

ARTICLE 9
ESTABLISHMENT OF DISTRICTS

ZO-9.00.00 TYPES OF DISTRICTS

The unincorporated area of the Township of Bridgehampton Sanilac County, Michigan, is hereby divided into five (5) districts designated:

A-R	Agricultural	ZO-9.03.00
R	Residential	ZO-9.04.00
MHS	Manufactured Home Subdivision/Land Leased	ZO-9.05.00
C	Community	ZO-9.06.00
I	Commercial	ZO-9.07.00
	Industrial	

ZO-9.01.00 MAPS

The boundaries of districts or zones are shown upon the Official Zoning Map (located in the Township office) and maps attached hereto and designated as zoning maps. Zoning maps and all notations, references and other information appearing thereon are hereby declared to be a part of this ordinance and of the same force and effect as if the Districts were fully set forth by metes and bounds description.

ZO-9.02.00 BOUNDARIES OF ZONED DISTRICTS

For determination of the boundaries of districts shown on the zoning maps, the following rules shall apply:

- A) Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley centerlines shall be construed to be the boundaries.
- B) Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- C) The Board of Appeals shall, upon application or upon its own motion determine the location of boundaries in cases where uncertainty exists.

ZO-9.03.00 AGRICULTURAL DISTRICTS (A)

The following shall apply to all agricultural districts:

9.03.01 Use Types

- A) Permitted Uses (amd Ord 12-1)
 - 1) Farms, farm buildings and farm structures
 - 2) Mobile homes, subject to the provisions of this Ordinance.
 - 3) Municipal and public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity, subject to the area, yard, height and parking regulations of this Ordinance.
 - 4) Buildings for the processing and storage of agricultural products.
 - 5) Parks and grounds for outdoor recreation.
 - 6) Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
 - 7) One-family and two-family dwellings.

- 8) Home occupations, including handicrafts and the sale of articles produced on the premises by such handicrafts; and the office of a physician, dentist, teacher, architect, engineer, lawyer, magistrate, and other professional occupations, provided that such occupation shall be situated entirely within the dwelling on the premises and occupy no more than thirty-three and one-third (**33 1/3**) percent of the total floor area of the dwelling. There shall be no externally visible display of stock, goods or facilities relating to the occupation, and no more than one (**1**) name-plate not exceeding thirty two (**32**) square feet in area, placed at least one foot back of the road right-of-way and containing the name of the person and occupation displayed. And, further, that such name-plate may be illuminated, but shall be non-blinking. Barber shops, beauty parlors, boarding homes and similar enterprises shall be deemed a home occupation.
- 9) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 10) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Uses

1) *Requirements*

The following uses may be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.

2) *Conditions*

Special Land Uses shall be subject to at least the following conditions:

- a)
- b) The business shall be incidental and accessory to the primary use of the premises as the landowners' residence.
- c) The business shall not employ more than three (**3**) (motor vehicle repair shop) or twelve (**12**) (all other small businesses) full and/or part-time employees on the premises at any one time.
- d) A detailed site plan including setbacks, greenbelts, driveways, parking, storage, fences and view obstructions, signs, floor area, designated route to premises from nearest paved road, etc.
- e) The use shall not alter the appearance of the premises from the agricultural/residential nature of the area.
- f) Defined hours of operation.
- g) Whether entire operation must be inside buildings and the nature, type and extent of operations (if any are allowed) which may be conducted outside of buildings.
- h) Such other conditions as may assure minimal effect on adjacent property owners.
- i) Require Performance Bond of not less than \$500.00.

3) *Special Land Uses*

- a) Multi-family dwellings, meaning dwellings with more than two basic living units (e.g. apartment house).
- b) Churches, schools, libraries, cemeteries, hospitals, clinics, sanitariums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
- c) Roadside stands and greenhouses which do not comply with permitted use requirements. Signs shall conform to the provisions of this ordinance.
- d) Parks and grounds for outdoor activities and recreation, airplane landing strips and helicopter land pads, provided that all such activities be noncommercial and not operated for profit.
- e) Migrant worker camps.
- f) Gravel pits of a commercial nature (i.e. mining of 1000 or more cubic yards of gravel per year.
- g) Juvenile detention facilities as defined in Article 2 or foster homes, provided that not more than ten **(10)** children reside and/or receive services on the premises and five **(5)** or more of the juveniles receiving services are residents of Sanilac County and placed in the facility at the direction of the Sanilac County Probate Court.
- h) Foster Care facilities for more than six **(6)** patients/clients.
- i) Campgrounds, recreation' parks and playgrounds.
- j) In order to assist residents under distressed economic conditions, small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods and motor vehicle repair shops either of which shall be specifically subject to the following conditions:
 - i) Small businesses (not more than twelve **(12)** full and part-time employees) engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
 - ii) Motor vehicle repair shops having not more than three **(3)** full and part-time employees.
- k) Dog Kennels housing more than eight **(8)** dogs owned or licensed by the owner and/or occupant of the premises; or one **(1)** or more dogs not owned or licensed by the owner and/or resident of the premises.
- l) Private waste water treatment lagoons and facilities whether human or animal waste, other than septic tanks and seepage beds which are permitted, for treatment of septage emanating from the subject property only.
- m) Wind Energy Conversion Facilities
- n) Wind Energy System Site Assessment For Wind Energy Conversion Systems

C) Prohibited Uses

Adult and/or juvenile detention or correction facilities. Uses not designated in agricultural districts

ZO-9.03.02 **Minimum Lot Area**

Each one or two-family dwelling, occupied or unoccupied, will have a minimum lot area of one (1) acre (43,560 square feet), with a minimum frontage and a minimum width of one hundred sixty five **(165)** feet.

ZO-9.03.03 Corner Lot

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as not to interfere with traffic visibility.

ZO-9.03.04 Driveways and Parking

A) Driveways

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two (2) residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking".

B) Parking Off Street and Access and Egress Therefrom

- 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

PARKING SPACE TABLE

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments	1	Per 350 feet of floor area of that portion of the bldg.
	Manufactured Establishments	1	Patronized by the public
f.		1	Per every two persons regularly employed on any shift
	Restaurants (food related estab.)	1	Per every 100 sq. feet of floor area.

ZO-9.03.05 Yards

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes.

A) Front Yards

In the case of county maintained road, front yards shall be Seventy Five (75) feet of depth from the centerline of said road. In the case of all state roads, front yards shall be One Hundred Twenty Five (125) feet from the centerline

B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of the dwelling.

C) Rear Yards:

Shall be at least twenty (20) feet from the rear lot line except for accessory structures.

ZO-9.03.06 Fences and Buffers

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

ZO-9.03.07 Signs

Signs shall be in conformance with Section ZO-3.22.02. All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway.

ZO-9.03.08 Building Floor Area and Height

A) Building Floor Area

- 1) Every site-built or manufactured, one story dwelling hereafter erected, constructed, altered or moved upon premises shall contain not less than seven hundred twenty (720) square feet of floor area.
- 2) Every one family two story dwelling, hereafter erected, constructed, altered or moved upon a premises shall contain not less than seven hundred twenty (720) square feet of total floor area and not less than seven hundred twenty (720) square feet of ground floor area.
- 3) Two family dwellings, if permitted, shall contain a minimum combined floor area of one thousand four hundred forty (1440) square feet. Neither unit shall contain less than seven hundred twenty (720) square feet of floor area, with the remaining dwelling unit containing the balance of the required minimum floor area.
- 4) Multiple family dwellings, if permitted, shall contain not less than seven hundred twenty (720) square feet of floor area per unit.
- 5) In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.
- 6) All mobile homes used as a permanent dwelling shall have tie-downs and placed on either piers or a cement slab which shall be a minimum of four inches thick and the width and length of the building or a permanent foundation with a sixteen (16") inch rat wall. Such homes shall Be fully skirted and shall have a lot size of one (1) acre and not less than Seven Hundred Twenty (720) square feet of floor area.

ZO-9.03.09 Accessory Buildings

No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is not erected on a corner lot, it shall not be located closer than five (5) feet to a rear or side line. Other buildings shall not be closer than twenty (20) feet from the rear line.

ZO-9.03.10 Water and Sewage Disposal

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage

disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

ZO-9.04.00 RESIDENTIAL DISTRICTS (R)

The following shall apply to all residential districts:

9.04.01 Use Types

A) Permitted Uses (amd Ord 12-1)

- 1) Mobile homes, subject to the provisions of this Ordinance.
- 2) Municipal and public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity, subject to the area, yard, height and parking regulations of this Ordinance.
- 3) Parks and grounds for outdoor recreation.
- 4) Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
- 5) One-family and two-family dwellings.
- 6) Home occupations, including handicrafts and the sale of articles produced on the premises by such handicrafts; and the office of a physician, dentist, teacher, architect, engineer, lawyer, magistrate, and other professional occupations, provided that such occupation shall be situated entirely within the dwelling on the premises and occupy no more than thirty-three and one-third (**33-1/3**) percent of the total floor area of the dwelling. There shall be no externally visible display of stock, goods or facilities relating to the occupation, and no more than one (**1**) name-plate not exceeding thirty two (**32**) square feet in area, placed at least one foot back of the road right-of-way and containing the name of the person and occupation displayed. And, further, that such name-plate may be illuminated, but shall be non-blinking. Barber shops, beauty parlors, boarding homes and similar enterprises shall be deemed a home occupation.
- 7) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 8) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Uses

1) Requirements

The following uses may be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.

2) Conditions

Special Land Uses shall be subject to at least the following conditions:

a)

- b) The business shall be incidental and accessory to the primary use of the premises as the landowners' residence.

- c) The business shall not employ more than three **(3)** (motor vehicle repair shop) or twelve **(12)** (all other small businesses) full and/or part-time employees on the premises at any one time.
 - d) A detailed site plan including setbacks, greenbelts, driveways, parking, storage, fences and view obstructions, signs, floor area, designated route to premises from nearest paved road, etc.
 - e) The use shall not alter the appearance of the premises from the agricultural/residential nature of the area.
 - f) Defined hours of operation.
 - g) Whether entire operation must be inside buildings and the nature, type and extent of operations (if any are allowed) which may be conducted outside of buildings.
 - h) Such other conditions as may assure minimal effect on adjacent property owners.
 - i) Require Performance Bond of not less than \$500.00.
- 3) Special Land Use Examples
- a) Multi-family dwellings, meaning dwellings with more than two basic living units (e.g. apartment house).
 - b) Churches, schools, libraries, cemeteries, hospitals, clinics, sanitariums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
 - c) Parks and grounds for outdoor activities and recreation

C) Prohibited Uses

Uses not designated in Residential Districts

ZO-9.04.02 Minimum Lot Area

Each one or two-family dwelling, occupied or unoccupied, will have a minimum lot area of one **(1)** acre (43,560 square feet), with a minimum frontage and a minimum width of one hundred sixty five **(165)** feet.

ZO-9.04.03 Corner Lot

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three **(3)** feet in height above the level of the road grade within twenty **(20)** feet of any corner so as not to interfere with traffic visibility.

ZO-9.04.04 Driveways and Parking

A) Driveways

Driveways shall be not less than ten **(10)** feet wide and at least three **(3)** feet from the lot line. No driveway common to two **(2)** residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking"

B) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space.

Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

ZO-9.04.05 Yards

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes.

A) Front Yards

In the case of county maintained road, front yards shall be Seventy Five (75) feet of depth from the centerline of said road. In the case of all state roads, front yards shall be One Hundred Twenty Five (125) feet from the centerline.

B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage attached to the side or front of a dwelling shall obstruct or interfere with the light or ventilation of the dwelling.

C) Rear Yards:

Shall be at least five (5) feet from the rear lot line except for accessory structures.

ZO-9.04.06 Fences and Buffers

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

ZO-9.04.07 Signs

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line Of any highway.

ZO-9.04.08 Building Floor Area and Height

A) Building Floor Area

- 1) Every site-built or manufactured, one story dwelling hereafter erected, constructed, altered or moved upon premises shall contain not less than seven hundred twenty (720) square feet of floor area.
- 2) Every one family two story dwelling, hereafter erected, constructed, altered or moved upon a premises shall contain not less than seven hundred twenty (720) square feet of total floor area and not less than seven hundred twenty (720) square feet of ground floor area.
- 3) Two family dwellings, if permitted, shall contain a minimum combined floor area of one thousand four hundred forty (1440) square feet. Neither unit shall contain less than seven hundred twenty (720) square feet of floor area, with the remaining dwelling unit containing the balance of the required minimum floor area.
- 4) Multiple family dwellings, if permitted, shall contain not less than seven hundred twenty (720) square feet of floor area per unit.
- 5) In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.
- 6) All mobile homes used as a permanent dwelling shall have tie-downs and placed on either piers or a cement slab which shall be a minimum of four inches thick and the width and length of the building or a permanent foundation with a sixteen (16") inch rat wall. Such homes shall be fully skirted and shall have not less than Seven Hundred Twenty (720) square feet of floor area.

ZO-9.04.09 Accessory Buildings

- A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is not erected on a corner lot, it shall not be located closer than twenty five (25) feet to a rear or side line. Other buildings shall not be closer than twenty (20) feet from the rear line.

ZO-9.04.10 Water and Sewage Disposal

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

ZO-9.05.00 MANUFACTURED HOME SUBDIVISION (MHS) OR LAND LEASED COMMUNITY DISTRICT (LLC)

The following provisions shall apply to all Manufactured Home Subdivisions (wherein lots are individually platted and sold as private manufactured home sites) or Land Leased Communities (wherein more than 2 manufactured home sites are owned and managed by a lessor, licensed by the Michigan Department Of Commerce).

ZO-9.05.01 New Land Leased Communities and Platted Subdivisions (requiring a zoning district change)

- A) An applicant who wishes to create a new Manufactured Home Subdivision or Land Leased Community shall apply to the Planning Commission to establish a Manufactured Home District, when a change in zoning is required.
- B) An Application for a Manufactured Home Community shall have the preliminary plan approved by the County Road Commission, County Drain Commissioner and the County Health Department before it will be considered by the Township Planning Commission. In considering application for a new community, the Planning Commission shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other Commission rules as apply.
- C) Persons wishing to create a new Manufactured Home Subdivision shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the Planning Commission shall consider creating such a new district. Further, the Planning Commission shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this Ordinance, including yards, buffers, fences, screening, lot size, roadways, driveways, parking, etc. as restrictions on lot titles.
- D) The Planning Commission shall follow the requirements of Article 10 in recommending rezoning of any real estate to Manufactured Home Subdivision, as well as the requirements of Article 8 for Special Land Uses. (Public hearings and notices being required.)

ZO-9.05.02 Use Types

A) Permitted Uses

Land in Manufactured Home Subdivision (MHS) or Land Leased Community (LLC) Districts shall be used only for the following purposes:

- 1) Single-family mobile home residential dwellings with not more than one (1) such dwelling per lot.
- 2) One (1) garage and/or accessory building or structure such as, for example garages, temporary storage buildings, satellite antennae, etc. that are incidental to the principal use. No accessory buildings or structures (other than attached garages) shall be in side or front yards.
- 3) Community or Subdivision grounds maintenance buildings.

B) Special Land Uses (Requiring Approval of the Planning Commission after a Public Hearing). No building, structure or mobile home shall be erected, altered or moved upon any premises until the owner of the premises has made written application on forms to be provided by the Zoning Administrator for a permit authorizing such building, alteration, or moving such structure. If the Zoning Administrator finds from the application that the provisions of the Ordinance and other legal requirements are met including provisions for a safe water supply and safe drainage disposal then a permit shall be issued, otherwise be denied. The fee to accompany such application shall be set by the Township Board and shall be set forth in the Annual Fee Resolution.

- 1) Commercial operations ancillary to the operation of a land leased community home park (but not subdivision).
- 2) Playgrounds and recreational facilities.
- 3) Public and community assembly buildings.

C) Prohibited Uses

- 1) Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
- 2) Keeping or maintaining more than two (2) dogs per dwelling.
- 3) More than one (1) dwelling on a parcel of land, unless a variance is granted by the Board of Appeals after a public hearing.
- 4) Uses inconsistent with the provisions of this Ordinance.
- 5) Camps, adult and/or juvenile detention facilities or correction facilities.
- 6) Foster care facilities for more than six (6) patients/clients.

ZO-9.05.03 **Minimum Lot Area**

Minimum lot area shall be no less than sixty (60) feet in width and one hundred fifty (150) feet in length with a minimum area of nine thousand (9000) square feet.

ZO-9.05.04 **Corner Lot**

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to not interfere with traffic visibility.

ZO-9.05.05 **Driveways and Parking**

- A) Land Leased Community off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules.
- B) In Manufactured Home Subdivisions, driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two (2) lots shall be permitted. Parking, access and egress shall be provided according to the requirements of Section ZO-3.16.00 "Parking" of this Ordinance.
- C) Parking Off-Street, access and egress shall be provided as shown in Section ZO-3.16.00 "Parking".
 - 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

PARKING SPACE TABLE

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments	1	Per 350 feet of floor area of that portion of the bldg.
	Manufactured Establishments	1	Patronized by the public
f.		1	Per every two persons regularly employed on any shift
	Restaurants (food related estab.)	1	Per every 100 sq. feet of floor area.

ZO-9.05.06 Yards

Manufactured Home Subdivisions (excepting communities) shall provide yards with no less than the following minimum sizes:

- A) Front Yards - Twenty-five (25) feet from the front lot line.
- B) Side Yards - Ten (10) feet in width on each side.
- C) Rear Yards - Ten (10) feet from the rear lot line.

ZO-9.05.07 Fences and Buffers

- A) Land Leased Communities and Manufactured Home Subdivisions shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six (6) feet above the road grade level.
- B) Land Leased Communities and Manufactured Home Subdivisions shall have open buffer areas at least ten (10) feet wide at all side and rear property lines.
- C) Fences, walls and shrubs of more than three (3) feet in height above the road grade level are not allowed on an interior lot within ten (10) feet of the front property line where they will interfere with the traffic visibility from a drive.

ZO-9.05.08 Signs

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

ZO-9.05.09 Building Floor Area and Height

A) Building Floor Area

Every mobile home in a Land Leased Community or Manufactured Home Subdivision shall contain not less than: Seven Hundred Twenty (720) square feet of floor area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half

(2 ½) stories or thirty-five (35) feet. However, public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

ZO-9.05.10 **Accessory Buildings**

A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines.

B) Garages shall not exceed fifteen (15) feet in height.

ZO-9.05.11 **Water and Sewage Disposal**

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

ZO-9.06.00 COMMERCIAL DISTRICTS

A) In Commercial Districts (C) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this Ordinance.

B) All uses shall comply with the performance standards listed in Section ZO-3.17.00 "*Performance Standards*" of this Ordinance.

C) Other than dwellings, structures shall comply with all State and Local Commercial Building Codes.

ZO-9.06.01 **Use Types**

A) Permitted Uses (amd Ord 12-1)

No building or structure shall hereafter be erected, altered, or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

- 1 All uses permitted in Article 3 of this Ordinance.
2. Stores and shops for the conduct of generally recognized retail businesses when conducted within buildings having a roof and four (4) walls.
3. Personal service shops, such as barber shops, beauty parlors, shoe and tire repair shops.
4. Professional offices; show rooms; motels; cabin parks; mobile home parks.
5. Eating establishments; photographic shops; public utility buildings; publicly owned buildings.
6. Community clubs, fraternal organizations and similar civic and social organizations.
7. Establishments located within buildings for repair, alteration, finishing, assembling, fabricating, or storage of goods primarily for local or retail sale, provided, however, that there is not therewith the operation of any activity or the storage or display of goods in such a manner as to be obnoxious by reason of odors, fumes, dust, smoke, vibration or noise and provided, further, that no such establishment employ more than twenty-five (25) persons for the repair, alteration, finishing, assembling, fabrication or storage of goods.
8. Recreation and amusement places.
9. Gasoline and oil service stations; garages, used-car lots; but not storage processing or sale of used auto parts, or other items commonly referred to as junk.

10. Mobile home parks.
11. Sale and servicing of agricultural machinery.
12. Sale of alcoholic beverages as provided by law.
13. Any other use similar in character to the above when approved by the Township Planning Commission and when in conformity with the Preamble.
14. Outdoor advertising signs, provided, however, that in the event such sign shall exceed thirty two (32) square feet in area the location thereof shall be approved by the Township Planning Commission.
15. Accessory used, buildings and structures customarily incidental to any of the above permitted or approved uses.
16. Funeral homes
17. Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
18. Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Uses

1) *Requirements*

Commercial District Special Land Use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall it be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this Ordinance.

2) *Examples*

The following Special Land Uses may be permitted upon approval of the Planning Commission after a public hearing:

- a) Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
- b) Gasoline and motor vehicle service stations.
- c) New and used car lots.
- d) Motor vehicle repair shops.
- e) Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain licenses from the State of Michigan and the Township of Bridgehampton.
- f) Recreation and amusement facilities (eg. pool halls, video arcades, games of skill, etc) utilizing four (4) or more devices.
- g) Food processing plants.
- h) Campgrounds.
- i) Open storage yards, whether principal or accessory use.
- j) Theaters, stadiums or arenas.
- k) Adult bookstores.

- l) Open air markets (eg. flea markets, farmers' markets, etc.).
- m) Amusement and recreation parks and playgrounds.
- n) Churches, schools, public and community assembly buildings.
- o) Hospitals, clinics and sanatoriums.
- p) Funeral homes, mortuaries and cemeteries.
- q) Hotels, motels, tourist homes and rooming houses.
- r) Multifamily dwellings.
- s) Bars and taverns.
- t) Combustible or toxic material storage structures or yards.
- u) Private airports, aircraft landing pads or strips.
- v) Signs not in compliance with 3.22.00.
- w) Gravel pits of a commercial nature (ie. mining of 1000 or more cubic yards of gravel).
- x) Any commercial or business use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

C) Prohibited Uses

- 1) Livestock yards and slaughter houses are prohibited in commercial districts.
- 2) Adult and/or juvenile camps, detention or correction facilities.
- 3) Topless and bottomless dancing or nude dancing of any kind.

ZO-9.06.02 Minimum Lot Area

Minimum lot area shall be one **(1)** acre (43,560 square feet) with a minimum frontage and minimum width, on at least ninety percent **(90%)** of the length of the property, of two hundred **(200)** feet in all newly created parcels of property.

ZO-9.06.03 Corner Lot

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three **(3)** feet in height above the level of the road grade within twenty **(20)** feet of any corner so as not to interfere with traffic visibility.

ZO-9.06.04 Driveways and Parking

A) Driveways

Shall be not less than fourteen **(14)** feet wide and at least three **(3)** feet from the lot line. Off-street vehicle parking, access and egress shall be provided in Section ZO-3.16.00, Parking.

B) Parking

Off-street parking, access and egress shall be provided as shown in Section ZO 3.16.00, Parking

- 1) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 2) A minimum of two hundred (200) square feet, (ie. ten (10) feet by twenty (20) feet) exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

PARKING SPACE TABLE

Land Use		Required Parking Spaces	
a.	Dwellings	2	Per dwelling
b.	Church/Synagogue or	1	Per 4 seats of seating capacity
c.	Auditorium	1	Per every 350 square feet of floor space
d.	Home Occupations	1	Per 200 sq. feet of floor area
e.	Commercial Establishments	1	Per 350 feet of floor area of that portion of the bldg.
	Manufactured Establishments	1	Patronized by the public
f.		1	Per every two persons regularly employed on any shift
	Restaurants (food related estab.)	1	Per every 100 sq. feet of floor area.

ZO-9.06.05 Yards

Every building hereafter erected, altered or moved upon commercial premises shall be provided with yards having no less than the following minimum sizes:

A) **Front Yards:**

Front yards shall include an open area of not less than seventy five (75) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (50) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped as a green belt between the principal structure and the right-of-way.

B) **Side Yards:**

Twenty five (25) feet in width on each side, provided, however, that no side yard shall be required when the walls of a building abutting on an interior lot are wholly without windows or other openings. Provided further, that any building erected adjacent to a parcel or lot occupied by or zoned for dwellings shall provide a side yard abutting such parcel not less than fifteen (15) feet in width.

C) **Rear Yards:**

No less than forty (40) feet of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

ZO-9.06.06 Fences and Buffers

A) All outdoor storage areas shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six (6) feet above the road grade level. Exceptions may be made by the Planning Commission (for Special Land Uses) and the Board of Appeals (for variances).

B) Occupants and owners shall also comply with Sections ZO-3.29.00 "Unsightly Ventures" and "Greenbelts" of this Ordinance.

ZO-9.06.07 Signs

Signs shall be in conformance with Section ZO-3.22.00 All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

ZO-9.06.08 Building Floor Area and Height

A) Building Floor Area

Every building hereafter erected, altered or moved upon Commercial premises shall contain not less than one thousand (1000) square feet of ground area floor area at the first floor level.

B) Building Height

No buildings shall hereby be erected, altered or moved upon any premises exceeding a height of forty (40) feet or two and one-half (2-1/2) stories unless a variance for a greater height is approved by the Board of Appeals after a public hearing and taking into consideration the fire fighting capabilities in the Township or available neighboring fire fighting facilities.

ZO-9.06.09 Water and Sewage Disposal

In areas where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

ZO-9.07.00 INDUSTRIAL DISTRICTS (I)

A) Land may be used or buildings or other structures may be erected, altered or moved on and used, in whole or in part, for any of the following specified uses, except as otherwise provided in this Ordinance:

B) All uses in Industrial District shall:

- 1) File environmental impact statements fully describing the nature and extent of industrial operation and providing for remediation of potential industrial damage to the ecological balance.
- 2) Comply with the Performance Standards listed in Section ZO-3.17.00 of this Ordinance.
- 3) Comply with all state and local industrial building codes.

ZO-9.07.01 Use Types

A) Permitted Uses

Industrial users which comply with each and all of the following requirements shall be permitted to operate in industrial districts without need for special approval:

- 1) Property located on (and accessed via) Class A or Class B road.
- 2) Employ ten (10) or fewer personnel.
- 3) No residences located on the industrial parcel or within 125 feet of the actual industrial use.
- 4) Equipment does not exceed ten (10) tons per operational unit.
- 5) Fire prevention and control inspected and approved by Fire Department.
- 6) File fire protection bond of \$2,500 or more as recommended by the servicing Fire Department.
- 7) File performance bond in appropriate amount where required for USEPA, MiDNR, County or Township approval
- 8) All utilities licensed and routinely inspected by agencies of the State or Federal Government.
- 9) Outdoor advertising signs in conformance with Section ZO-3.22.00 "Signs" of this Ordinance and Act 42 of 1972.

- 10) Any lawful use of land or buildings may be carried on and any building erected and used for any purpose whatsoever, (except dwellings, motels and similar buildings designed for sleeping or living purposes) provided, however, that no such use shall produce or cause the emission of obnoxious, offensive, unhealthful or harmful odors, dust, smoke, fumes, glare, noise, vibrations or radiation beyond the boundaries of the parcel of land on which located provided, further, that no such use shall be carried on under conditions that are dangerous or hazardous to surrounding properties, and provided, further, that all substances causing dust or fumes, or attractive to rodents or insects and stored in the open be kept in closed containers.
- 11) Possession of noncommercial livestock on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first large animal and an additional one (1) acre for each additional one (1) large animal. Confined housing for large animals shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.
- 12) Commercial stables and riding arenas on a parcel of five acres or less provided that there shall be a minimum parcel size of two (2) acres for the first horse and an additional one (1) acre for each additional one (1) horse. Confined housing for horses shall not be located closer than one hundred (100) feet to a parcel's lot line or an established drain.

B) Special Land Use (Requiring Planning Commission approval after a public hearing)

No building, structure or mobile home shall be erected, altered or moved upon any premises until the owner of the premises has made written application on forms to be provided by the Zoning Administrator for a permit authorizing such building, alteration, or moving such structure. If the Zoning Administrator finds from the application that the provisions of the Ordinance and other legal requirements are met including provisions for a safe water supply and safe drainage disposal then a permit shall be issued, otherwise be denied. The fee to accompany such application shall be set by the Township Board and shall be set forth in the Annual Fee Resolution.

- 1) An industrial purpose as defined in Article 2, which does not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which the use is located.
- 2) An industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which the use is located, but only so long as the Performance Standards (as outlined in Section 3.17.00) are not exceeded.
- 3) Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other commercial or industrial enterprise.
- 4) Signs not conforming with Section ZO-3.22.00.
- 5) Fertilizer and other chemical plants.
- 6) Slaughter houses, transfer stations and rendering plants.
- 7) Airports or aircraft launching and landing strips.
- 8) Open storage yards as principal or accessory use.
- 9) Truck terminals.
- 10) Gravel pits, sand mines and open pit mines, of a commercial or noncommercial nature.
- 11) Combustible or toxic material storage structures or yards.
- 12) Food processing plants.

- 13) Junkyards. No land or premises shall be used for the erection or alteration of a junk yard. Exception - written approval of the Township Planning Commission. The owner of the land shall file with the Township Planning Commission the following:
 - a) The approval of surrounding owners of real estate, within five hundred (500) feet of the perimeter of the parcel of land upon which such erection is intended.
 - b) A statement giving the exact location and size of the premises and all buildings and structures to be erected or moved thereon.
 - c) The Township Planning Commission shall hold a public hearing upon the application. If it shall appear that the location or use is contrary to Section ZO-1.01.00 "Purpose" of this Ordinance, approval shall be denied. If it shall appear that the location or use is not contrary to Section ZO-1.01.00 "Purpose" of this Ordinance, tentative approval shall be granted but approval shall not be issued until the applicant has constructed a solid board fence of the height of seven (7) feet completely surrounding the land to be operated and maintained as a junk yard.
- 14) Schools, churches, public and community assembly buildings.
- 15) An industrial use of land or buildings not specifically mentioned in this Section, but compatible with the location, may be conditionally permitted upon approval of the Planning Commission after a public hearing.
- 16) A commercial use or business use that is permitted in Commercial Districts.

C) Prohibited Uses

- 1) Landfills and Dumps which do not comply with Township, County and Regional Solid Waste Management Plans.
- 2) Toxic, nuclear or other hazardous substance use or waste disposal facilities, including (but not limited to) deep well injection processes or facilities.
- 3) Camps, adult and/or juvenile detention or correction facilities.
- 4) Foster care facilities for more than six (6) patients/clients.

ZO-9.07.02 Minimum Lot Area

A lot site or parcel of land shall consist of not less than ten (10) acres with a minimum frontage and minimum width, on at least ninety (90%) percent of the length of the property, of not less than two hundred (200) feet.

ZO-9.07.03 Corner Lot

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level or the road grade within twenty (20) feet of any corner so as not to interfere with traffic visibility.

ZO-9.07.04 Driveways and Parking

A) Driveways

Driveways shall be not less than fourteen (14) feet wide and located at least three (3) feet from the side lot lines.

B) Parking

Off-street vehicle parking and loading space shall comply with the provisions of Section ZO-3.16.00 "Parking" of this ordinance. However, vehicle parking shall be allowed only in side or rear yards of industrial zoned property.

- 1) Off-street parking, access and egress shall be provided as shown in Section ZO-3.16.00.
- 2) For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and

including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

- 3) A minimum of two hundred (**200**) square feet, (ie. ten (**10**) feet by twenty (**20**) feet) exclusive of drives, entrances and exits shall comprise one (**1**) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

PARKING SPACE TABLE

Land Use	Required Parking Spaces
a. Dwellings	2 Per dwelling
b. Church/Synagogue or Auditorium	1 Per 4 seats of seating capacity
c. Home Occupations	1 Per every 350 square feet of floor space
d. Commercial Establishments	1 Per 200 sq. feet of floor area
e. Manufactured Establishments	1 Per 350 feet of floor area of that portion of the bldg. Patronized by the public
f. Restaurants (food related estab.)	1 Per every two persons regularly employed on any shift 1 Per every 100 sq. feet of floor area.

ZO-9.07.05 Yards

Every building hereafter erected, altered or moved upon industrial zoned premises shall be provided with yards having no less than the following minimum sizes:

A) Front Yard

Front yards shall include an open area of not less than one hundred twenty-five (**125**) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (**50**) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped.

B) Side Yard

There shall be two (**2**) side yards, each of which shall not be less than one hundred (**100**) feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line.

C) Rear Yard

There shall be a rear yard of not less than forty (**40**) feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.

ZO-9.07.06 Fences and Buffers

Where industrial property abuts any other use district, the abutting unoccupied open space (i.e., side yard) shall:

A) Be at least seventy-five (**75**) feet in width; and

B) Shall include a green strip at least fifteen (**15**) feet wide; and

- C) Shall include an isolation barrier at least eight (8) feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm. If the barrier consists of ornamental foliage or coniferous trees, the Zoning Administrator may allow nursery stock which will achieve eight (8) feet in five (5) years. (See Sections *ZO-3.29.00 "Unsightly Ventures and Greenbelts"*)

ZO-9.07.07 Signs

Signs shall be in conformance with Section *ZO-3.22.00*. All outdoor signs shall be erected at least one (1) foot from the right of way line of any highway

ZO-9.07.08 Building Floor Area and Height

A) Building Floor Area

Every principal structure hereafter constructed, erected, altered or moved upon industrial premises shall contain not less than two thousand (2000) feet of ground floor area.

B) Building Height

No building shall hereafter be erected, altered or moved upon any premises exceeding a height of forty (40) feet unless approved by the Township Board as within the fire fighting facilities of the township, upon written application of the owner of the premises.

ZO-9.07.09 Accessory Buildings

Accessory buildings shall comply with all set back (yard) requirements.

ZO-9.07.10 Water and Sewage Disposal

In areas -where municipal water and/or sewage disposal facilities are not available the lot area in every case shall be large enough to accommodate approved water and/or sewage disposal systems in accordance with the Sanitary Code regulating sewage disposal and water supply and sanitation buildings in Sanilac County, Michigan.

ZO 9.08.00 SPECIAL USE PERMIT FOR WIND ENERGY FACILITIES

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for utility scale wind development in Bridgehampton Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Wind energy facilities shall include any mechanical device such as a wind charger, windmill or wind turbine which is designed and used to convert wind energy into a form of useful energy for sale. Except for 9.08.05 (f) Setbacks, these provisions shall not apply to any wind energy facility consisting of less than two wind turbines, any wind energy facility not in commercial use, nor any wind energy facility consisting entirely of wind turbines with a total height that does not exceed 100 feet and nameplate capacity that does not exceed 100 kilowatts.

ZO 9.08.01 Conflicting Regulations

Whenever any provisions 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.

ZO 9.08.02 Definitions

Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and Sound intensity.

Decommission: To remove or retire from active service.

FAA shall mean the Federal Aviation Administration.

Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade.

Hub Height shall mean the distance from ground level to the center of the turbine hub or horizontal rotor shaft.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

LAm_{ax}: A-weighted, Maximum, Sound Level

MET Tower or Meteorological Tower: A temporary tower used to measure wind speed and direction.

Michigan Tall Structures Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

Non-Participating Parcel: A property within that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a wind energy conversion facility.

On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.

Participating Parcel: A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a wind energy conversion facility.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind Energy Conversion Facility (WECF) or Wind Energy Facility shall mean an electricity generating facility consisting of two or more wind turbines under common ownership or operation control, and includes substations, Met Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers(s).

Wind Energy Facility Site Permit is a permit issued upon compliance with standards of this Ordinance.

Wind Energy Facility Site Plan Review is the process used to review a proposed Wind Energy Facility.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Ordinance if it has a total height greater than 100 feet or nameplate capacity of greater than 100 kilowatts, or both.

ZO 9.08.04 Permitted Zones

The Planning Commission shall have the power to grant a Special Use to allow a Wind Energy Conversion Facility in the Agricultural District, subject to the restrictions contained in this Ordinance. This special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special land use permit.

ZO 9.08.05 Commercial Wind Energy Conversion Facility Standards

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for a Wind Energy Facility.

A. Avian Analysis.

The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- 1) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds

and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

2) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

3) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

B. Shadow Flicker: The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated. All turbines to be equipped with a shadow detection system, such as the Vestas Shadow Detection System (VSDS) or equivalent. Shadow Flicker on non-participating properties shall not be allowed.

C. Environmental Impact:

- 1) The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
- 2) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be

responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the wind energy conversion facility.

D. Construction Codes, Towers, and Interconnection Standards: Wind energy conversion facilities including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy conversion facilities including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Wind energy conversion facilities shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. In addition, the application shall include documentation of any local airports that may have regulations that affect height regulations of proposed turbines.

E. Visual Appearance; Lighting; Power lines.

The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

- 1) Wind turbines shall be mounted on tubular, monopole towers, painted a non-reflective, non-obtrusive color. No lattice towers are allowed. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
- 2) The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment. No bold colors will be allowed.
- 3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- 4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility. No graffiti will be allowed.

5) The electrical collection system shall be placed underground within the interior of each parcel at a depth of no less than eight (8) feet below grade. The collection system may be placed overhead near roadways, substations or points of interconnection to the electric grid or in other areas as necessary. Any new substation shall be located at a distance of no less than one thousand (1,000) feet from the nearest residence, school, hospital, church or public library. A lesser setback may be approved if the intent of this Ordinance would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.

F. Setbacks, Separation and Security.

The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.

- a. Inhabited structures: Each wind turbine shall be set back from any inhabited structure or village or municipal limit, a distance no less than one thousand three hundred twenty (1,320) feet. Notwithstanding the foregoing, a setback of not less than 1.1 times the Height of Structure may be approved, provided the owner of the Participating Parcel provides written acknowledgment and consent. The Written acknowledgment shall be in recordable formant and recorded with the register of deeds.
 - b. Property line setbacks:
 - a) Participating Parcel: A setback for a wind turbine from the property lines of adjacent participating property is not required.
 - b) Non-Participating Parcel: The distance between a wind turbine and the property lines of any adjacent Non-Participating Parcel shall be at least 4.0 times the total Height of Structure.
 - 3) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 2.0 times total Height of Structure as measured from the nearest boundary of the underlying right-of-way for any such public road.
 - 4) Communication, electrical lines, and Gas Pipelines: Each wind turbine shall be set back from the nearest above-ground or underground public electric power line, telephone or Gas Pipeline line a distance no less than 2.0 times the total Height of Structure as measured from the existing power line, telephone line, or Gas Pipeline.
- G. Wind Turbine/Tower Height (Total Height):
 The applicant shall demonstrate that the Wind Turbines total Height of Structure is 500 feet or less from existing grade prior to the date of the special land use application being submitted and is in compliance with the Michigan Tall Structures Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

H. Noise

- 1) Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed forty (40) dBA, L_{Amax} measured at any Property Line. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations of the Wind Energy Facility to demonstrate compliance with this standard.
- 2) In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the standards for audible noise set forth in subparagraph a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
- 3) Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed four point five (4.5) mph at the ambient noise measurement location.

4) Any noise level falling between two whole decibels shall be the higher of the two.

I. Minimum Ground Clearance

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than one hundred (100) feet.

J. Signal Interference

No Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. Notwithstanding the foregoing, an approval may be issued under this Article if Applicant demonstrates an ability to remedy any interference described above with the use of signal repeaters or other proven mitigation measures.

K. Responsibility for Erosion and Flooding

Any erosion or flooding of property as a result of the construction of alternative energy structures or access roads is the responsibility of the developer/owner of the structures.

L. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) Wind Turbine towers shall not be climbable on the exterior.
- 3) All access doors to wind turbine towers and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 4) A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information.
- 5) Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- 5) Projects shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- 6) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.

M. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for the applicant to act on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.

ZO 9.08.06 Application Procedures

A developer/operator of any wind energy conversion facility shall follow the following procedures for application for a special use permit to construct alternative energy structures.

A. Make application for special land use permit for alternative energy structures to the Planning Commission with the required in section ZO- 9.08.07. The application for

special land use permit for alternative energy structures will be accompanied by the required fees and information as requested in this ordinance.

- B. The Planning Commission will review the application in a public meeting which shall be posted for at least 15 days prior to the meeting in the print media which covers Bridgehampton Township and by posting the same at the township hall.

ZO 9.08.07 **Special Use Permit and Site Plan Review Requirements**

- A. An applicant proposing a Wind Energy Facility must submit the following materials with the Special Use Permit Application:
 1. Procedure: The Planning Commission review of a Special Land Use Permit application for a wind energy conversion facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article 8. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Article 3. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
 2. Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a wind energy conversion facility shall also be dated to indicate the date the application is submitted to Bridgehampton Township.
 3. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
 4. Insurance: Proof of the applicant's public liability insurance in an amount acceptable to the Township Board.
 5. Sound Pressure Level: Copy of the pre-construction and post-construction modeling and analysis report.
 6. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
 7. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 8. Environmental Impact: Copy of the Environmental Impact analysis.
 9. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 10. Shadow Flicker: Copy of the Shadow Flicker analysis.
 11. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 12. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.

13. Complaint Resolution: Description of the complaint resolution process.
 14. Complete detailed Safety Plan including evacuation perimeters in feet for each potential safety issue, such as but not limited to, Fire, Icing, Run Away etc. Also Safety Manuals and Operation and Maintenance Manuals shall be submitted for the specified Turbine Model(s) and Type(s) to be used in said application.
 15. Fire suppression plan.
 16. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - 1) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - 2) Water bodies, waterways, wetlands, and drainage channels;
 - 3) Lighting plan;
 - 4) Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - 5) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
 - 6) Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of six (6) feet;
 - 7) Anticipated construction schedule; and
 - 8) Description of operations, including anticipated regular and unscheduled maintenance.
- B. The applicant must also obtain a permit from the Sanilac County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Sanilac County Drain Commission for any culverts or other drainage facilities.

ZO 9.08.08 Application Fee

An applicant for a Wind Energy Facility shall remit a special use permit application fee, a site plan review fee per turbine, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

An escrow account shall be set up when the applicant applies for a Special Use Permit for a WECF. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the

Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

ZO 9.08.09 Decommissioning

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Any tower/turbine left unused or inoperable for over 12 months would be deemed to be inactive. The land must be returned to its original state. Concrete bases must be removed six feet below ground level with appropriate drainage and filled with like soil that was removed. The applicant shall post a performance bond or equivalent financial instrument for decommissioning and removal which shall be effective at all times while the equipment is present on the land. The performance bond shall be in favor of Bridgehampton Township and shall be in the amount equal to a half million dollars (\$500,000.00) per wind turbine with annual increases for the rate of inflation calculated using the Consumer Price Index – All Urban Consumers published by the Bureau of Labor Statistics (BLS) or its equivalent if the BLS ceases publication of that rate of inflation. Failure of the applicant to post or keep the bond at any time shall be a violation of this Ordinance, special use permit and/or site plan. Any charges for decommissioning above the value of the bond or otherwise paid by the applicant, owner, or parent company, shall be the responsibility of the leaseholder.

ZO 9.08.10 Wind Energy System Site Assessment For Wind Energy Conversion Systems:

Prior to construction of a wind energy conversion facility, a wind site assessment may be conducted to determine the wind speeds and the feasibility of using the site. SCADA, anemometer towers or “Met Towers,” more than 65 feet in height used to conduct a wind site assessment for possible installation of a wind energy conversion facility shall be a Special Land Use Agricultural Zone.

- A. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- B. Prior to the installation of the tower, an application for a Special Land Use permit application shall be filed with the local government that will include:
 1. applicant identification,
 2. a site plan,
 3. a copy of that portion of the applicant’s lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
 4. proof of the applicant’s public liability insurance.

ZO 9.09.00 SPECIAL USE PERMIT FOR INDUSTRIAL SOLAR ENERGY FACILITIES

The purpose and intent of this ordinance is to establish a process for a Special Use Permit for industrial solar energy facilities development in Bridgehampton Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Industrial solar energy systems shall be ground mounted arrays of panels and shall be subject to this ordinance.

Private Solar Energy facilities shall be subject to ZO 9.09.09

ZO 9.09.01 Conflicting Regulations

Whenever any provisions 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.

ZO 9.09.02 Definitions

Abandonment: Any facility that is left in a state where it is no longer producing power.

Building Integrated Photovoltaics (BIVPs): A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Decommission: To remove or retire from active service.

Ground Mounted Private Solar Energy System: A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

Height: The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

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

Industrial Solar Energy Facility Permit: is a permit issued upon compliance with standards of this Ordinance.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

Non-Participating Parcel: A property within that is not subject to an Industrial Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Industrial Solar Energy facility.

Participating Parcel: A property within that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing an Industrial Solar Energy facility.

Private Solar Energy System: A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Roof or Building Mounted Solar Energy System: A private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

ZO 9.09.03 Permitted Zones

The Planning Commission shall have the power to grant a Special Use to allow an Industrial Solar Energy Facility in the Agricultural District, subject to the restrictions contained in this Ordinance. This special use permit, if denied by the Planning Commission, may be appealed in the same manner as any special land use permit.

ZO 9.09.04 Industrial Solar Energy Facility Standards

The following standards will be used when preparing, submitting and reviewing a Special Use Permit application for an Industrial Solar Energy Facility.

A. Avian Analysis

The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

1) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

2) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

3) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

B. Environmental Impact

1) The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

2) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323

Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the industrial solar energy facility.

C. Setbacks, Separation and Security

The following setbacks and separation requirements shall apply to all Industrial Solar Energy Facilities:

- 1) Furthermore any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
- 2) An Industrial Solar Energy Facility shall be located at least one hundred twenty five (125) feet from any residential dwellings, churches, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence.
- 3) An Industrial Solar Energy Facility shall be located at least one hundred twenty five (125) feet from any non-participating property line.
- 4) All access roads and storage areas shall be established on a 30 foot minimum easement to a public right of way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.
- 5) All Industrial Solar Energy Facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and be at least 4 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees may be trimmed but no lower than a height of 10 feet.
- 6) Each owner, operator or maintainer of the Industrial Solar Energy Facility to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of 12 inches.
- 7) Site Security. Industrial Solar Energy Facilities shall be surrounded by an eight (8) foot tall chain link fence woven with a green opaque material to restrict the view into the facility. Said fence shall be placed at the setback line for the facility. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.
- 8) The manufactures or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore an information sign shall be posted at all the entrances which shall list the name and phone number of the operator of the facility.
- 9) Industrial Solar Energy Facilities shall not be located on parcels of land less than 20 acres in size.
- 10) Total height of the Industrial Solar Energy Facility shall be limited to 15 feet.

D. Responsibility for Erosion and Flooding

Any erosion or flooding of property as a result of the construction of Industrial Solar Energy Facility structures or access roads is the responsibility of the developer/owner of the structures, as per Z0.3.07.00.

E. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) All access doors to the Industrial Solar Energy Facility and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
- 3) A sign shall be posted near the entrance to the Industrial Solar Energy Facility that will contain emergency contact information.
- 4) The project shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.
- 5) The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate, to discourage trespassers.

F. Complaint Resolution

- 1) The Industrial Solar Energy Facility applicant shall submit a detailed, written complaint resolution process developed by the Industrial Solar Energy Facility applicant to resolve complaints from the Township board or the property owners or residents concerning the construction or operation of the Industrial Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
- 2) The township board shall appoint a 3 member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the township property owner or resident and the Industrial Solar Energy Facility owner.
- 3) The complaint resolution committee shall consist of (1) township board member, (1) planning commission member, and (1) qualified elector chosen from the community.
- 4) The township board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.

ZO 9.09.05 Application Procedures

A developer/operator of any Industrial Solar Energy Facility shall follow the following procedures for application for a special use permit to construct a industrial solar energy facility.

- A. Make application for special land use permit for alternative energy structures to the Planning Commission as required in section ZO 9.09.06. The application for special land use permit for solar energy structures will be accompanied by the required fees and information as requested in this ordinance.
- B. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*
- C. Procedure: The Planning Commission review of a Special Land Use Permit application for a Industrial Solar Energy Facility will hold a public hearing and decision by the Planning Commission, per the procedures for review in Article 8. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Industrial Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

ZO 9.08.06 Special Use Permit and Site Plan Review Requirements

An applicant proposing an Industrial Solar Energy Facility must submit the following materials with the Special Use Permit Application:

- A. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Industrial Solar Energy Facility shall also be dated to indicate the date the application is submitted to Bridgehampton Township.
- B. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- C. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars to cover the Industrial Solar Energy Facility, the Township, and the Landowner.
- D. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an Industrial Solar Energy Facility on the property prior to construction.
- E. Environmental Impact: Copy of the Environmental Impact analysis.
- F. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- G. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- H. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- I. Complaint Resolution: Description of the complaint resolution process.
- J. Fire suppression plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel. Plans on-site for emergency responders to have access to.
- K. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - 1) Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - 2) Water bodies, waterways, wetlands, and drainage channels;
 - 3) Lighting plan;
 - 4) Plan(s) showing the location of proposed Industrial Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - 5) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction;
 - 6) Anticipated construction schedule;

- 7) Description of operations, including anticipated regular and unscheduled maintenance;
- 8) The applicant must also obtain a permit from the Sanilac County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Sanilac County Drain Commission for any culverts or other drainage facilities;
- 9) Proof of approval by the Sanilac County Airport Zoning board of appeals;
- 10) Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the planning commission;
- 11) A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Industrial Solar Energy Facility;
- 12) The Industrial Solar Energy Facility shall not have any on-site battery storage;
- 13) All electrical connection systems and lines from the Industrial Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of 6 feet underground both on the property where the solar energy facility is located and off site;
- 14) An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Industrial Solar Energy Facility;
- 15) A complete description of the proposed technology to include type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
- 16) An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- 17) A complete set of Photos of the entire development area prior to construction.

ZO 9.09.07 Application Fee

An applicant for a Industrial Solar Energy Facility shall remit a special use permit application fee, a site plan review fee per acre, and required escrow fee to the Township in the amount specified in the fee schedule. This schedule is based on the cost to the Township of the review which may be adjusted from time to time.

An escrow account shall be set up when the applicant applies for a Special Use Permit for a Industrial Solar Energy Facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the special use permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

ZO 9.09.08 Abandonment and Decommissioning

A. Abandonment: An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.

- 1) Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of the facility within 6 months of notice by the Planning Commission or its designee.
- 2) If the responsible party or parties fails to comply, the landowner is then responsible for removal of the facility.
- 3) If the facility is not removed and the land restored to its prior condition within the 6 month time period, the Planning Commission or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
- 4) Some type of metering system approved by the planning commission must be part of the project showing that the system is operational.
- 5) Yearly Inspections by the Township shall be required. Inspection fees and costs as per the Township annual Fee resolution.

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

1. The anticipated life of the project;
2. The estimated decommissioning costs net of salvage value in current dollars;
3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and
4. The anticipated manner in which the project will be decommissioned and the site restored.

ZO 9.09.09 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, provided that:

1. No part of a Private Solar Energy Systems erected on a roof shall extend beyond the peak of the roof. If the private solar energy system is mounted on a building in an area other than the roof, no part shall extend beyond the wall on which it is mounted.
2. Prior to the installation of a ground mounted Private Solar Energy Systems, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. Setbacks shall conform with the current setback requirements set forth in ZO9.03.05 of the Bridgehampton Township Zoning Ordinance. The site plan must be drawn to scale.
3. A ground mounted Private Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted system exceed twenty five (25) feet above the ground when oriented to maximum tilt.
4. A ground mounted Private Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements of ZO-9.03.05 of the Bridgehampton Township Zoning Ordinance.
5. All power transmission lines, wires or conduits from a ground mounted Private Solar Energy Systems to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Private Solar Energy System, they must be placed in a secured container or enclosure. Signage will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
6. A Township land use permit and building permits shall be required for the installation of any Private Solar Energy System.
7. BIVPs, Ground Mounted or Roof Mounted Private Solar Energy Systems shall conform to applicable County, State, and Federal Regulations, and safety requirements including Michigan Building codes.
8. In the event that a Private Solar Energy System has been abandoned for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.
9. No Glare shall be allowed onto adjacent properties.

Ammended May 9, 2018.