, Township Supervisor or designee (depending upon who has approval authority over the project) may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
- (4) The maximum height of parking lot light fixtures shall be twenty (15) feet, except that the planning commission may permit a maximum height of thirty (30) feet within commercial and industrial zoning districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
- (5) Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- (6) Except where used for security purposes and not creating off-site glare, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise, except where such use continues after 11:00 p.m. but only for so long as such use continues.

b. Building-Mounted Lighting

- (1) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent sky glow.
- (2) The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
- (3) The Planning Commission, Township Supervisor or designee (depending upon who has approval authority over the project) may approve decorative light fixtures as an

alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

- (4) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc.

c. Window Lighting

- (1) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- (2) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Article 19, Signs.

d. Private Road Street Lighting

- (1) Streetlights along private residential roads may be required by the Planning Commission as part of a condominium or site condominium project. Where required, the applicant shall provide a full lighting plan.
- (2) Where such lighting is required, the Planning Commission shall use the following standards for guidance:
  - (a) Lighting may be provided along both sides of the street or staggered on opposite sides with spacing generally between four hundred (400) and six hundred (600) feet.
  - (b) Fixtures should be fully shielded and downward directed unless decorative light fixtures are used that provide no off-site glare and are in keeping with the character of the site.
  - (c) Fixture height should not exceed 15 feet.
  - (d) Lighting intensity should be limited to a range between one (1) and six (6) footcandles, depending upon the fixture style, with the greater intensity at intersections and crosswalks.
  - (e) A determination should be made that the proposed lighting plan will not adversely impact surrounding properties.

e. Other Lighting

- (1) The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- (2) Lighting shall not be of a flashing, moving or intermittent type.

**SECTION 5.32 LANDSCAPING** rorct.11-02l

1. **Intent.** The intent of this section is to promote the public health, safety and welfare by establishing minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic and visual distraction. Buffer zones protect less-intense uses from the noise, light, traffic, litter and other impacts. These regulations are further

intended to maintain and enhance the natural, rural character of Dundee Township.

## 2. Scope of Application

- a. The requirements set forth herein shall apply to all lots, sites, parcels and uses that are developed, expanded, or changed following the effective date of this Ordinance. This section applies to any application for site plan, subdivision or condominium approval. Single and two family dwellings located on individual lots of record are exempt from the regulations of this section.
- b. The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.
- c. The requirements set forth herein are minimum requirements, and nothing herein shall preclude the applicant and the Township from agreeing to more extensive landscaping.
- d. Creativity in landscape design is encouraged. The standards are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the Township to preserve the natural, rural character of the Township.

## 3. Definitions. Whenever used in this Ordinance, the following words and phrases shall have the following meaning ascribed to them:

- a. **Buffer Zone:** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this zoning ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.
- b. **Greenbelt:** A strip of land of definite width and location along a public road right-of-way or private road easement reserved for the planting of trees, and ground cover to enhance the visual image of the Township.
- c. **Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative non-living materials, such as wood chips, crushed stone, boulders or mulch.
- d. **Shrub:** A woody plant of one (1) to thirteen (13) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance. Shrub planting species utilized in landscape plan shall have sufficient mature height to achieve desired screening or landscaping effect.
- e. **Tree:** A woody plant which at maturity is thirteen (13) feet or more in height with an erect perennial trunk and having a definite crown of foliage.
  - 1) **Deciduous tree:** A tree that sheds its foliage at the end of the growing season.

- 2) ***Evergreen tree:*** A tree that has foliage that persists and remains green throughout the year.
- 3) ***Ornamental tree:*** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of 25 feet or less.
- 4) ***Canopy tree:*** A deciduous tree which has a height of 25 feet or more feet and a trunk with at least five (5) feet of clear stem at maturity.

#### 4. Landscaping Requirements

- a. **General Requirements.** Unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Areas to be preserved in a natural state may be planted with native groundcover and maintained in an unimproved state.
- b. **Greenbelts.** Within all districts, a twenty (2) foot wide greenbelt shall be planted adjacent to and outside of the public right-of-way, which shall conform to the following standards:
  - 1) Within the Commercial District, a minimum of one (1) deciduous canopy tree shall be planted for each forty (40) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
  - 2) Within the Industrial District and for all subdivisions and condominiums in the residential districts, a minimum of one ( 1) deciduous canopy tree and one (1) evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
- c. **Buffer Zones.** In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided in accordance with the following. These regulations do not apply along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

Table 5.32A identifies where and what type of buffer is required based upon the zoning of adjacent property. The proposed use is listed on the left column and adjacent property zoning across the top row. Table 5.32B details the minimum landscape elements that must be included in each type of buffer zone.

**Table 5.32A**  
**Required Buffer Zones**

Proposed Use	Proposed Use		
	Residential District	Commercial District	Industrial District
Single Family Residential <sup>1</sup>	None	B	B
Multiple Family Residential	B	B	B
Commercial <sup>2</sup>	B	C	C
Industrial	A	B	None

Footnotes:

- 1) Applies to applications for subdivision plat or condominium site plan approval only.
- 2) Includes non-residential special approval uses in a residential district such as churches, schools and public utility buildings.

**Table 5.32B**

**Description Of Required Buffer Zones**

Buffer Zone	Minimum Width	Minimum Plant Materials
A	50 feet	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward.
B	20 feet	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward.
C	10 feet	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward.

d. **Landscaping of Off-Street Parking Areas**

- 1) When off-street parking and loading of a non-single family residential use abuts a residential zoning district, the parking lot and loading area shall be screened from such contiguous, residential district by a solid, ornamental masonry wall at least six (6) feet tall meeting the requirements of Section 5.32.8, in addition to the landscape plant materials required in Section 5.32.4.c, above. In lieu of a wall, the Planning Commission may permit or require one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary, in addition to the landscape plant materials required in Section 5.32.4.c, above.
- 2) In addition to screening which may be required around off-street parking and loading areas, all off-street parking areas containing greater than twenty (20) spaces shall also provide one (1) canopy tree for each ten (10) parking spaces. The trees required shall be placed within landscape islands in the interior of the parking lot or around the perimeter of the parking lot.

e. **Landscaping of Rights-of-Way.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover and shall be maintained by the owner or occupant of the adjacent property.

f. **Utility Structures.** Utility structures such as electrical transformers shall be screened from view by landscaping. A minimum of three (3) evergreen shrubs shall be planted adjacent to the utility structure to screen it from view. All landscape plantings shall be spaced a minimum of twenty (20) feet from any fire hydrant. Trees shall be placed to avoid growing into overhead utility lines.

5. **Maintenance of Unobstructed Visibility for Drivers.** Where a driveway intersects a public right-of-way or private road or where a site abuts the intersection of public rights-of-way or private roads, all landscaping within thirty (30) feet of the intersecting right of way lines shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement.

6. **Modification of Landscape Requirements.** The Planning Commission may reduce or modify the location of the landscape requirements contained in this section based upon a determination that the landscaping required in this section will not be necessary or effective in



meeting the intent of this Ordinance. In making such a determination, the following shall be considered.

- a. The existence of natural vegetation that will meet the requirements of this ordinance and will be preserved as part of the site plan.
- b. Parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- c. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.
- d. The intent to comply with the standards has been demonstrated by the applicant with alternatives considered to achieve the intent of this section.

7. **Plant Material Requirements.** Unless otherwise specified, all landscape materials shall comply with the following standards:

- a. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Monroe County, in conformance with the standards of the American Association of Nurserymen or ANSI American Nursery Stock Index. Landscaping used shall be native to the states of Michigan and Ohio.
- b. The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Ordinance:

**Minimum Plant Material Size At Time Of Planting**

Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous canopy trees	2 ½ inches	--	--
Ornamental trees	2 inches	6 feet	--
Evergreen trees	--	2 feet	2 1/2 feet
Shrubs	--	2 feet	15 inches
Hedges	--	3 feet	--

- c. Grass areas shall be planted using species normally grown as permanent lawns in Monroe County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw, mulch or hydro-seed shall be used to protect newly seeded areas.
- d. Landscaping shall be installed in a sound, professional manner to ensure the continued growth of healthy plant material. Required landscaping shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the first appropriate planting period.
- e. Use of the following plant materials is not encouraged because of susceptibility to storm damage, disease, or other undesirable characteristics:

**Undesirable Plant Materials**

<b>Common Name</b>	<b>Genus Species</b>
Silver Maple	Acer sacrarium
Box Elder	Acer negundo
Tree of Heaven	Ailanthus altissima
European Barberry	Berberi's thunbergia
Northern Catalpa	Catalpa speciosa
Eastern Red Cedar	Juniperus virginiana
Poplar	Populus deltoids
Willow	Salix spp.
American Elm	Ulmus Americana

8. **Obscuring Wall Requirements.** Where permitted or required by this Ordinance, obscuring walls shall be subject to the following regulations.
- Required obscuring walls shall be six (6) feet in height, and shall be constructed of brick or other materials that are architecturally compatible with the materials used on the principal building and found to be suitable by the Planning Commission.
  - Masonry walls shall be erected on a concrete foundation, which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

**SECTION 5.33 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS**

All fences, walls and other protective barriers (referred to in this section as "fences") of any nature, description, located in the Township of Dundee shall conform to the following regulations:

- The erection, construction or alteration of any fence shall be approved by the Building Inspector in compliance with the provisions of this Ordinance.
- Fences in other than AG, or I Districts, unless specifically provided otherwise, shall conform to the following requirements.
  - No fence shall hereafter be erected in any required yard space in excess of six (6) feet in height above the grade of the surrounding land, with the bottom of the fence no more than 9 inches above the natural grade, unless the Township Board shall give its special approval as provided in Article XV.  
(Ord. Eff. 5/ 23/95)
  - No fence shall hereafter be located in the road right-of-way in the R 1A, R 1 B and R 1C districts except as restricted by Section 5. 12. (Ord. rn-7, eff. 6-23-92)
  - All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or

any other sharp instrument of any kind are prohibited on top of or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing utility buildings or equipment in any district or whenever deemed necessary in the interest of public safety or protection of private property.

3. Fences in the AG, or I District may be located on property or right-of-way lines of a lot provided that such fences shall be maintained in a good condition and shall not constitute an unreasonable hazard.
4. No fence shall be erected, established or maintained on any corner lot, which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level.

### **SECTION 5.34 OUTDOOR TRASH CONTAINERS**

Outdoor trash containers shall be permitted in the RM, C and I Districts provided that they comply with the following requirements.

1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
2. A solid screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six (6) feet.
3. The trash container(s), the screening wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
4. There shall be compliance with all Township, County and State health ordinances and statutes.

### **SECTION 5.35 PRIVATE SWIMMING POOLS**

All swimming pools erected in the Township of Dundee shall comply with the requirements of the Section.

1. **Application:** The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utility, plan and specifications to scale of pool walls, slope bottom, walkways, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
2. **Pool location:** Minimum side yard setback shall comply with the provisions of the respective districts as set forth in this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet as measured from the outside wall of the pool to the rear property line, or less than the established easement width at the rear property line. There shall be not less than four (4) feet between the wall of the pool and any building on the lot.

3. ***Fence:*** For the protection of the general public all swimming pools shall be completely enclosed by a wooden privacy fence, chain link, or masonry fence, capable of preventing unauthorized entrance, not less than four (4) feet height nor more than six (6) feet in height and located at least four (4) feet from the outside perimeter of the pool wall, provided, that if a building not having any means of access thereto is located on the lot, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use. (Ord. IB-7, eff. 6-23-92)
4. ***Permits:*** Upon compliance with all requirements of this Section and upon determination by the Building Inspector and the Monroe County Health Department that the proposed swimming pool will not be injurious to the general public health, safety and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.
5. ***Supervision:*** No person shall maintain an outdoor swimming pool on his premises without providing adequate supervision at all times when the pool is in use so that no person may be injured or drowned therein. (Ord. rn-7, eff. 6-23-92)

### **SECTION 5.36 STABLES**

1. ***Public Stables*** - Shall be located only in the AG, Agricultural District on lots 10 acres or larger.
  - a. Stables shall not be located closer than one hundred (100) feet to any residential dwelling in an AG or RE District.
  - b. Property used for Public Stables purposes shall be adequately fenced to prohibit trespass on neighboring lands.
  - c. Maximum density for public stables shall not exceed one (1) horse per acre.
2. ***Private Stables*** - Private stables located on non-farm single-family residences in the AG, Agricultural, and RE, Rural Estates, Districts must have a minimum of five (5) acres of land to accommodate a maximum of two (2) horses. Additional horses may be allowed provided an additional ten thousand (10,000) square feet of land is provided for each horse over and above the minimum lot size.
  - a. Stables shall not be located closer than one hundred (100) feet to any residential dwelling in an AG or RE District.
  - b. Property used for private stable purposes shall be adequately fenced to prohibit trespass on neighboring lands.
  - c. Private stables must be constructed so that the corral and pasture are behind the rear setback line of the principal building and/ or behind the rear setback line of the nearest residential uses.
  - d. Maximum density for private stables shall not exceed one (1) horse per acre.

### **SECTION 5.37 PONDS (Ord. IB-7, eff. 6-23-921)**

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 storm water 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  $\frac{1}{4}$  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 Building Inspector 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 the 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 that 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 acting 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, 8 AM to 5 PM.
- 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 requirements of the Dundee Township Mineral Extraction Ordinance.

13. The cleaning & 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 5.38 REGULATED LAND USES (Ord. 23, eff. July 25, 1996)**

1. ***State of Intent:*** It is recognized that there are some uses which because of their very nature, are recognized as having serious objectionable' operational characteristics, particularly when several of these uses are concentrated under certain circumstances which produce or result in a deleterious effect upon the use an enjoyment of adjacent areas and the surrounding neighborhood. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of property values in the surrounding neighborhood. The special regulations that are set forth in this Section are designed to prevent the concentration of such uses in any one area.
2. ***Regulated Land Uses:*** Uses which are subject to the conditions of this Section shall be referred to as regulated land uses. Such uses shall include the following facilities:
  - a. Adult bookstore
  - b. Adult cabaret
  - c. Adult motion picture theater
  - d. Adult motel
  - e. Adult personal service business
  - f. Any use similar to the above listed uses
3. ***Locational Requirements:*** Regulated land uses shall be permitted by special approval in the C, Commercial District and the I, Industrial District subject to the following locational requirements.
  - a. No regulated land use shall be established within one thousand (I, 000) feet of any residential dwelling which is zoned AG, Agricultural District or RE, Rural Estate District. The required separation distance shall be measured from the nearest point along the property line of the regulated use to the nearest point of the protected residential dwelling.
  - b. No regulated land use shall be established within one thousand ( I ,000) feet of any property which is zoned R IA, R IB, R I C, Single Family Residential District or RM, Multiple Family District. The required separation distance shall be measured from the property line of the regulated use to the protected zoning district boundary, using the closest points along the property line and the zoning district boundary involved.
  - c. No regulated land use shall be established within one thousand (1,000) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
  - d. No regulated land use shall be established within five hundred (500) feet of another regulated land use nor within five hundred (500) feet of an establishment licensed by the

Michigan Liquor Control Commission. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved. This section shall not be construed as to prohibit a regulated land use from obtaining and operating under a license duly granted by the Michigan Liquor Control Commission.

- e. No more than one (1) regulated land use shall be permitted in a single structure.
  - f. The Planning Commission shall apply the above listed separation requirements to uses located in adjacent communities as well as those located in Dundee Township.
4. ***Application Procedure:*** Because regulated land uses possess unique characteristics and because minors are excluded from such facilities by virtue of age, these facilities shall be permitted only upon approval of the Township Board subject to the procedures specified in ***Article XV, Standards for Special Approval Uses.***
5. ***Approval Criteria:*** No regulated land use shall be approved by the Township unless all the following criteria are fulfilled:
- a. The establishment, location, maintenance, and operation of the regulated land use will not be detrimental to or endanger the public, health, safety, morals, comfort or general welfare; and
  - b. The regulated land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted nor substantially diminish or impair property values within the neighborhood; and
  - c. The establishment of the regulated land use will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the zoning district; and
  - d. The regulated land use will not be conducted in any manner that permits the observation of any material depicting or describing specified sexual activities and specified anatomical areas from any public right-of-way or from any other property. This provision shall apply to any display, decoration, sign, show window, or other opening; and
  - e. The regulated land use will conform to all other requirements of the zoning district.
  - f. Prior to granting approval to any regulated land use, the Township Board may impose additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated land use as it deems necessary for the protection of the public interest and to secure compliance with the standards specified above. The Township Board may require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being and will be fulfilled.
6. ***Appeal Procedure:*** The Board of Appeals may reduce any of the foregoing spacing requirements if it finds that the following conditions exist:
- a. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing requirement will still be required.



- b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, or disrupting neighborhood development.
  - c. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of neighborhood renewal.
  - d. Where all other applicable regulations within the Zoning Ordinance or other pertinent general law ordinances will be observed.
7. **Resubmittal Procedure:** No application land use which has been denied wholly or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of denial, except upon the ground that new evidence or proof of changed conditions are found to be valid, as determined by the Township Board.

**SECTION 5.39 WIRELESS TELECOMMUNICATION FACILITIES AND WIRELESS TELE COMMUNICATION ANTENNAE (Ord. 9-98)**

All wireless telecommunication facilities and wireless telecommunication antenna shall be subject to the requirements of this section, as well as any other applicable provisions of this Ordinance.

1. **Zoning District Requirements:** Wireless telecommunication Facilities and wireless telecommunication Antenna shall be permitted as follows:

Zoning Districts	Type of Wireless Telecommunication Facility or Antenna			
	Wireless telecommunication facility	Wireless Telecommunication antenna mounted on an alternative tower structure	Co-location of wireless telecommunication antenna(s)	Replacement of an existing wireless telecommunication tower
<b>Agricultural District</b>	Permitted subject to special use and approval and site plan approval	Permitted subject to special use approval and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
<b>Single Family Residential Districts</b>	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
<b>Rural Estate Residential District</b>	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
<b>Multiple Family Residential District</b>	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required
<b>Commercial District</b>	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required

<b>Zoning Districts</b>	<b>Type of Wireless Telecommunication Facility or Antenna</b>			
	<b>Wireless telecommunica- tion facility</b>	<b>Wireless Telecommunica- tion antenna mounted on an alternative tower structure</b>	<b>Co-location of wireless telecom- munication antenna(s)</b>	<b>Replacement of an existing wireless telecommunication tower</b>
<b>Industrial District</b>	Permitted subject to special use and site plan approval	Permitted subject to special use and site plan approval	Permitted as an accessory use; requires a building permit	Permitted subject to site plan review; special use approval may be required

2. ***Compliance with Federal Regulations:***

- a. All telecommunication towers shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) or any other federal or state agency with authority to regulate telecommunication towers and / or antennas.
- b. In the event of a change in federal or state regulation, the owner of the telecommunication tower and / or antenna shall bring its facility into compliance with the revised regulations within 6 months of the effective date of such regulations, unless a different compliance schedule is mandated by the state or federal agency.

3. ***Compliance with Building Codes:*** All wireless telecommunication facilities and towers shall be constructed in compliance with the applicable building codes, including Electronic Industries Association / Telecommunication Industry (EIA/ TIA) standards for the construction of antenna towers and antenna support structures.

4. ***General Site Location Requirements:***

- a. ***Parcel or lot area requirements:*** A wireless telecommunication facility may be located on a parcel or lot with other principal uses provided the lot or parcel meets one of the following criteria:

- (1) If the property is undeveloped or occupied by a nonresidential use, it must have a minimum area of 2.5 acres.

- (2) If the property is occupied by a residential use, it must have a minimum area of 20 acres.

Notwithstanding these requirements, the portion of the lot or parcel leased for the wireless telecommunication facility may be smaller than the minimum lot or parcel area.

- b. ***Setback requirements:***

- (1) In nonresidential zoning districts, wireless telecommunication towers shall be setback at least 200 feet from the front property boundary, at least 100 feet from any side property boundary, and at least 50 feet from the rear property boundary of adjoining property zoned for nonresidential use. If the adjacent property is zoned for residential use, the provisions of paragraph 2 shall apply.

- (2) In residential zoning districts (including Agricultural, Single-Family, Rural Estate, and Multiple Family Residential Districts), wireless telecommunication towers shall be setback at least 200 feet from all adjoining property zoned for residential use. If the tower height exceeds 200 feet, the setback distance shall be increased 1-foot for each additional 1-foot of height over 200 feet.
  - (3) Other structures associated with the wireless telecommunication facility (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the facility is located.
  - (4) The setback requirements of this section are minimums. The Planning Commission may require additional setback distance as part of a conditional land use approval or for towers located within 1000 feet of property zoned for residential use.
- b. **Co-location requirements:** Wireless telecommunication towers shall be designed to permit co-location by at least two additional entities proposed locations for wireless telecommunication facilities and shall be adequately sized and configured to allow the placement of at least two additional telecommunication equipment shelters.
  - c. **Tower design:** Wireless telecommunication towers shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission) unless the applicant can demonstrate that such structure cannot accommodate the user or obtrusiveness, except as otherwise required by a state or federal agency.
  - d. **Signs:** Wireless telecommunication towers shall not be used for advertising purposes nor shall such tower display any signs other than one sign, not to exceed two square feet, which defines the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
  - e. **Fencing:** Wireless telecommunication facilities shall be enclosed by a security fence not less than 6 feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
  - f. **Screening:** Wireless telecommunication facilities shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation or topography provide an effective natural screen or where the security requirements of the principal use prevent screening (utility substations), the Planning Commission may modify this requirement.
  - g. **Lighting:** Wireless telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative approved by the Planning Commission shall cause the least disturbance possible.
  - a. **Equipment shelter design:** The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.

- h. J. **Off-street parking:** Wireless telecommunication facilities shall provide 1 off-street parking space to accommodate maintenance vehicles. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.
- 5. **Permitted Additional Antenna:** Wireless telecommunication antenna shall be considered a permitted accessory use when placed on or attached to any existing wireless telecommunication structure which constitutes a principal use, provided that all other applicable ordinance requirements are complied with. The initial wireless telecommunication antenna placed on an alternative tower shall be subject to special land use and site plan approval in the .AG, R1A, R1 B, R1 C, RE and RM Districts and subject to site plan approval in the C and I Districts. Subsequent antennas on alternative tower structures shall be considered permitted accessory uses in all districts.
- 6. **Permitted Tower Placement:** An existing wireless telecommunication tower may be replaced for the purposes of accommodating the co-location of additional wireless telecommunication antenna subject to the following review and approval process:
  - a. Tower replacements which result in the addition of 50 or fewer feet of additional tower height shall require site plan review and approval by the Planning Commission.
  - b. Tower replacements which result in the addition of more than 50 feet. in height shall require conditional land use review and approval by the Planning Commission.
  - c. Tower replacements which require the installation of tower lights shall require conditional land use review and approval by the Planning Commission.
- 7. **Application Requirements:** In addition to the applicable requirements Article XV, Standards for Special Approval Use, and Article XVI, Site Plan Review, the following information shall be provided in support of an application to construction of a wireless telecommunication facility:
  - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.
  - b. A report which addresses the review criteria contained in subsection 8, below. This report shall include a map depicting the existing and know proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Dundee Township as well as within the proposed service area radius. Known proposed locations shall include, at minimum, pending telecommunication facility applications in adjacent communities, approved telecommunication facility applications in adjacent communities which have not yet been constructed, and sites which are a part of the applicant's long-term network development plan.
  - c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
  - d. A statement which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-

locating entity and reasonable compensation is paid by the co-locating entity.

- e. The Planning Commission may require a visual impact assessment to determine the visual impact of the wireless telecommunication facility on scenic views.
8. **Review Criteria:** A wireless telecommunication facility shall not be approved unless it can be demonstrated by the applicant that there is a need for the facility which cannot be met by placing wireless telecommunication antenna on an existing tower or other suitable structure, or replacement of an existing tower:
- a. No existing towers or alternative tower structures have the structural capacity to support the proposed antenna nor can existing towers or alternative tower structures be reinforced to support the proposed antenna.
  - b. No existing towers or alternative tower structures are located within the geographic area which meets the systems engineering requirements.
  - c. The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless telecommunication facility.
  - d. The installation or use of an alternative technology is unsuitable or infeasible.
9. **Removal of Abandoned Facilities:** Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the Township to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/ or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

#### **SECTION 5.40 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT**

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the principal uses permitted by right or special approval uses listed in that district. Such determination shall be made at a public hearing, with notice given following the procedures contained in Article 15. Such public hearing shall not replace the requirement for a separate public hearing to consider a special approval use, following the procedures and requirements of Article 15, if such use is determined to be a special approval use. The applicant shall be required to submit pertinent information on the physical and operational characteristics of the proposed use and any additional information that may be requested by the Planning Commission.

- 1. **Determination of Compatibility:** In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted by right of special approval in the district. Such characteristics shall include, but are not limited to, traffic generation, parking, types of service offered, types of goods produced, methods of operation, and building characteristics.
- 2. **Conditions by Which Use May be Permitted:** If the Planning Commission determines that the

proposed use is compatible with permitted uses in the district, the Commission shall decide whether the proposed use is most similar to those uses permitted by right or as a special approval use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

3. ***Use Provided For in Other District:*** No use shall be permitted in a district under the terms of this Section if said use is specifically listed as a use permitted by right or as a special approval use in any other district.

#### **SECTION 5.41 PARKING OF SEMI-TRUCKS AND CONSTRUCTION EQUIPMENT ON AGRICULTURAL AND/ OR RESIDENTIAL LOTS**

The storage or parking of semi-tractor trucks and/ or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery in an agricultural or residential district is prohibited with the exception of the following:

1. In an agricultural district parking and storage of such larger vehicles for farming operations is permitted provided such vehicles are used exclusively for such agricultural use. The vehicles may be used for other offsite uses that are not associated with the agricultural uses provided while such vehicles are on the property, they shall only be used for agricultural purposes. In order to qualify for the additional use, the owner of the vehicle(s) shall petition the Planning Commission, providing a plan for use. Notice of the Planning Commission hearing shall be sent to the owners and occupants of all lots adjacent to the petitioner's lot, no more than eight (8) days prior to the hearing. The Planning Commission may grant approval to allow the additional use based upon finding that:
  - a. All vehicles are owned by the property owner of record; and,
  - b. The vehicles are parked and used in a manner that will not have an adverse impact on the aesthetic character of the surrounding area or landscaping will be provided to mitigate any aesthetic impact; and,
  - c. The location of the vehicles parking shall not be located within a required front or side yard setback. The setback must be equal to or greater than the dwelling setback.
2. In an agricultural or residential district parking of one (1) semi-tractor without a trailer is permitted on a residential lot where the operator of such semi-tractor resides within the principal dwelling on that lot. An individual may petition the Planning Commission to allow a second semi-tractor on the lot. The petitioner shall provide a sketch plan or survey of the property illustrating the location(s) where the semi-tractors will be parked. Notice of the Planning Commission hearing shall be sent to the owners and occupants of all lots adjacent to the petitioner's lot no more than eight (8) days prior to the hearing. The Planning Commission may grant approval to allow a second semi-tractor on the lot based upon a finding that:
  - a. Both semi-tractor operators reside within the principal dwelling on that lot; and,
  - b. The semi-tractors are parked in a location that will not have an adverse impact on the aesthetic character of the surrounding area or landscaping will be provided to mitigate any aesthetic impact; and

- c. The location of the semi-tractor parking shall not be located within a required front or side yard setback. The setback must be equal to or greater than the dwelling setback.
3. Construction vehicles may be parked while in use for approved construction on the property only while a current building permit is in effect or during other site landscaping or utility work not subject to a building permit. Such vehicles shall only be. Parked on the property while in use for a construction project that is being diligently earned on toward completion.

#### **SECTION 5.42 GARAGE SALES**

Garage sales, yard sales, barn sales or similar activities shall be permitted as an accessory use on a residential lot, provided the total time of all garage sales shall not exceed eight (8) days within a calendar year.

#### **SECTION 5.43 OUTDOOR WOOD STOVES AND FURNACES (Ord. No. 09-10-02 Eff. 07/12/10)**

The Building Inspector may issue a permit for a wood stove or furnace located outside the principal building only under the following conditions:

1. The stove/furnace shall be for the purpose of heating a dwelling and/or accessory structure(s) on the same lot.
2. The stove/furnace unit shall be forty (40) feet from any other structure on the lot.
3. The stove/furnace unit shall be located a minimum of one hundred (100) feet from all property lines.
4. The unit may only be located in a rear or side yard and shall not be located in the front yard.
5. An area at least thirty (30) feet in diameter around the unit shall be free of ignitable vegetation and debris.
6. The outdoor stove/furnace shall utilize a chimney with a minimum height of fifteen (15) feet.
7. Trash, garbage, plastics, gasoline, rubber, naphtha, materials treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, cardboard and materials that could pose a hazard to surrounding residents shall not be used for fuel.
8. The unit shall not be located where smoke will create a nuisance to neighboring properties.
9. The unit shall be certified by the Environmental Protection Agency (EPA).

#### **SECTION 5.44 SOLAR ENERGY SYSTEMS (Effective 11-26-2024)**

1. **Purpose.** It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

2. **Building-Mounted Solar Energy Collector Requirements.** A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:
- a. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
  - b. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof, and weight of snow and/or ice which they collect. Proof thereof, in the form of certification by a professional engineer shall be submitted to the Township Building Official prior to installation; such certification shall be subject to the Building Official's approval.
  - c. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
  - d. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
  - e. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
  - f. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
  - g. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
  - h. Solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code, and other applicable Township construction codes.
3. **Ground-Mounted Solar Energy Collector Requirements.**
- a. **Small Accessory Use Energy Collectors.** A single, ground-mounted solar energy collector that generates up to but does not exceed the manufacturer's rating of one hundred (100) Kilowatts (KW) to primarily meet the needs of on-site users may be permitted as an accessory use in all zoning districts, and subject to the following requirements:
    - (1) Single ground-mounted solar energy collectors may be located in the rear yard and the side yard but must meet the required side and rear yard setbacks of the district in which they are located.



- (2) Ground-mounted solar energy collectors shall not exceed fifteen (15) feet in height at maximum tilt, measured from the ground at the base of such equipment.
- (3) Ground-mounted solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township and shall be subject to the Building Official's approval.
- (4) Ground-mounted solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the building permit application.
- (5) The exterior surfaces of ground-mounted solar energy collectors shall be neutral in color and substantially non-reflective of light.
- (6) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable Township construction codes.

b. **Large Accessory Use Solar Energy Collectors.** Ground-mounted solar energy collectors that generate up to but do not exceed the manufacturer's rating of two (2) megawatts (MW) and occupy ten (10) acres or less and used primarily to meet the needs of on-site users may be permitted as an accessory use with special approval in agriculture, commercial, and industrial districts only. Subject to the following requirements:

- (1) Solar energy collectors must meet required setbacks for the district they are located in.
- (2) Ground-mounted solar energy collectors shall not exceed fifteen (15) feet in height at maximum tilt, measured from the ground at the base of such equipment.
- (3) Ground-mounted solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township and shall be subject to the Building Official's approval.
- (4) Ground-mounted solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the building permit application.
- (5) The exterior surfaces of ground-mounted solar energy collectors shall be neutral in color and substantially non-reflective of light.
- (6) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable Township construction codes.

4. **Commercial Solar Energy Systems.** Commercial Solar Energy Systems shall be a Special Approval Use in the Industrial zoning district only. The following requirements shall apply to all Commercial Solar Energy Systems:

- a. **Purpose and Intent:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Commercial Solar Energy Systems.

- b. **Site Plan Drawing and Supporting Materials:** All applications for a Commercial Solar Energy System use must be accompanied by detailed site plans, drawing 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 XVI herein.
  - (2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the entire Commercial Solar Energy System.
  - (3) Names of owners of each lot or parcel that is proposed to be within the Commercial Solar Energy System.
  - (4) Vicinity map showing the location of all surrounding land uses.
  - (5) Detailed map of all surface water drainage ways.
  - (6) 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 the Commercial Solar Energy System.
  - (7) 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.
  - (8) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Commercial Solar Energy System and within one hundred (100) feet of all property lines of the Commercial Solar Energy System.
  - (9) Proposed setbacks from the solar array(s) to all existing and proposed structures within the Commercial Solar Energy System.
  - (10) 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 at a minimum of one (1)-foot contours.
  - (11) Detailed maps of all existing drain tile including outlet locations and diameter of tile, material, type, spacing, depths, and condition. Due to the fact that many properties in Dundee Township have subsurface drain tile which cross property lines and the negative impact on property values should water that drains through these tile be impeded, every effort should be made to locate and identify all drain tile on property within the project boundaries and on surrounding property that could be affected. Efforts should include but not be limited to asking property owners and neighboring property owners for maps and information, using robotic photo imaging equipment, ground penetrating radar, historical satellite imagery, searching ditch banks for outlets, using topographic data, consulting local farm drainage contractors, the Monroe County Drain Commission's Office, and checking which drain properties are assessed too.

- (12) A comprehensive plan on how disruption to all drainage systems (surface and subsurface) will be avoided, minimized, or mitigated, including any system that drains surrounding property.
- (13) 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 driveways shall be subject to Monroe County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose. Site grading and driveways shall not block the flow of water from adjacent parcels.
- (14) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Commercial Solar Energy System.
- (15) 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. 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 is decommissioned.
- (16) Planned lightning protection measures.
- (17) An environmental impact analysis (baseline environmental assessment, historical sites, wildlife, threatened and endangered species, fragile ecosystems or other studies or analysis deemed necessary by the Township in order to fairly determine any potential impacts of the proposed solar energy system).
- (18) Proposed construction schedule including completion date.
- (19) Proof of liability coverage including but not limited to property damage, bodily injury and environmental impairment liability and pollution insurance, naming the Township of Dundee as a certificate holder.
- (20) Additional detail(s) and information as required by the Special Approval Use requirements of the Dundee Township Zoning Ordinance, or as required by the Planning Commission.

- c. **Application Escrow Account:** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a Special Approval Use permit for a Commercial Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township, to cover all costs and expenses associated with the Special Approval Use permit review and approval process, which costs shall include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are related to the zoning review process for the application. The applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Approval Use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the

existing escrow amount deposit by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within thirty (30) days, the Special Approval Use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request.

- d. **Compliance with the Township Building Code and National Electric Safety Code:** Construction of a Commercial Solar Energy System shall comply with the National Electric Safety Code and the Township Building Code as a condition of any Special Approval Use Permit under this section. In the event of a conflict between the Township Building Code and the National Electric Safety Code (NESC), the NESC shall prevail.
- e. **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 (“ETL”), or other similar certification organization that has received Township Board approval. Solar array construction materials must be provided including a detailed list of any heavy metals with amounts of each and any other material that could be considered a contaminant or pose a health risk.
- f. **Height:** Maximum height of a Solar Array, other collection device, components or buildings of the Commercial Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet at maximum tilt (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
- g. **Lot Size:** A Commercial Solar Energy System shall be located on one (1) or more parcels with an aggregate area of ten (10) acres or greater.
- h. **Agreements and Easements:** Any property included in a commercial solar energy system which is not owned by the operator, must be included in a recorded easement, lease, memorandum of lease, or consent agreement specifying the applicable uses for the duration of the project. All agreements must be in place prior to commencing any construction.
- i. **Setbacks:** Setbacks for Commercial Solar Energy Systems are listed in the table below. The Planning Commission may, if deemed in the interest of the health, safety, and welfare, require additional setbacks as part of a Special Approval Use approval.

Front Setback	200 feet
Side Setback	100 feet
Rear Setback	100 feet
From Residential Districts or Sites Containing Residential Uses	300 feet
Setback from Residential structures	400 feet
Distance from Non-Residential structures	100 feet
Drain ditches (from top of bank)	80 feet

- j. **Lot Coverage:** A Commercial Solar Energy System is exempt from maximum lot coverage limitations.
- k. **Safety:** A fire prevention and emergency response plan shall be in place and updated annually with the Township fire department. The plan shall include the following:
  - (1) A description of all emergency response training and equipment needed to safely respond to a fire or other emergency and include an assessment of the training and equipment available to the fire department.
  - (2) A layout or map indicating all access points and routes for emergency responders to safely access all areas of the project. Consideration should be given to any access difficulties such as long continuous rows of panels which would restrict access for emergency responders. The layout shall indicate any structures or devices that may pose a particular danger to emergency responders.
  - (3) A mitigation strategy regarding specific dangers and risks for surrounding property and people during any emergency including a fire.
  - (4) Any other information needed to keep responders and citizens safe during an emergency.
  - (5) Every gate shall have a 911 box, coordinated with and to the satisfaction of the township fire department, to allow easy access during an emergency.
  - (6) All high-risk areas, such as inverters, shall be equipped with automatic fire suppression systems with automatic system shutdown. Such systems shall be regularly inspected, maintained, and verified according to current industry standards.
  - (7) The Township or any emergency service provider who serves the Township shall have the authority to order the commercial solar energy system operator to cease operations if they determine there is an emergency that may result in danger to life or property. The operator shall provide the Township with contact information for personnel who will be available at all times should such an emergency arise. Emergency contact information shall also be posted at every entrance to the facility.
- l. **Screening/Security:** A Commercial Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be secured to the ground to prevent underground access, as well as, six (6) feet in height consisting of galvanized mesh wire with wood posts (also known as deer fence or agricultural fence or some other fencing type as approved by the Planning Commission during the site plan review process. Failure to install or continuously maintain the required perimeter fencing shall constitute a violation of this Ordinance and any Special Approval Use permit may be subject to revocation. Electric fencing is not permitted.
- m. **Landscaping:** The perimeter of Commercial Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Commercial Solar Energy System, subject to the following requirements:
  - (1) The evergreen or native vegetative buffer shall be outside the security fence, at least

20 feet wide and be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty percent (60%) dead or greater) and dead material shall be replaced by the applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

- (2) Care should be taken to not plant or allow trees to grow in a manner that would negatively impact the drain system. This shall be verified demonstrating existing drainage systems on the site plan and landscape plan.
  - (3) All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
  - (4) The perimeter vegetation species selection and management should be done in a manner to prevent brush fires from spreading into the project area.
  - (5) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Approval Use permit may be subject to revocation.
  - (6) The Planning Commission may reduce or waive screening/landscaping requirements provided that any adjustment is in keeping with the intent of the Ordinance.
- n. **Ground Cover:** Ground cover vegetation shall be installed and maintained for the duration of the operation until the site is decommissioned. The applicant shall include a Ground Cover Vegetation Establishment and Management Plan as part of the site plan. Control of invasive plant species and noxious weeds must be included in the Ground Cover Vegetation Establishment and Management Plan. Species selection and management should be done in a manner to prevent fires.
- o. **Signage:** No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the Commercial Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information or warnings that may be required by Township or authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- p. **Noise:** No component of any Commercial Solar Energy System shall emit noise exceeding fifty (50) DbA Lmax as measured at the exterior property boundary or the existing ROW line. A sound barrier of a solid masonry wall or evergreen tree berm shall be constructed surrounding all inverters, no more than 20 feet from the inverter and no less than the height of the inverter.

- q. **Glare:** Solar panels shall be placed such that solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected and adjacent properties shall be protected from unreasonable glare. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- r. **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 in accordance with Section 5.31.
- s. **Complaint Resolution:** The applicant shall submit a detailed written complaint resolution process that will be followed to resolve complaints from the Township Board or the property owners, neighboring property owners or tenants, and residents.
- t. **Drain Tiles:** Drain tiles on the site shall be protected during the life of the project and are subject to professional review. If non-functioning drain tiles are discovered, they must be repaired and made functional in a timely manner. Any drain tiles rendered non-functioning or impeded will be replaced or repaired so as not to create any drainage issues on the Commercial Solar Energy System site or on adjacent and surrounding properties. Every effort should be made to minimize any negative impact to surrounding property, including impacts to crop production. All costs for said work will be paid for by the commercial solar energy system owner. The Township shall be notified as soon as an issue is identified and reserves the right to have an agent present at the time of repair. A report shall be submitted to the landowner and Township indicating the location, nature, and completion of repairs.
- u. **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, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- v. **Performance Guarantee:** A performance guarantee shall be posted in the form of a bond, or cash escrow in a form acceptable to the Township to ensure removal upon abandonment, as well as to cover reclamation and code enforcement cost. Any performance guarantee shall be posted and maintained with a bonding company licensed in the state of Michigan or a federal or state of Michigan chartered lending institution acceptable to the Township. The performance guarantee shall be issued by a third party and paid by the operator. As a part of the Decommissioning Plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, structures, and all materials above and below grade associated with the facility and full reclamation of the site including all work necessary to ensure the absence of any contamination, including contamination which may have moved off site. These amounts will assist the Township when setting the performance guarantee valid throughout the lifetime of the facility. The Decommissioning Plan and financial guarantees should be reviewed every three (3) years to ensure the cost estimates and bond/cash amounts will continue to cover the decommissioning and code enforcement costs of the project. The Township shall set the bond equal to at least 125 percent of the

total decommissioning, reclamation, and code enforcement cost estimated by the Township. If the financial guarantee is deemed insufficient following review, the applicant shall provide an updated guarantee within 30 days' notice from the Township.

Any performance guarantee shall be good for the life of the project and not cancellable. The performance guarantee, in its entirety, is required to be maintained until the project is completely decommissioned and all property has been reclaimed to the satisfaction of the Township. In the event of any transfer of ownership or management, the originating party shall not be released until the subsequent party has satisfactorily provided the required guarantees and the Township Board has given consent. The authority to discharge the performance guarantee shall be held solely by the Township Board, in any circumstance. Any release must be from the Township Board in writing. The Township has the right to increase the bond or demand additional financial security on a case-by-case basis.

In the event any required performance guarantee is not kept current, the Township may take any action permitted by law, including revoking the special approval, ordering the cessation of operation, and requiring the removal and reclamation of the site.

- w. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant or their successor shall perform decommissioning and removal of the solar energy system and all its components. Any solar energy system and/or devices that are not operated for a continuous period of twelve (12) months or can reasonably be considered no longer useful for their original purpose shall be considered abandoned and shall be removed under the Decommissioning Plan. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Approval Use permit. The Decommissioning Plan must contain the following:
- (1) Removal of all structures, concrete, piping, facilities, and all other project related materials above grade and below grade off-site for disposal.
  - (2) Following the full removal of materials but before moving any soil, an Environmental Remediation Company, not affiliated with the operator and acceptable to the Township, shall verify that the site is environmentally sound, including areas off site which may have been harmed by activities of the solar array system. The Environmental Remediation Company shall submit their comprehensive written report directly to the Township clerk.
  - (3) The property must be restored to its original topography Following reclamation work, the topography should be verified, and a report submitted to the Township.
  - (4) Drain tile must be in working order to the satisfaction of the Township Building Official, including tile that drain surrounding property. Any drain tile failure shall be reported to the Township and corrected. Installation of a new complete subsurface drainage system may be deemed necessary. The Township reserves the right to have an agent present at the time of repair or replacement. A report shall be submitted to the landowner and Township indicating the location, nature, and completion of work.
  - (5) The Decommissioning Plan must name the entity or person responsible for decommissioning and reclamation of the site.



- (6) The property owner may be exempted from removing certain items such as but not limited to an entrance or roadway or vegetative buffers, only if the Township grants written permission.
- (7) All decommissioning, removal, and reclamation work shall be completed within three hundred sixty-five (365) days of abandonment or decommissioning.
- x. **General Standards:** The Planning Commission shall not approve any Commercial Solar Energy System Special Approval Use Permit unless it finds that all of the general standards for Special Approval Uses contained in Section 15.3 of this Ordinance are met.
- y. **Approval Time Limit and Extension:** Special Approval Use and site plan approvals or permits shall be valid for one (1) year but, if requested by the applicant prior to that expiration date, may be extended for an additional one (1) year period if approved by the Planning Commission.
- z. **Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved site plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.
- aa. **Maintenance and Repair:** Each Commercial Solar Energy System must be kept and maintained in good repair and condition at all times. The applicant/operator shall take every action necessary to prevent any contamination, including from heavy metals. Said actions shall include regular inspections of all project components for any conditions which could cause contamination. If such conditions are found, the applicant/operator shall take prompt action to eliminate the risk, including removing faulty devices from the site. Furthermore, if any contamination has occurred the operator shall take immediate action to stop further contamination and remove/reclaim all contaminants from the site. The Township clerk shall be notified in writing within seven (7) days of discovery of any contamination. Said notification shall include the precise location, the type and amounts of material causing the contamination, and a detailed description of actions taken to reclaim the contaminants. The applicant shall keep maintenance and inspection logs on the solar array(s), which shall be available for the Township's review within 48 hours of such request. All maintenance activity shall be logged with detail and include specific locations for each activity. The applicant shall keep all sites within the Commercial Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions, and noxious weeds.
- bb. **Inspection:** The Township shall have the right at any reasonable time, to provide twenty-four (24) hour notice to the applicant to inspect the premises on which any Commercial Solar Energy System is located. The Township may hire one (1) or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the Commercial Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines. If the Township Building

Official determines that a Commercial Solar Energy System fails to meet the requirements of this Ordinance and the Special Approval Use permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the issues are not corrected or a plan to do so approved by the Building Official, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the issues require that the Commercial Solar Energy System must be shut down, the applicant shall immediately shut down the Commercial Solar Energy System and not operate, start or restart the Commercial Solar Energy System until the issues have been resolved.

- cc. **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 Monroe County Road Commission 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. The applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- dd. **Continuing Obligations:** Failure to keep any required financial security 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 Approval 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 any enforcement action, civil action, request for injunctive relief, and revocation of the Special Approval Use permit.

All conditions and obligations must be continuous through any transfer of ownership or management. Any transfer requires notification in writing to the township clerk within thirty (30) days. Said notification shall identify responsible party for maintenance, repairs, decommissioning, and reviewing/maintaining the performance guarantee.

The Township Clerk shall be notified in writing of the transfer of ownership of any property in the Commercial solar energy system.

- ee. **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.

## **SECTION 5.45 WIND ENERGY CONVERSION SYSTEMS (WECS) (Effective 11-26-2024)**

1. **Purpose.** It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS. It shall be unlawful to construct, erect, install, alter, or locate any WECS within the Township except in compliance with this Section.
2. **Small Accessory Use WECS.** A single WECS that does not exceed forty (40) feet in height and is intended to meet the needs of on-site users may be permitted in all zoning districts, and subject to the following requirements:
  - a. **Lot size:** No WECS shall be allowed on lots less than five (5) acres.

- b. **Location.** WECS must be in the rear yard only.
  - c. **Setbacks.** Setbacks from all property lines shall be no less than one and one-half (1.5) times the total height of the WECS.
  - d. **Minimum ground clearance.** Blade clearance above the ground shall be no less than fifteen (15) feet.
  - e. **Noise.** No component of any WECS shall emit noise exceeding forty (40) dBA Lmax as measured at the exterior property boundary or the existing road right-of-way line.
  - f. WECS shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township and shall be subject to the Building Official's approval.
  - g. An on-site WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
  - h. Installation and use thereof, shall comply with the Building Code, the electrical code and other applicable construction codes.
3. **Large Accessory Use WECS.** WECS that do not exceed one hundred and thirty (130) feet in height and are intended to meet the needs of on-site users may be permitted with Special Approval in the AG-1, Agricultural District, AG-2, Agricultural District, C, Commercial District, I, Industrial District, and PID, Planned Industrial District in accordance with the standards for Special Approval use contained in Article XV herein. The following standards and requirements shall apply to large accessory use WECS:
- a. **Lot size.** The minimum lot area shall be ten (10) acres.
  - b. **Limitations.** One (1) large accessory use WECS shall be allowed per property.
  - c. **Setbacks.** Setbacks for large accessory use WECS are listed in the table below. The Planning Commission may, if deemed in the interest of health, safety, and welfare, require additional setbacks as part of a special land use approval.

Front Setback	4 times the total height and at least 200 feet
Side Setback	4 times the total height and at least 200 feet
Rear Setback	4 times total height of WECS
From Residential Districts or sites containing Residential Uses	4 times the total height and at least 200 feet
Setback from Residential structures	2.5 times the total height
From roads or public right of ways	2.5 times the total height

- d. **Site Grading / Driveways.** All access driveways shall be subject to the Monroe County Road Commission approval. Site grading and driveways shall not block the flow of water from adjacent parcels.

- e. **Height.** The height of an on-site WECS shall be one hundred thirty (130) feet maximum. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point.
- f. **Noise.** No component of any WECS shall emit noise exceeding forty (40) dBA Lmax as measured at the exterior property boundary or the existing road right-of-way line.
- g. **Shadow Flicker.** 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 over the course of a year and identify total hours per year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. In no circumstance shall any WECS be allowed to cause shadow flicker on any occupied structure for more than thirty (30) hours per year. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
- h. **Construction Codes, Towers, and Interconnections Standards.**
  - (1) Every WECS shall comply with all applicable state construction codes and local building permit requirements.
  - (2) Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structure Act (PA 259 of 1959), and any other applicable state or federal laws or regulations.
  - (3) All WECS that are tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
- i. **Safety.**
  - (1) **Design Safety Certification.** 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.
  - (2) **Controls and Brakes.** Every WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the design limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.
  - (3) **Lightning Protection.** Every WECS shall have lightning protection.
  - (4) **Guy Wires.** If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.

- (5) **Grade Clearance.** The minimum vertical blade tip clearance from grade shall be twenty-five (25) feet from any WECS employing a horizontal axis rotor.
- (6) **Interference.** Every WECS shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
- (7) **Color.** Towers and blades shall be painted a non-reflective neutral color. One blade shall be painted black, as specified in the application and approved by the Township Board or as otherwise required by law.
- (8) **Climb Prevention.** Every WECS must be protected by anti-climbing devices such as:
  - i. A perimeter chain-link fence to restrict unauthorized access. Such fencing shall be secured to the ground to prevent underground access, as well as six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three (3) strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter; or
  - ii. Anti-climbing devices twelve (12) feet from the base of pole including anti-climb panels, anti-climb brackets, and other similar devices.
- j. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant or their successor shall perform decommissioning and removal of the wind energy system and all its components. Any wind energy system and/or devices that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review. The Decommissioning Plan must contain the following:
  - (1) Removal of all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to ten (10) feet below grade off-site for disposal.
  - (2) The property must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.
  - (3) The Decommissioning Plan must name the entity or person responsible for decommissioning of the site.
  - (4) A performance guarantee shall be posted in the form of a bond, cash, or other form acceptable to the Township to ensure removal upon abandonment. Any performance guarantee shall be posted and maintained with a bonding company licensed in the state of Michigan or a federal or state of Michigan chartered lending institution acceptable to the Township. The performance guarantee shall be issued by a third party and paid by the operator. As a part of the Decommissioning Plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee valid throughout the lifetime of the facility. The Decommissioning Plan and financial guarantees should be reviewed every three (3) years to ensure the cost estimates and bond/cash amounts will continue to cover the decommissioning of the project. If the financial guarantee is deemed insufficient

following review, the applicant shall provide an updated guarantee within 30 days' notice from the Township of the deficiency. The Township has the right to increase the bond or demand additional financial security on a case-by-case basis. The authority to discharge the performance guarantee shall be held solely by the Township Board, in any circumstance. Any release must be from the Township Board in writing. Any costs incurred by the Township during the review or enforcement of the performance guarantee shall be reimbursed by the operator.

k. **Application Required.** An application for On-Site WECS shall be submitted to the Township Planning Commission for review and recommendation and, subsequently, Township Board approval in accordance with Article XV of the Township Zoning Ordinance. The application shall include the following information:

- (1) Name, address, and contact information.
- (2) A general, written description of the proposed project as well as a legal description (property identification number) of the property on which the WECS would be located.
- (3) A plan showing a map with the physical features and land uses of the project area, both before and 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.
  - ix. Proof of the applicant's liability insurance covering the WECS.
  - x. Documentation of the manufacturer's designed sound pressure levels (decibels) for the unit to be installed).
  - xi. The applicant shall provide evidence of ownership of the land which the WECS is to be located.

4. **Commercial Use WECS.** Commercial Use WECS which do not exceed four hundred (400) feet in height may be allowed with Special Approval in the AG-1, Agricultural District, AG-2, Agricultural District, I, Industrial District, and PID, Planned Industrial District in accordance with the standards for Special Approval use contained in Article XV herein. The following requirements shall apply to all commercial use WECS:

- a. **Purpose and Intent:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of commercial use WECS.
- b. **Site Plan Drawing and Supporting Materials:** All applications for a commercial use WECS must be accompanied by detailed site plans, drawing 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 XVI herein.
- (2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the entire commercial use WECS project.
- (3) Names of owners of each lot or parcel that is proposed to be within the entire commercial use WECS project boundaries.
- (4) Disclosure of the entire project.
- (5) Vicinity map showing the location of all surrounding land uses.
- (6) A noise modeling and analysis report and site plan showing all equipment which could be a source of noise and planned noise levels at all exterior property lines and road right-of-way lines.
- (7) The applicant shall conduct an analysis of potential shadow flicker. The analysis shall be conducted by a third party acceptable to the Township and identify the locations of shadow flicker on neighboring properties that may be caused by the WECS and the expected durations of the flicker at these locations over the course of a year and identify total hours per year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. In no circumstance shall any WECS be allowed to cause shadow flicker on any property outside the project boundaries for more than 30 hours per year. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.
- (8) A third party shall perform an electromagnetic interference analysis, qualified professional acceptable to the Township. All transmission and reception signals should be included such as: telephone, television, microwave, radio, and navigational signals. The operator shall provide an acceptable mitigation plan for any signal degradation found in the analysis.
- (9) Detailed map of all surface water drainage ways.
- (10) Location and height of all proposed towers, buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures, and utilities associated with the commercial use WECS.
- (11) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed WECS, buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities on the property.
- (12) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the commercial use WECS and within one hundred (100) feet of all property lines of the commercial use WECS.
- (13) Proposed setbacks from the WECS to all existing and proposed structures within the commercial use WECS project boundaries.

- (14) Land elevations for the WECS location and the relationship to the land elevations of all existing and proposed structures within the commercial use WECS project boundaries at a minimum of one (1)-foot contours.
- (15) Detailed maps of all existing drain tile including outlet locations and diameter of tile, material, type, spacing, depths, and condition. Due to the fact that many properties in Dundee Township have subsurface drain tile which cross property lines and the negative impact on property values should water that drains through these tile be impeded, every effort should be made to locate and identify all drain tile on property within the project boundaries and on surrounding property that could be affected. Efforts should include but not be limited to asking property owners and neighboring property owners for maps and information, using robotic photo imaging equipment, ground penetrating radar, historical satellite imagery, searching ditch banks for outlets, using topographic data, consulting local farm drainage contractors, the Monroe County Drain Commission's Office, and checking which drain properties are assessed too.
- (16) A comprehensive plan on how disruption to all drainage systems (surface and subsurface) will be avoided, minimized, or mitigated, including any system that drains surrounding property.
- (17) Access driveways within and to the commercial use WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Monroe County Road Commission approval and shall be planned to minimize the use of lands for that purpose. Site grading and driveways shall not block the flow of water from adjacent parcels.
- (18) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the commercial use WECS.
- (19) A written description of the maintenance program to be used for the WECS and all other components of the project, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the commercial use WECS is decommissioned.
- (20) Planned lightning protection measures.
- (21) An environmental impact analysis (baseline environmental assessment, historical sites, wildlife, threatened and endangered species, fragile ecosystems or other studies or analysis deemed necessary by the Township Planning Commission or Board to fairly determine any potential impacts of the proposed WECS).
- (22) Proposed construction schedule including completion date.
- (23) The planned life of the project.
- (24) Proof of liability coverage including but not limited to property damage, bodily injury and environmental impairment liability and pollution insurance, naming the Township of Dundee as a certificate holder.



(25) Additional detail(s) and information as required by the Special Approval Use requirements of the Dundee Township Zoning Ordinance, or as required by the Planning Commission.

- c. **Application Escrow Account:** An escrow account shall be deposited with the Township by the applicant when the applicant applies for a Special Approval Use permit for a commercial use WECS. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township Board, to cover all costs and expenses associated with the Special Approval Use permit review and approval process, which costs shall include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are related to the zoning review process for the application. The applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Approval Use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposit by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within thirty (30) days, the Special Approval Use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township Board must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request.
- d. **Compliance with the Building Code and National Electric Safety Code:** Construction of a commercial use WECS shall comply with the National Electric Safety Code and the Building Code as a condition of any Special Approval Use Permit under this section. In the event of a conflict between the Building Code and the National Electric Safety Code (NESC), the NESC shall prevail.
- e. **Certified WECS Components:** All Components of a WECS shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Electronic Testing Laboratories (“ETL”), or other similar certification organization that has received Township Board approval. WECS construction materials must be provided including a detailed list of any material that could be considered a contaminant or pose a health risk, with amounts of each such material.
- f. **FAA compliance:** Every WECS shall comply with Federal Aviation Administration requirements, the Airport Zoning Act, the Tall Structure Act (PA 259 of 1959), and any other applicable state or federal laws or regulations.
- g. **Height:** Maximum total height of a WECS shall not exceed four hundred (400) feet. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
- h. **Clearance:** The clearance from any blade at its lowest point to the ground shall be no less than seventy-five (75) feet.
- i. **Lot Size:** A commercial use WECS shall be located on one (1) or more parcels with an aggregate area of one hundred (100) acres or greater.
- j. **Agreements and Easements:** Any property included in a commercial use WECS which is not owned by the operator, must be included in a recorded easement, lease, memorandum of lease,

or consent agreement specifying the applicable uses for the duration of the project. All agreements must be in place prior to commencing any construction.

- k. **Setbacks:** Setbacks for commercial use WECS are listed in the table below. The Planning Commission may, if deemed in the interest of the health, safety, and welfare, require additional setbacks as part of the Special Use Approval.

From properties not included in the project boundaries	The greater of 1000 feet or 4 times the total height
From roads or public right of ways	The greater of 500 feet or 2.5 times the total height
From Residential Districts or Sites Containing Residential Uses	The greater of 1000 feet or 4 times the total height
Setback from Residential structures	The greater of 1000 feet or 4 times the total height
Distance from Non-Residential structures	The greater of 1000 feet or 4 times the total height
Drain ditches (from top of bank)	80 feet

- l. **Safety:** A fire prevention and emergency response plan shall be in place and updated annually with the Township Fire Department. The plan shall include the following:
- (1) A description of all emergency response training and equipment needed to safely respond to a fire or other emergency and include an assessment of the training and equipment available to the fire department.
  - (2) A layout or map indicating all access points and routes for emergency responders to safely access all areas of the project. Consideration should be given to any access difficulties which would restrict access for emergency responders. The layout shall indicate any structures or devices that may pose a particular danger to emergency responders.
  - (3) A mitigation strategy regarding specific dangers and risks for surrounding property and people during any emergency including a fire.
  - (4) All applicable safety manuals must be provided to the Township.
  - (5) Any other information needed to keep responders and citizens safe during an emergency.
  - (6) Every gate shall have a Fire Department 911 Box or similar, coordinated with and to the satisfaction of the Township Fire Department, to allow easy access during an emergency.

All high-risk areas, such as inverters, shall be equipped with automatic fire suppression systems with automatic system shutdown. Such systems shall be regularly inspected, maintained, and verified according to current industry standards.

The Township or any emergency service provider who serves the Township shall have the authority to order the commercial use WECS operator to cease operations if they determine there is a situation that may result in danger to life or property. The operator shall provide the Township with contact information for personnel who will be available

always should such an emergency arise. Emergency contact information shall also be posted at every entrance to the facility

**m. Severe Weather Resilience:**

- (1) Every WECS shall have lightning protection.
  - (2) Every WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the design limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township Board.
  - (3) Design Safety Certification. 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 Board. 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. This certification shall include consideration of the quality of the tower and blades, the qualities of the soil and geological characteristics, and the methods of anchoring the equipment.
- n. Security:** Every commercial use WECS shall be completely enclosed by a perimeter chain-link fence to restrict unauthorized access. Such fencing shall be secured to the ground to prevent underground access, as well as six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three (3) strands of barbed wire placed above the fencing and slanting outward. Any access to climb the tower must be restricted and locked to prevent all unauthorized access. Failure to continuously maintain this requirement shall constitute a violation of this Ordinance and any Special Approval Use permit may be subject to revocation.
- o. Color.** Towers and blades shall be painted a non-reflective neutral color. One blade shall be painted black, as specified in the application and approved by the Township Board or as otherwise required by law.
- p. Lighting:** Commercial use WECS towers shall not be illuminated except to meet federal or state requirements, including FAA laws. All lighting, including beacons, shall be at the lowest intensity allowed and shielded to minimize visibility from the ground. 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 in accordance with Section 5.31.
- q. Signage:** No advertising or non-project related graphics shall be on any part of the WECS or other components of the commercial use WECS. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information or warnings that may be required by the Township or authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- r. Noise:** No component of any commercial use WECS shall emit noise exceeding forty (40) Dba Lmax as measured at the exterior property boundary or any property outside of the project boundary or the existing road right-of-way line. Noise level measurements shall be taken by a

third party qualified professional acceptable to the Township within sixty (60) days of beginning operations and annually thereafter. The said professional shall provide a comprehensive written report to the Township Clerk.

- s. **Shadow Flicker:** In no circumstance shall any WECS be allowed to cause shadow flicker on any property outside the project boundaries for more than thirty (30) hours per year. It may be necessary for the operator to provide for a third party acceptable to the Township to install shadow monitoring devices and report findings to the Township should concerns arise that the thirty (30)-hour maximum limit is being exceeded. If it is found that the thirty (30) hour per year limit is being exceeded the operator shall mitigate the problem to the satisfaction of the Township. Failure to meet this requirement shall constitute a violation of this Ordinance and any Special Approval Use permit may be subject to revocation.
- t. **Electromagnetic Interference:** Should any WECS be found to have electromagnetic interference causing signal degradation, the operator shall be responsible to mitigate the issue to the Township's satisfaction.
- u. **Complaint Resolution:** The applicant shall submit a detailed written complaint resolution process that will be followed to resolve complaints from the Township Board or the property owners, neighboring property owners or tenants, and residents.
- v. **Drain Tiles:** Drain tiles on the site shall be protected during the life of the project and are subject to professional review. If non-functioning drain tiles are discovered, they must be repaired and made functional in a timely manner. Any drain tiles rendered non-functioning or impeded will be replaced or repaired so as not to create any drainage issues on the commercial use WECS site or on adjacent and surrounding properties. Every effort should be made to minimize any negative impact to surrounding property, including impacts to crop production. All costs for said work will be paid for by the commercial use WECS owner. The Township shall be notified as soon as an issue is identified and reserves the right to have an agent present at the time of repair. It is recommended that a farm drainage contractor be employed for such work. A report shall be submitted to the landowner and Township indicating the location, nature, and completion of repairs.
- w. **Distribution, Transmission, and Interconnection:** All collection lines and interconnections from the WECS to any electrical substations shall be located and maintained underground inside the commercial use WECS, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system. All lines should be designed and installed in a manner that minimizes any negative impacts to the existing land use.
- x. **Performance Guarantee:** A performance guarantee shall be posted in the form of a bond, or cash escrow in a form acceptable to the Township to ensure removal upon abandonment, as well as to cover reclamation and code enforcement cost. Any performance guarantee shall be posted and maintained with a bonding company licensed in the state of Michigan or a federal or state of Michigan chartered lending institution acceptable to the Township. The performance guarantee shall be issued by a third party and paid by the operator. As a part of the Decommissioning Plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, structures, and all materials above and below grade associated with the facility and full reclamation of the site including all work necessary to ensure the absence of any contamination, including

contamination which may have moved off site. These amounts will assist the Township when setting the performance guarantee valid throughout the lifetime of the facility. The Decommissioning Plan and financial guarantees should be reviewed every three (3) years to ensure the cost estimates and bond/cash amounts will continue to cover the decommissioning and code enforcement costs of the project. The Township shall set the bond equal to at least 125 percent of the total decommissioning, reclamation, and code enforcement cost estimated by the Township. If the financial guarantee is deemed insufficient following review, the applicant shall provide an updated guarantee within 30 days' notice from the Township. Any costs incurred by the Township during the review or enforcement of the performance guarantee shall be reimbursed by the operator.

Any performance guarantee shall be good for the life of the project and not cancellable. The performance guarantee, in its entirety, is required to be maintained until the project is completely decommissioned and all property has been reclaimed to the satisfaction of the Township. In the event of any transfer of ownership or management, the originating party shall not be released until the subsequent party has satisfactorily provided the required guarantees and the Township Board has given consent. The authority to discharge the performance guarantee shall be held solely by the Township Board, in any circumstance. Any release must be from the Township Board in writing. The Township has the right to increase the bond or demand additional financial security on a case-by-case basis. In the event any required performance guarantee is not kept current, the Township may take any action permitted by law, including revoking the special approval, ordering the cessation of operation, and requiring the removal and reclamation of the site.

- y. **Abandonment and Decommissioning:** Following the operational life of the project, the applicant or their successor shall perform decommissioning and removal of the WECS and all its components. Any WECS and/or devices that are not operated for a continuous period of twelve (12) months or can be considered no longer useful for their original purpose shall be considered abandoned and shall be removed under the Decommissioning Plan. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Approval Use permit. The Decommissioning Plan must contain the following:
- (1) Removal of all structures, concrete, piping, facilities, and all other project related materials above grade and below grade off-site for disposal. Should the operator wish to not remove the main tower concrete pier support further than 10 feet below grade, the Township may waive the requirement after being provided in writing an acknowledgement of the property owners approval. Furthermore, the material left must be documented and recorded on a certified survey and recorded with the Monroe County Register of Deeds. Any waiver shall only be for the main pier deeper than 10 feet below the original grade and must be in writing from the Township.
  - (2) Following the full removal of materials, a third party acceptable to the Township shall verify that the site is environmentally sound, including areas off site which may have been harmed by activities of the WECS. A detailed written report shall be submitted by the third party to the Township Clerk.
  - (3) The property must be restored to its original topography Following reclamation work, the topography should be verified, and a report submitted to the Township.

- (4) Drain tile must be in working order to the satisfaction of the Township Building Official, including tile that drain surrounding property. Any drain tile failure shall be reported to the Township and corrected. Installation of a new complete subsurface drainage system may be deemed necessary. The Township reserves the right to have an agent present at the time of repair or replacement. It is recommended that a farm drainage contractor be employed for such work. A report shall be submitted to the landowner and Township indicating the location, nature, and completion of work.
- (5) The Decommissioning Plan must name the entity or person responsible for decommissioning and reclamation of the site.
- (6) The property owner may be exempted from removing certain items such as but not limited to an entrance or roadway or vegetative buffers, only if the Township grants written permission. The intension of any such exemption shall be only if there is a clear non-monetary benefit to the community or current and subsequent property owners.
- (7) All decommissioning, removal, and reclamation work shall be completed within three hundred sixty-five (365) days of abandonment or decommissioning.
- z. **General Standards:** The Township Board shall not approve any commercial use WECS Special Approval Use Permit unless it finds that all the general standards for Special Approval Uses contained in Section 15.3 of this Ordinance are met.
- aa. **Approval Time Limit and Extension:** Special Approval Use and site plan approvals or permits shall be valid for one (1) year but, if requested by the applicant prior to that expiration date, may be extended for an additional one (1) year period if approved by the Township Board.
- bb. **Conditions and Modifications:** Any conditions and modifications approved by the Township Board shall be recorded in the meeting minutes. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved site plan shall be signed and dated by the Township Supervisor and an authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.
- cc. **Maintenance and Repair:** Each commercial use WECS must be always kept and maintained in good repair and condition. The applicant/operator shall take every action necessary to prevent any contamination, including from heavy metals, fluids, or lubricants. Said actions shall include regular inspections of all project components for any conditions which could cause contamination. If such conditions are found, the applicant/operator shall take prompt action to eliminate the risk, including removing faulty devices from the site. Furthermore, if any contamination has occurred the operator shall take immediate action to stop further contamination and remove/reclaim all contaminants from the site. The Township clerk shall be notified in writing within seven (7) days of discovery of any contamination. Said notification shall include the precise location, the type and amounts of material causing the contamination, and a detailed description of actions taken to reclaim the contaminants. The applicant shall keep maintenance and inspection logs on the WECS, which shall be available for the Township's review within forty-eight (48) hours of such request. All maintenance activity shall be logged with detail and include specific locations for each activity. The applicant shall keep

all sites within the commercial use WECS neat, clean, and free of refuse, waste or unsightly, hazardous, or unsanitary conditions, and noxious weeds. All used parts, components, and products shall be moved off site for disposal in a timely manner.

- dd. **Inspection:** The Township shall have the right at any reasonable time, to provide twenty-four (24) hour notice to the applicant to inspect the premises on which any commercial use WECS is located. The Township may hire one (1) or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the commercial use WECS Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines. If the Township Building Official determines that a commercial use WECS fails to meet the requirements of this Ordinance and the Special Approval Use permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the issues are not corrected or a plan to do so approved by the Building Official, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the issues require that the commercial use WECS must be shut down, the applicant shall immediately shut down the commercial use WECS and not operate, start, or restart the WECS until the issues have been resolved.
- ee. **Roads:** Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a commercial use WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to Monroe County Road Commission 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. The applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- ff. **Continuing Obligations:** Failure to keep any required financial security in full force and effect at all times while a commercial use WECS exists or is in place shall constitute a material and significant violation of the Special Approval Use permit and this Ordinance, and will subject the commercial use WECS applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Approval Use permit.
- All conditions and obligations must be continuous through any transfer of ownership or management. Any transfer requires notification in writing to the Township clerk within thirty (30) days. Said notification shall identify responsible party for maintenance, repairs, decommissioning, and reviewing/maintaining the performance guarantee.
- The Township Clerk shall be notified in writing of the transfer of ownership of any property in the commercial use WECS project boundaries.
- gg. **Other Requirements:** Each commercial use WECS shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.
- hh. If at any time the commercial use WECS is found to be in violation of this ordinance, the operator or owner shall reimburse the Township for investigation and enforcement costs and shall take immediate action to come into compliance.