

ORDINANCE

OF

THE COUNTY OF SHIAWASSEE

At a regular meeting of the Shiawassee County Board of Commissioners held at 4:00 P.M. on June 16, 2016, in the Commissioner’s Chambers located on the 1st Floor of the Surbeck Building, 201 N Shiawassee St., Corunna, Michigan, at which time the following members were present:

John Horvath

Gary Holzhausen

Jeremy R. Root

Jeffrey R. Bartz

Hartmann Aue

Commissioner John Horvath moved, supported by Commissioner Jeremy R. Root, to adopt the following to amend the Shiawassee County Zoning Ordinance and Map.

PREAMBLE: The Shiawassee County Zoning Ordinance and Map (“Ordinance”) as adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Public Act 183 of 1943 (as amended and replaced by Public Act 110 of 2006, as also amended), may be amended following the procedures outlined in said Ordinance and in compliance with Public Act 110 of 2006, as amended.

WHEREAS: The Shiawassee County Planning Commission initiated an amendment to Article 4, Section 4.3.17, through its Ordinance Review Sub-Committee; and

WHEREAS: The Shiawassee County Planning Commission held public hearings on May 25, 2016 considering amendments to Article 4, Section 4.3.17 and hereinafter provided in Exhibit A, as attached; and

WHEREAS: Upon reviewing the language amendment as set forth in Exhibit A, accepting comment at the public hearing, and deliberating the findings of fact as set forth in

Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the language amendment as set forth in Exhibit A to the Shiawassee County Board of Commissioners.

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the proposed amendment to Article 4, Section 4.3.17 as set forth under Exhibit A, as attached.

THOSE VOTING AYE:

John Horvath

Gary Holzhausen

Jeremy R. Root

Jeffrey R. Bartz

Hartmann Aue

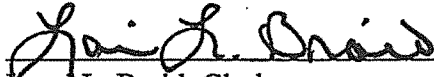
THOSE VOTING NAY:

THOSE ABSENT:

Amendment # 16-06-02 to the Shiawassee County Ordinance and Map was adopted.

Hartmann Aue
Hartmann Aue, Chairperson
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 16, 2016 Shiawassee County Board of Commissioners meeting.



Lauri L. Braid, Clerk

Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared Amendatory Ordinance and Map with the original heretofore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 30th day of June, 2016.

EXHIBIT A:

4.3.17 Community Residential Care Facilities

Community residential care facilities include but are not limited to child care center, group day care homes, adult foster care facilities, group homes and congregate homes providing service to more than six individuals.

1. Location Requirements: Pursuant to Public Act 116 of 1973, the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, and Public Act 368 of 1978, the Public Health Code, (all as amended), community residential care facilities providing supervision or care (or both) to more than six (6) persons but less than thirteen (13) persons are permitted by Special Use Permit in the A-1, A-1½, A-2, R-1B, R-1C, R-1D, R-M1, and R-T Districts. Community residential care facilities with more than thirteen (13) persons are permitted by right in the O-1, B-2, and B-3 Districts.
2. Buffering Requirements:
 - A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.
 - B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
3. Performance Standards:
 - A. A group day care facility shall not operate between the hours of 10 p.m. and 6 am for more than one (1) day per week unless the principal structure and any play area is separated from any residence by more than three hundred (300) feet.
 - B. Playground equipment shall not be located in front or side yards
 - C. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
 - D. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.
 - E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.

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 - E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.

ORDINANCE
OF
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Shiawassee County Board of Commissioners held at 4:00 P.M. on June 16, 2016, in the Commissioner’s Chambers located on the 1st Floor of the Surbeck Building, 201 N Shiawassee St., Corunna, Michigan, at which time the following members were present:

John Horvath

Gary Holzhausen

Jeremy R. Root

Jeffrey R. Bartz

Hartmann Aue

Commissioner John Horvath moved, supported by Commissioner Jeffrey R. Bartz, to adopt the following to amend the Shiawassee County Zoning Ordinance and Map.

PREAMBLE: The Shiawassee County Zoning Ordinance and Map (“Ordinance”) as adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Public Act 183 of 1943 (as amended and replaced by Public Act 110 of 2006, as also amended), may be amended following the procedures outlined in said Ordinance and in compliance with Public Act 110 of 2006, as amended.

WHEREAS: The Shiawassee County Planning Commission initiated an amendment to Article 4, Section 4.3.76, through its Ordinance Review Sub-Committee; and

WHEREAS: The Shiawassee County Planning Commission held public hearings on May 25, 2016 considering amendments to Article 4, Section 4.3.76 and hereinafter provided in Exhibit B, as attached; and

WHEREAS: Upon reviewing the language amendment as set forth in Exhibit B, accepting comment at the public hearing, and deliberating the findings of fact as set forth in

Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the language amendment as set forth in Exhibit B to the Shiawassee County Board of Commissioners.

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the proposed amendment to Article 4, Section 4.3.76 as set forth under Exhibit B, as attached.

THOSE VOTING AYE:

John Horvath

Gary Holzhausen

Jeremy R. Root

Jeffrey R. Bartz

Hartmann Aue

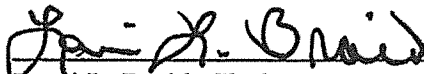
THOSE VOTING NAY:

THOSE ABSENT:

Amendment # 16-06-03 to the Shiawassee County Ordinance and Map was adopted.

Hartmann Aue
Hartmann Aue, Chairperson
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 16, 2016 Shiawassee County Board of Commissioners meeting.



Lauri L. Braid, Clerk
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 30th day of June, 2016.

EXHIBIT B:

Section 4.3.76 Wind Energy Conversion Systems

1. Purpose

- A. Through this section it is hereby set forth that Shiawassee County promotes the effective and efficient use of wind energy conversion systems. The following provisions establish regulations for the siting, design, and installation of wind energy conversion systems and testing facilities so that the public health, safety, and welfare of property owners, residents, business owners and farmers will not be jeopardized.

2. Definitions

- A. Wind Energy Conversion System ("WECS") shall mean any device (such as a wind generator, windmill, or wind turbine) that converts wind energy to a form of usable energy: Forms of WECS include:
1. Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to directly and immediately serve the needs of the farm or agricultural operation.
 2. Private WECS shall mean any WECS that is accessory to a principal non-agricultural use located on the same lot, and is designed and built to serve the principal residential use. Excess electricity generation may be sold to a utility but shall not exceed fifty (50) percent of the principal uses monthly electricity use or such WECS shall be considered a commercial WECS. Private WECS shall not exceed one hundred (100) feet in height.
 3. Commercial WECS shall mean any WECS turbine and accessory structure or use that is designed and built to exclusively provide electricity to the electric utility's power grid and is not accessory to any other use. The commercial WECS is a principal use of property and may occupy the same property as another principal use. Accessory structures and uses associated with a commercial WECS may include sub-stations, collection lines, transmission lines, etc.
- B. WECS Testing Facility ("Testing Facility") shall mean the structure and equipment used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind and other data.
- C. Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
- D. Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- E. Professional Engineer shall mean a licensed structural and/or mechanical engineer registered in the State of Michigan.

- F. Utility Scale Wind Farm shall mean multiple WECS as applied for under one (1) special use permit and final site plan that produce greater than twenty (20) kilowatts of energy.
- G. Facility Abandonment shall mean a WECS that no longer converts wind into energy for a one (1) year period of time no matter the cause.
- H. Participating Parcel shall mean a parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to , or to meet setback requirements for wind energy facilities and systems.
- I. Non-Participating Parcel shall mean a parcel of record that is not in any manner used, occupied, maintained, let, leased or authorized to be used for wind energy systems or facilities.
- J. Decibel Measurement or dB(A) is defined as the sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute ("ANSI"). A method for weighting the frequency spectrum to mimic the human ear.
- K. Height is defined as the measurement from the base of a WECS to the greatest extent of any part or moving parts of the WECS.

3. Approval Required

- A. Except where noted in this section, it shall be unlawful to construct, erect, install, use or locate a WECS within Shiawassee County unless a special use permit, final site plan and zoning permit have been approved pursuant to this Ordinance.
- B. Agricultural WECS that are accessory to permitted farm and agricultural operations shall be exempt from the general standards, provisions and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards. Such compliance shall be verified upon application of a zoning permit.
- C. Private WECS that are accessory to one or more single-family residences is permitted by-right subject to administrative site plan review and compliance with the general standards, provisions and requirements of this section and this Ordinance.
- D. Commercial WECS are permitted by issuance of a special use permit and approval of a final site plan by the Planning Commission. Multiple WECS or WECS as part of a Utility Scale Wind Farm may be applied for under a single special use permit as long as all properties under application are located within a single township. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this section and in this Ordinance.
- E. Testing Facilities are permitted by issuance of a special use permit and approval of a final site plan. An application for special use permit and final site plan shall meet the following standards and shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information

as required in this section and in this Ordinance.

1. A Testing Facility is a temporary improvement and shall be restricted to being located on the premise not more than two (2) years from date of final building inspection permitting operation. Testing Facilities preceding implementation of multiple WECS shall be considered temporary improvements and temporary shall be considered to be less than two (2) years. Continuation of operation beyond two (2) years shall require a new special use permit to be reviewed and approved. In the event that multiple WECS are proposed as a coordinated development and it is necessary that a temporary Test Facility be erected to monitor meteorological conditions for the life of WECS project, such facility shall be included as part of the approval process for the multiple WECS.
 2. The Testing Facility is assumed to be placed to provide satisfactory evidence that a potential WECS project is feasible. The applicant shall provide general information regarding the extent of the area under study that will be served by the test results from the Testing Facility.
4. **General Standards.** The following standards shall apply to all Testing Facilities, Private and Commercial WECS in Shiawassee County unless otherwise specifically noted:
- A. **Design Safety Certification.** The safety of the design of all Testing Facilities, private and commercial WECS turbines shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the application for development.
 - B. **Controls and Brakes.** All private and commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
 - C. **Electrical and Building Codes.** All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All WECS, including Testing Facilities, shall comply with local building permit requirements.
 - D. **Compliance with County Ordinances.** All Testing Facilities, private and commercial WECS turbines shall be in compliance with all Ordinance requirements and other applicable ordinances, rules and regulations.
 - E. **Property Line Setbacks.** All Testing Facilities, private and commercial WECS turbines must be setback from a non-participating property lines a distance equal to or greater than one hundred fifty percent (150%) of the height of the WECS from the base of the structure to the nearest non-participating property line. All Testing Facilities, private and commercial WECS turbines must be setback from the base of the structure to a participating property line a distance equal to or greater than the required minimum setback for a principal structure in that district.
 - F. **Structure Setbacks.** All commercial WECS turbines must be setback a distance equal

to or greater than two hundred (200) percent of the height of the WECS turbine from the base of the structure to the exterior wall of a principal structure on a non-participating parcel that is currently used for residential, commercial or assembly purposes. All commercial WECS turbines must be setback one hundred (100) percent of the height from the base of the structure to the exterior wall of a principal structure on a participating parcel that is used for residential, commercial or assembly purposes.

- G. **Public Right-of-Way.** All commercial WECS turbines must be setback a distance equal to or greater than one hundred (100) percent of the height of the WECS from the base of the structure to a public road right-of-way.
- H. **Height.** Private WECS projects shall conform to the maximum height standards of the zoning district and shall not exceed one hundred (100) feet. Commercial WECS and Test Facilities shall not exceed six hundred (600) feet in height. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.
- I. **Installation Certification.** The Professional Engineer shall certify that the construction and installation of the Testing Facility, private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
- J. **Climb Prevention.** All Testing Facilities, private and commercial WECS must be unclimbable by design or protected by anti-climbing devices such as:
 - 1. Fences with locking portals at least six feet high;
 - 2. Anti-climbing devices; or
 - 3. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
- K. **Interference.** It shall be the responsibility of the applicant to submit acceptable documentation as part of the special use permit application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception. The applicant shall also provide documentation that the location of the Testing Facility, private or commercial WECS will not interfere with the operation of existing WECS.
- L. **Fire Risk.** All Testing Facilities, private and commercial WECS must adhere to all applicable electrical codes and standards, remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
- M. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the Testing Facility, private or commercial WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
- N. **Noise Levels.** The noise generated from a WECS measured at a non-participating property line shall not exceed fifty-five (55) dB(A). The noise generated from a WECS

measured at the exterior of a principal structure located on a non-participating property shall not exceed forty-five (45) dB(A).

- O. Liability Insurance. The owner or operator of the Testing Facility, private or commercial WECS shall maintain a current insurance policy with a bond rating acceptable to the County to cover installation and operation. The amount of the policy shall be established as a condition of special use permit approval. For a private WECS accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
 - P. No WECS or Testing Facility shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.
 - Q. No WECS or Testing Facility shall have lighting of any kind unless required by standards referenced in this Section or the Federal Aviation Administration ("FAA") for purposes of safety or operation.
 - R. All facilities must be maintained in an operational state. Any WECS or Testing Facility that is found to be abandoned, inoperable or in a state of disrepair that would be a potential threat to public health, safety and welfare or that which can be considered under the definition for facility abandonment shall be removed from the site.
5. Additional Standards for Commercial WECS Projects- The following additional standards shall apply to all commercial WECS in Shiawassee County:
- A. Color and Appearance. Structures and blades shall be painted a neutral color that is acceptable to Shiawassee County or otherwise required by law. The main structure of any WECS shall be of a monopole (tubular) design.
 - B. Compliance with FAA. It shall be the responsibility of the person in charge of the commercial WECS to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS to obtain a determination of "no significant impact" to air navigation from the FAA.
 - C. Warnings. A visible warning sign stating "High Voltage" may be required to be placed at the base of all commercial WECS. The sign must have at a minimum six-inch letters with $\frac{3}{4}$ -inch stroke. Such signs shall be located at the commercial WECS and at all points of site ingress and egress.
 - D. Annual Inspection. Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Shiawassee County and considered a part of the continuing special use permit.
 - E. Compliance with Additional Regulations. It shall be the responsibility of the person in charge of the commercial WECS to contact the FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to granting of a special use permit by the Planning Commission. Documentation that applicable permits have been obtained and requirements of these agencies have been met must be supplied to the County Building Department prior to the issuance of

construction permits.

- F. Migratory Birds. The County may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS may present to migratory birds. The study as part of the special use permit application must provide assurances that the commercial WECS does not negatively impact the path of migratory birds.
- G. Decommissioning Plan and Escrow. The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:
1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.
 2. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
 3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 4. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- H. An approved special use permit for a commercial WECS shall expire if construction of the WECS facility has not commenced within 36-months from the date of issuance.
- I. Amendment Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.

SOLAR ENERGY SYSTEMS
(Effective October 19, 2017)

Article 21, Definitions:

Section 21.2.G, Land Uses and Use Categories

Freestanding or Ground-Mounted Solar Energy System shall mean any solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

Photovoltaic (PV) Systems shall mean a solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Rooftop and Building-Mounted Solar System shall mean any solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solar Energy System (SES) shall mean any equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

1. Commercial SES shall mean any SES facility and accessory structures or use that is designed and built to exclusively provide electricity to the electric utility's power grid and is not accessory to any other use. The commercial SES is a principal use of property and may occupy the same property as another principal use.
2. Private SES shall mean any SES that is accessory to a principal use located on the same lot, and is designed and built to serve the principal use. These systems shall not be utilized for any commercial sale of energy, except for the sale of surplus electrical energy back to the electrical grid.

Solar-Thermal Systems shall mean a solar energy system which directly heats water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Article 4, Special Use Regulations:

Section 4.3.78, Solar Energy Systems

1. Purpose
 - A. Through this section, it is hereby set forth that Shiawassee County promotes the use of solar energy within the County as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.
2. Approval Required

- A. Except where noted in this section, it shall be unlawful to construct, erect, install, use or locate a SES unless a special use permit, final site plan and/ or zoning permit have been approved pursuant to this Ordinance.
 - B. Private SES that are accessory to one or more principal structures are permitted by-right subject to administrative site plan review and compliance with the general standards, provisions and requirements of this section and this Ordinance. Private SES may produce up to twenty (20) kilowatts (kW) of energy per hour.
 - C. Commercial SES are permitted by issuance of a special use permit and approval of a final site plan by the Planning Commission in the A-1, A-1½, A-2, M-1, and M-2 districts. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this section and in this Ordinance.
3. General Standards. The following standards shall apply to all Private and Commercial SES unless otherwise specifically noted:
- A. Design Safety Certification. The safety of the design of all private and commercial SES shall be certified by a Professional Engineer acceptable to the Zoning Administrator. The standard for certification shall be included with the application for development.
 - B. Electrical and Building Codes. All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All SES shall comply with local building permit requirements.
 - C. Compliance with County Ordinances. Private and commercial SES shall be in compliance with all Ordinance requirements and other applicable ordinances, rules and regulations.
 - D. Setbacks. All Photovoltaic (PV) systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty (40) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way.
 - E. Height. All PV systems and support structures associated with such facilities shall be restricted to a maximum height of sixteen (16) feet when oriented at maximum tilt, except for rooftop and building mounted solar systems which rely upon Section 5.6.1 of the Ordinance for height permitting standards.
 - F. Installation Certification. The Professional Engineer shall certify that the construction and installation of the commercial SES project meets or exceeds the manufacturer's construction and installation standards.
 - G. Fire Risk. All private and commercial SES must adhere to all applicable electrical codes and standards, remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
 - H. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the private or commercial SES shall be removed from the site and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the

improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

- I. Noise Levels. The noise generated from an SES shall not exceed forty (40) dB(A) at the exterior of any habitable structure, also measured at the closest property line to the SES. This sound pressure level may be exceeded during short-term events such as utility shortages or severe wind storm. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the ambient dB(A) plus five (5) dB(A).
 - J. Glare. SES facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
 - K. Liability Insurance. The owner or operator of the private or commercial SES shall maintain a current insurance policy with a bond rating acceptable to the County to cover installation and operation. The amount of the policy shall be established as a condition of special use permit approval. For a private SES accessory to a principal structure, proof of insurance with specific coverage for the SES shall satisfy this requirement.
4. Additional Standards. In addition to the standards for Special Use Permit and Site Plan Review outlined in Section 12, the following shall also apply to all Commercial SES in Shiawassee County:
- A. Project Description and Rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
 - B. Analysis of On-Site Traffic. Estimated construction jobs and estimated permanent jobs associated with the development.
 - C. Visual Impacts. Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
 - D. Environmental Analysis. Identify any impacts on water and air quality and supply for the area.
 - E. Waste. Identify any solid or hazardous waste generated by the project.
 - F. Setbacks. All Photovoltaic (PV) systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of two hundred (200) feet from any habitable structure.
 - G. Lighting. Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels.
 - H. Transportation Plan. Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system.
 - I. Public Safety. Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
 - J. Sound Limitations. Identify noise levels at the property lines of the project when completed and

operational.

- K. Telecommunications Interference. Identify any electromagnetic fields and communications interference that may be generated by the project.
- L. Buffering. A Commercial SES facility may be required to erect fencing, landscaping or other screening and buffering techniques as the Planning Commission sees fit.
- M. Decommissioning. Commercial SES facilities considered under this Section must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or improvement abandonment.
 - 1. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.
 - 2. Any Commercial SES that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a Commercial SES is abandoned, the Planning Commission upon notice by the Shiawassee County Zoning Administrator, or their assign, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the Commercial SES should not be decommissioned.
 - 3. If a Commercial SES is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the Commercial SES's safety prior to the resumption of operation.
 - 4. Within ninety (90) days of the hearing where the Planning Commission has determined that a Commercial SES is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove any Commercial SES.
 - a. Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the County to remove the Commercial SES at the Owner's expense.
 - 5. Decommissioning shall include removal of all equipment associated with the Commercial SES including all materials above and below ground, up to four (4) feet in depth. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
 - a. The restoration shall include: road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the solar energy system.
 - b. The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.
 - c. Extensions may be granted upon request to the Planning Commission prior to that

expiration of the one (1) year requirement for completed decommissioning.

6. The decommissioning plan shall also include an agreement between the applicant and the County that includes, but is not limited to the following conditions:
 - a. The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Shiawassee County.
 - b. The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
 - c. The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the County shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
 - d. The County shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of Commercial SES or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.
 - e. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - f. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

EXHIBIT A

ARTICLE 12

Article 12 (Special Use Permits), Section 12.2.3 to Section 12.2.6

12.2.3 Expiration of Special Use Permit:

- A. A Special Use Permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use Permit.
- B. The Planning Commission shall have the right to limit the duration of a special use where the same is of a temporary nature.
- C. Unless otherwise set forth in this Ordinance, if no construction activity to initiate site development pursuant to a Special Use Permit has begun within six (6) months from the date of its issuance, then it shall automatically expire and be of no further effect or validity. In the event of permit expiration, the Zoning Administrator shall notify the applicant, in writing that such Special Use Permit has expired.
- D. If the applicant requests an extension of the permit validity prior to its expiration, the Planning Commission may extend the permit for an additional six (6) months if:
 - 1. It is satisfied that the owner or applicant is maintaining a good faith effort to proceed with construction and establishment of the use.
 - 2. No significant changes to applicable regulations governing the specific use have occurred.
 - 3. There have been no significant changes to surrounding property or public services. The determination of the Planning Commission shall be forwarded to the applicant with a recommended action.
- E. Expiration of a Special Use Permit if the use changes: If the use of a property for which a Special Use Permit was issued is no longer for the land use authorized by either of those permits, the Special Use Permit authorization shall automatically be terminated and the property shall only be used for a use permitted in the District in which the property is located. Discontinuance of a seasonal use for which a Special Use Permit was issued is also subject to termination of the Special Use Permit, if the season passes in which the permit would normally apply and a different use is in place instead.

12.2.4 Re-Application: No application for a Special Use Permit which has been denied, wholly or in part, by the County Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or

proof of changed conditions which is found upon inspection by the Planning Commission to be valid. A reapplication shall be processed in the same manner as the original application.

12.2.5 Requirement Compliance-Penalties: It shall be the duty and obligation of the owner(s) or operator(s) of property approved for a Special Use Permit to at all times be in compliance with the use requirements of this Ordinance and the conditions of the Special Use Permit under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in Article 17.

12.2.6 Appeal: Appeal of a decision on a Special Use Permit and request may not be taken to the Board of Appeals.

ARTICLE 18 ZONING BOARD OF APPEALS

(Effective Date: January 11, 2018)

Section 18.1 CREATION AND MEMBERSHIP

18.1.1 Establishment: There is hereby established a Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Board of Appeals shall perform its duties and exercise its power in such a way that the objective of this Ordinance may be equitably achieved.

18.1.2 Membership and Terms of Office:

- A. The Board of Appeals shall consist of five (5) regular members appointed by the Shiawassee County Board of Commissioners. The Board of Commissioners may also appoint up to two (2) alternate members that may be called upon by the Zoning Administrator to serve as a voting member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings or if a regular member is unable to vote due to a conflict of interest. The term of each member shall be divided as nearly as possible into three (3) equal groups to provide for staggered terms.. All members of said Board of Appeals shall be chosen from electors residing in the portions of the County regulated under the Shiawassee County Zoning Ordinance. No elected officer of the County nor any employee of the Board of Commissioners may serve simultaneously as a member of or as an employee of the Board of Appeals.

- B. It is the policy of the Board of Commissioners that no member of the Zoning Board of Appeals shall be appointed to more than four (4) full terms on the Board.

18.1.3 Compensation: The members of the Board of Appeals shall be paid such amount per meeting as shall be determined by the Board of Commissioners and in addition shall be reimbursed for reasonable expenses actually incurred in the performance of their duties.

Section 18.2 ORGANIZATION AND PROCEDURE

18.2.1 Rules of Procedure: The Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairperson, and in his or her absence, an acting chairperson who may administer oaths and compel the attendance of witnesses.

18.2.2 Meetings: Three (3) members of the Board of Appeals shall comprise a quorum for the purpose of conducting a meeting of the Board of Appeals. Meetings shall be held at the call of the chairperson or the Zoning Administrator, in writing, by first class mail to

the addresses of each member of the Board of Appeals. All meetings of the Board of Appeals shall be open to the public.

8.2.3 Records: Minutes of all meetings shall be recorded and shall contain a record of the proceedings of every determination made by the Board of Appeals including all motions made by members of the Board of Appeals, how each member voted, a description of every request seen by the Board of Appeals and the final disposition of each case. Such minutes shall be filed in the Office of the County Clerk and shall be available to the public.

The Record of Proceedings shall be contained in a file with the following information:

- A. An application made available by the Zoning Administrator, is to be completed.
- B. Any reports, plans, surveys, or photos.
- C. Notice of Public Hearing to surrounding properties and the local newspaper.
- D. Proof of publication in the newspaper.
- E. Record of testimony heard and evidence presented.
- F. A copy of the zoning Article(s) and Section(s) in question.
- G. Briefs, correspondence or other communications made to the Board of Appeals.
- H. Decision of the Board including motions made and how each member voted.

18.2.4 Counsel: Legal counsel may be retained by the Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the County Board of Commissioners.

18.2.5 Hearings: The Board of Appeals shall fix a reasonable time and date for a Public Hearing not to exceed forty-five (45) days from the date of filing any petition for an appeal, variance or interpretation with the Zoning Administrator. Upon the hearing any party may appear in person or by agent or by attorney.

8.2.6 Notification: Notice of all Board of Appeals hearings shall be published in a newspaper of general circulation and mailed to nearby property owners using the same procedure as specified in Section 16.12. The Township Board in the Township in which property for which the Board of Appeals hearing is scheduled shall be notified pursuant to the procedure in Section 19.4. A response shall be requested within twenty (20) days of receipt of notice and the Board of Appeals need not wait for a response before conducting a hearing or making a decision.

18.2.7 Majority Vote: The concurring vote of a majority of the total membership of the Board of Appeals shall be necessary to reverse or affirm (wholly or partly), or may modify any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation.

18.2.8 Decisions: Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within rules of procedure, then within the time specified in rules of procedure.

Section 18.3 DUTIES AND POWERS- APPEALS

18.3.1 Filing of Appeal: An appeal may be taken by any person aggrieved or by an officer, department, or board of the county from which the appeal arises of any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Ordinance.

18.3.2 Procedure on Appeals: A notice of appeal shall be filed by the appellant with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal as hereinafter set forth shall be paid to the Zoning Administrator.

- A. A notice of appeal that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.
- B. A notice of appeal determined to be complete shall be scheduled for public hearing before the Board of Appeals. The Zoning Administrator shall select the first regularly scheduled meeting of the Board of Appeals for the public hearing for which notice pursuant to Section 18.2.6 can be sent.

18.3.3 Fees on Appeal: Appeal fees shall be established by the Board of Commissioners sufficient to cover costs incurred by the County pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Appeal Board member attendance fees.

18.3.4 Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the petition of appeal shall have been filed with the County Clerk, that by reason of facts stated in the appeal petition, a stay would in his or her opinion cause imminent peril to life and property.

Section 18.4 DUTIES AND POWERS- INTERPRETATION, VARIANCE, ETC.

18.4.1 Duties: The Board of Appeals shall have the duty to rule on those matters provided in this Ordinance for review, interpretation, or variance.

18.4.2 Powers: The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance.

8.4.3 Review: The Board of Appeals shall hear and decide matters of review, interpretation and variance where prescribed in the Ordinance.

18.4.4 Interpretation: The Board of Appeals shall have the power to:

- A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
- B. Determine the precise location of the boundary lines between zoning districts and properties.
- C. Classify, upon receipt of an application therefore, a use which is not specifically mentioned in the use regulations of any district. Such classification may take the form of an appeal of the Zoning Administrator's decision that such use is not consistent with specifically outlined uses in Ordinance or that such use must be presented to the Planning Commission for consideration to be added to the Ordinance as a reasonable use with accompanying necessary rules and regulations. The following standards should be considered:
 - 1. The use not specifically mentioned must substantially conform to the purpose and intent of the district and substantially similar to another permitted principal use, as a use permitted by right with conditions, as an accessory use or as a special use as provided for in the district.
 - 2. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the existing zoning regulations with which it must conform.
 - 3. The Board of Appeals shall not create new uses, only interpret if such uses are substantially similar to an existing use. The incorporation of a new use and all applicable rules and regulations shall be the duty of the Board of Commissioners upon review and hearing as conducted by the Planning Commission.
- D. No rehearing on a denied or approved application for the above items shall be permitted except upon the grounds of newly discovered evidence or a falsehood

previously relied upon which is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made. No Zoning Permit shall be granted which relies upon an ordinance interpretation before eight (8) days have expired.

18.4.5 Variances: The Board of Appeals may authorize specific variances from such requirements as lot area and width regulations, yard and depth regulations, off-street parking and loading space requirements, sign and billboard regulations, and other regulations found herein.

A. The Board of Appeals shall base its decision upon review on the standards provided below and make specific findings of fact based on the evidence presented to it.

1. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
2. That the practical difficulties or special conditions or circumstances do not result from actions of the applicant or property owner.
3. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
4. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
5. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.
6. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Special Use Permit is required.
7. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.

8. The possible precedents or affects which might result from the approval or denial or the appeal.
9. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

B. Rules: The following rules shall apply in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location and other features of the structures or property that will in its judgment secure the objectives and purposes of this Ordinance. Such conditions shall meet the requirements of Section 14.15. The breach of any such condition shall be a violation of this Ordinance.
2. Every variance granted under the provisions of this Ordinance shall become null and void unless:
 - a. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of the variance, or
 - b. the occupancy of land or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variances.
3. No application for a variance which has been denied, wholly or partly, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence, proof of changed conditions, or falsehood previously relied upon to make a decision is found upon inspection by the Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application. A request for rehearing shall be made within eight (8) days from the meeting at which the decision was made.
4. No Zoning Permit shall be granted which relies upon a variance before eight (8) days have expired unless the Board of Appeals waives this requirement via roll call vote.

18.4.6 Essential Services: The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or of larger area than the district requirements herein established and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

18.4.7 Determination of a Lot of Record: The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following:

- A. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" in accordance with Article 10 of this Ordinance.
- B. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the County, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
- C. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

18.4.8 Site Plan Review: The Board of Appeals shall review and make final determination on properly filed appeals from action by the Zoning Administrator, Site Plan Review Committee and/or Planning Commission pursuant to Article 14 of this Ordinance. The Board of Appeals has the power to sustain, reverse, or remand for further consideration the decision of the approving body when it is found that the decision is inconsistent with the provisions of this Ordinance, or that there was an error of fact involved in the decision. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records of the Site Plan Review Committee, Zoning Administrator, and/or Planning Commission.

18.4.9 Nonconformity Appeals: Nonconforming use, buildings or structures may be structurally changed, altered, enlarged, moved, repaired, re-established, reconstructed, or changed to another nonconforming use upon appeal in cases of exceptional hardship finding that failure to grant the relief requested will:

- A. Unreasonably restrict the continued use of the property or restrict valuable benefits that the public currently derives from the property as used in its nonconforming status.
- B. Not have an adverse effect on surrounding property
- C. Be the minimum necessary to relieve the hardship

18.4.12 Bond for Compliance: The Board of Appeals may require that a bond or other performance guarantee pursuant to Section 16.10 be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of any variance or appeal.

AGRICULTURAL TOURISM AND ENTERTAINMENT ESTABLISHMENTS
(Effective April 12, 2018)

Article 21 (Definitions), Section 21.2.

Agricultural Tourism and Entertainment Establishment: A commercial use that is accessory to an agricultural operation or similar established uses such as greenhouses, nurseries, etc., that provides the general public an opportunity for recreation, education, or cultural experiences related to current and/or historical agricultural practices and operations.

Article 4, Special Use Regulations:

4.3.28 Agricultural Tourism and Entertainment Establishments

Agricultural tourism and entertainment uses shall include, but are not limited to, the following:

- A. Historical agricultural exhibits.
 - B. Educational tours, classes, lectures and seminars.
 - C. Petting farms, animal displays, and pony rides.
 - D. Wagon, sleigh and hayrides.
 - E. Seasonal Christmas tree cutting.
 - F. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
 - G. Cider mills and Wineries.
 - H. Organized meeting spaces (e.g., weddings, birthday parties, corporate picnics).
 - I. Family oriented animated and interactive barns (e.g., fun houses, haunted houses, etc.) and as conducted in fields or woodlots.
 - J. Uses accessory to the above uses, such as refreshment stands, kitchen facilities, bakeries, gift shops, office for management functions, small-scale entertainment (e.g., music concert, car show, art fair), open air or covered picnic areas, playgrounds or equipment typical of a school playground, and nature trails. The size and intensity of the accessory use shall be determined by the Planning Commission based on the nuisance potential to adjoining property owners.
1. Location Requirements: Agricultural tourism and entertainment establishments are permitted by Special Use Permit in the A-1, A-1½ and A-2 Districts.
 2. Site Requirements:
 - A. Minimum site area shall be twenty (20) acres.
 - B. No tourism or entertainment activity shall be located within fifty (50) feet of the public road right-of-way.
 - C. The Planning Commission shall determine the minimum required parking spaces outside of the public road right-of-way depending on the entertainment activities proposed. Parking lots shall be designed in accordance with provisions of this Ordinance and may be temporary in nature.

- D. Suitable containers for rubbish shall be placed on the premises for public use.
- E. Tourism and entertainment activities shall be located no closer than three hundred (300) feet from any side or rear lot line or any residential dwelling unit, unless said unit is owned or is utilized as part of the overall farm operation, or current owner has extended a waiver for the term of their ownership.

3. Buffering Requirements:

- A. Shall comply with requirements of Article 8.
- B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.

4. Performance Standards:

- A. Entertainment activities shall not operate outside the hours of 7:00 a.m. and 11:59 p.m.
- B. The use of Public Address (PA) systems, speakers, or other equipment utilized for the broadcasting of sound shall be limited in use. The Planning Commission has the discretion to limit noise at property lines and shall be consistent with other provisions for noise standards set forth in the Ordinance
- C. Depending on the intensity of the proposed use, the applicant shall show the location, size and capacity of rubbish bins for use by the general public and the operation.
- D. Cider mills or wineries selling product, in a tasting room, must be partially derived (at least 50%) from product grown on site for at least three (3) of the immediately preceding five (5) years. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five (25) percent of gross sales.
- E. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- F. All agricultural tourism and entertainment establishments which intend to serve alcohol shall declare such, as part of the petition, and provide compliance with all applicable rules and regulations of the State. Further regulations or restrictions are subject to the Planning Commission.
- G. Seasonal signs may be erected during the year when retailing activities for a particular farm product is available to the public or to advertise an upcoming event, in accordance with Section 9.3.1.
- H. Historical facilities, old style wooden barns or refurbished barns using old materials shall constitute fifty (50) percent of the floor area utilized for agricultural tourism and entertainment. The Planning Commission at its discretion shall determine if structures satisfy the intent and purpose of the Ordinance and this Section to be determined "historical facilities". The requirement for using a historical facility, old style wooden barns or refurbished barns using old materials may be waived by the Planning Commission for similar established uses such as greenhouses, nurseries, etc.
- I. All structures accessible to the general public for assembly or retail purposes shall meet State Construction Code and barrier-free requirements prior to occupancy.

**SHIAWASSEE COUNTY ZONING ORDINANCE
ARTICLE 4
SPECIFIC USE REGULATIONS**

**WIND ENERGY CONVERSION SYSTEMS
(Adoption Date: June 14, 2018)**

Section 4.3.76 Wind Energy Conversion Systems (“WECS”)

1. Purpose

- A. The provisions herein are set forth to establish regulations for the siting, design, installation and operation of wind energy conversion systems and testing facilities as a land use in Shiawassee County (“County”) and to protect the general public health, safety, and welfare in the development, implementation and operation of the land use in the County.

2. Definitions

- A. Abandoned shall mean any WECS or WECS Testing Facility that is not operated or is found to be inoperable due to lack of repair, sustained damage or other cause for a continuous period of ninety (90) days.
- B. Ambient Sound Level shall mean the decibel measurement or dB(A) of background sound pressure level exceeded 90% of the time or L90 at a given location prior to the installation of a WECS.
- C. Decibel shall mean the unit of measurement used to express magnitude of sound pressure and sound intensity.
- D. dB(A) shall mean the sound pressure level in decibels in the “A” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- E. Height is defined as the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS, whichever is greater.
- F. Hub Height shall mean the vertical distance measured from ground level to the center of the turbine hub.
- G. LAMax shall mean the maximum sound level at an instant in time.
- H. Manual and Automatic Controls are mechanical measures to limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
- I. Professional Engineer shall mean an engineer licensed in the State of Michigan, knowledgeable in all aspects of operation/ maintenance of wind turbines, and acceptable to the Shiawassee County Planning Commission.
- J. Participating and Non-Participating Parcels:

1. Participating Parcel shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for any purposes of developing a WECS, including construction of improvements, providing access to improvements, or to meet requirements and regulations set forth herein.
 2. Non-Participating Parcel shall mean a parcel of record that is not a Participating Parcel.
- K. Shadow Flicker shall mean the alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and/or structures.
- L. Shiawassee County Planning Commission (“SCPC”) - The Planning Commission of Shiawassee County as required and in accordance with Public Act 110 of 2006.
- M. Sound Pressure shall mean the 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.
- N. Sound Pressure Level shall mean the sound pressure mapped to a logarithmic scale and reported in decibels.
- O. Wind Energy Conversion System (“WECS”) shall mean any structural device (such as a wind generator, windmill, or wind turbine) that measures and/or converts wind into electricity through the use of specialized equipment, and includes both (1.) horizontal axis wind energy system design in which the shaft is parallel to the ground and the blades are perpendicular to the ground; and (2.) vertical axis wind energy system design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground. Also included in the definition are the associated improvements for the transmission of electrical energy to the electrical utility grid. Forms of WECS include:
1. Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to directly and immediately serve the needs of the farm or agricultural operation.
 2. Private WECS shall mean any WECS that is accessory to a principal non-agricultural use located on the same lot, and is designed and built to serve the principal use. Excess electricity generation may be sold to a utility but shall not exceed fifty (50) percent of the principal use’s monthly electricity use or such WECS shall be considered a Commercial WECS.
 3. Commercial WECS shall mean any WECS and associated accessory structures that are designed and built to primarily provide electricity to the electric utility’s power grid. The Commercial WECS is a principal use of property and may occupy the same property as another principal use.
 4. Commercial WECS Farm shall mean an electricity generating operation consisting of two or more Commercial WECS under common ownership, control or operation, and includes substations, testing facilities, transmission lines and other buildings accessory to such operation, whose main purpose is to supply electricity to the

energy grid and off-site customers or consumers.

- P. WECS Testing Facility shall mean the structure and equipment erected and used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind speeds and other data.

3. Approval Required

- A. It shall be unlawful to construct, erect, install, use or locate any WECS within the zoning jurisdiction of Shiawassee County unless a special use permit, final site plan, administrative site plan, or a zoning permit has been approved pursuant to this Ordinance and Section.
- B. Agricultural WECS that are accessory to established farm and agricultural operations are permitted by right and shall be exempt from the general standards, provisions and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards as provided in Section 5.6.4. Such compliance shall be verified upon application of a zoning permit.
- C. Private WECS are permitted by right with conditions and are subject to administrative site plan review and approval to determine compliance with the general standards, provisions and requirements of this section and this Ordinance.
- D. Commercial WECS are permitted by issuance of a special use permit and approval of a final site plan by the Planning Commission. Multiple Commercial WECS as part of a Commercial WECS Farm may be applied for under a single special use permit as long as all Participating Parcels under application are located within a single Township under the County's jurisdiction. If a multiple Commercial WECS or a Commercial WECS Farm project involves siting Commercial WECS in multiple townships, a separate special use permit is required for those Commercial WECS within each Township under the jurisdiction of this Ordinance. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this Section and in this Ordinance.
- E. WECS Testing Facilities are permitted by issuance of a special use permit and approval of a final site plan. WECS Testing Facilities preceding implementation of multiple WECS shall be considered temporary improvements and shall be limited in duration to no more than two (2) years from the date of special use permit approval. Continuation of operation beyond two (2) years shall require a special use permit (in addition to the original special permit) to be applied for, reviewed and approved pursuant to Article 12.
1. In the event that multiple WECS are proposed as a coordinated development or as a Commercial WECS Farm and it is necessary that a WECS Testing Facility be erected to monitor meteorological conditions for the life of a Commercial WECS project, such WECS Testing Facility shall be included as part of the special use permit and final site plan approval process for the Commercial WECS Farm.
 2. The applicant shall provide general information regarding the extent of the area under study that will be served by the test results from a WECS Testing Facility. An

application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this section and in this Ordinance.

4. General Standards. The following requirements and standards shall apply to all WECS Testing Facilities and WECS unless specifically excluded:

A. Sound Levels.

1. An applicant for a Commercial WECS shall provide a study and report declaring the ambient and potential sound created by a Commercial WECS. The study should specifically address sound created by a Commercial WECS at Non-Participating Parcel boundaries and along property lines between Participating and Non-Participating Parcels. The study and report must be produced with the most current protocol for ANSI S12.9, Part 3, ANSI S12.100 and other applicable ANSI standards and methodology for the measurement of sound to the extent that those standards and methods are applicable to providing accurate and substantive information for review by the Planning Commission. This study and report must be certified by a qualified and certified acoustician and include the following:
 - a) A description and map of the existing land uses and structures within one (1) mile of a proposed Commercial WECS. The description and map shall include the location of structures, their use or uses, distances from a source of sound or WECS and ambient decibel readings (including the date and time when measurements are taken) for each identified land use and structure described and mapped.
 - b) A description and map of the sound producing features of each Commercial WECS, including the range of decibel levels expected (measured in dB(A)) and the basis for the expectation.
 - c) A detailed description of the proposed sound control features for each Commercial WECS, including specific measures to minimize sound to meet requirements herein.
2. An applicant for a private WECS shall provide documentation from the manufacturer in lieu of the above study and report.
3. The sound generated from a Private or Commercial WECS shall not exceed forty-five (45) dB(A) LAMax at any Non-Participating Parcel boundary.

B. Height.

1. Private WECS shall not exceed one hundred (100) feet in height.
2. Commercial WECS and WECS Test Facilities shall not exceed four hundred and fifty (450) feet in height.
3. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.

C. Setbacks

1. Property Line Setbacks.
 - a) WECS Testing Facilities and Commercial WECS shall not be subject to property line setbacks between Participating Parcels.
 - b) All WECS Testing Facilities shall maintain a setback from Non-Participating Parcel property lines a distance equal to or greater than one hundred (100) percent of its height as measured from the base of the structure to the nearest Non-Participating Parcel property line.
 - c) All Private WECS shall maintain a property line setback from a Non-Participating Parcel property line a distance equal to or greater than one hundred fifty (150) percent of its height as measured from the base of the structure to the nearest Non-Participating Parcel property line.
 - d) All Commercial WECS shall maintain a setback from a Non-Participating Parcel property line a distance equal to or greater than three hundred fifty (350) percent of its height as measured from the base of the structure to a Non-Participating Parcel property line.
2. Principal and Accessory Structure Setbacks on Participating Parcels.
 - a) All WECS Testing Facilities and WECS shall maintain a setback of one hundred (100) percent of its height as measured from the base of the structure to the exterior wall of a principal structure on a Participating Parcel that is used for residential, commercial or assembly purposes.
 - b) For accessory structures, the Planning Commission may, at its discretion, allow a setback that is less than one hundred (100) percent of a WECS Testing Facility or Commercial WECS height as measured from the base of the structure to the exterior wall of accessory structures on a Participating Parcel, depending on the current use of such accessory structures and potential impact on the use of those accessory structures.
3. Public Rights-of-Way. All WECS Testing Facilities and WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to a public road or railroad right-of-way. No setback is required from a drain right-of-way.
4. Existing Utility Lines. All WECS Testing Facilities and WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the structure as measured from the base of the structure to an existing above-ground public electric power line, telephone line or under-ground gas transmission line, unless said utility owner provides a waiver of such setback. Utility lines implemented as part of the application for a WECS Testing Facility or WECS, or those utility lines installed after the approval of a WECS Testing Facility or WECS, shall be exempt from meeting this requirement.

D. Shadow Flicker.

1. Commercial WECS shall be designed, sited, operated, and equipped with proven technology as to eliminate shadow flicker on any Non-Participating Parcel.

2. Shadow Flicker Impact Analysis. The applicant shall provide a study identifying through modeling the potential impact of shadow flicker that may be caused by a Commercial WECS and the expected durations of the shadow flicker from sun-rise to sun-set over the course of a calendar year. The area of study for modeling purposes shall be for a distance of no less than twenty (20) times the rotor diameter of each Commercial WECS.
 3. Site plans and associated documents and drawings submitted as part of the special use permit shall identify measures to be taken to meet the requirements herein.
- E. Decommissioning. WECS Testing Facilities and Commercial WECS considered under this Section must contain a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, cessation of use, or determination that WECS facilities are determined Abandoned.
1. A Decommissioning Plan shall be submitted for review and approval detailing how facilities and improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited for use by the County to implement the Decommissioning Plan upon failure of the owner or operator to implement upon cessation of use or determination of being Abandoned.
 2. If it is alleged by the Zoning Administrator that a Commercial WECS or WECS Testing Facility is Abandoned, the Planning Commission shall provide written notice to the owner or operator of a hearing before the Planning Commission to consider evidence that the WECS or WECS Testing Facility is Abandoned. If a determination is made that WECS facilities are Abandoned, the Planning Commission shall provide the owner and/or operator of such determination and obligations of the owner and/or operator of the standards and conditions of the special use permit regarding a determination of Abandoned facilities.
 3. Within ninety (90) days of the above hearing where the Planning Commission has determined that a WECS or WECS Testing Facility is abandoned, the owner or operator shall effect the Decommissioning Plan, and obtain a demolition permit to remove the WECS or WECS Testing Facility.
 - a) Failure to obtain a demolition permit within the time period provided in this subsection shall be grounds for the County to remove the WECS or WECS Testing Facility at the owner's and/or operator's expense.
 - b) If a WECS or WECS Testing Facility is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the safety of the WECS Testing Facility or WECS prior to the resumption of operation.
 4. Decommissioning shall include removal of all equipment associated with the WECS or WECS Testing Facility including all materials above ground and below ground to a depth of four (4) feet below average grade in the immediate surrounding area. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, and drainage.
 - a) Restoration shall include: road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition

consistent with conditions existing prior to establishment of the wind energy system. Upon written request by the property owner, access drives and associated drainage improvements, if any, may continue to exist.

- b) The restoration process shall comply with all federal state, and county regulations, including but not limited to local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.
 - c) Extensions may be granted upon request to the Planning Commission prior to the expiration of the one (1) year requirement for decommissioning to be completed.
5. The Decommissioning Plan shall also include an agreement between the owner or operator and the County that includes, but is not limited to, the following conditions:
- a) The financial resources for decommissioning shall be in the form of a surety bond or letter of credit with a replenishment obligation and shall be deposited in an escrow account acceptable to Shiawassee County.
 - b) The surety bond for decommissioning shall be one hundred fifty percent (150%) of the estimated removal and restoration cost, with an annual increase by the Consumer Price Index ("CPI"). The Planning Commission may require independent verification of the adequacy of this amount from a Professional Engineer.
 - c) The Planning Commission shall review the amounts deposited for removal, site restoration, and administration costs annually, to ensure they are adequate for these purposes. The Planning Commission as part of the special use permit may reasonably increase the surety amount of the previous year's total financial resource.
 - d) Shiawassee County shall have access to the escrow account funds for the expressed purpose of completing decommissioning under the Decommissioning Plan. If decommissioning is not completed by the owner or operator within one (1) year upon the termination of the project, determination of a WECS being inoperable or Abandoned as described above, action shall be taken to draw upon the escrow account for administrative fees and costs associated with decommissioning pursuant to the Decommissioning Plan.
 - e) The County is granted the right of entry onto the site, pursuant to reasonable notice to the property owner, to effect or complete decommissioning pursuant to the Decommissioning Plan.
 - f) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from the owner or operator for decommissioning costs in excess of the surety bond amount, and to file a lien against any real estate owned by the owner or operator, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- F. Enforcement: The enforcement of the Ordinance shall be the responsibility of the Shiawassee County Zoning Administrator, or his or her designee, or as otherwise

appointed, directed, or hired by the Board of Commissioners.

1. An owner or operator, landowner, firm, association, corporation or representative agent of any WECS Testing Facility or WECS that is found by Shiawassee County to be in violation of the special use permit, or to be Abandoned or unsafe as defined in this Ordinance:
 - a) Shall provide abatement by shut down, repair, or removal of the wind energy system upon written notification from the Zoning Administrator (or other County designee).
 - b) Shall be subject to all enforcement mechanisms available to the County.
 - c) May be subject to revocation of the special use permit for excessive and continued violations as provided for in Article 12 of the Ordinance.
 - d) May be required to reimburse Shiawassee County for cost(s) and expenses of obtaining other relief including a temporary or permanent injunction; such reimbursement may include costs and reasonable attorney fees.
2. Annual Inspection. All WECS Testing Facilities and WECS shall be inspected annually by a Professional Engineer to certify that each structure is in good working condition and not a hazard to the public. An annual report shall be submitted to the Planning Commission.
3. Should an aggrieved Shiawassee County resident allege that a WECS is not in compliance with the requirements of this Ordinance, the procedure shall be as follows:
 - a) Complaints must be submitted to the Zoning Administrator, or his or her designee, in writing from the affected resident, and include their name, address, contact information. If the affected resident does not own the property allegedly being subjected to violations of the Ordinance, the name, address and contact information for the owner of that parcel shall be provided.
 - b) Upon investigation by the Zoning Administrator, or his or her designee, if a complaint is deemed credible, the owner or operator of the WECS Testing Facility or WECS shall be notified in writing. Within fourteen (14) calendar days of the date of notice, the owner(s) and/or operator of the WECS Testing Facility or WECS shall provide a statement of compliance or non-compliance. As part of the special use permit, an annual escrow account (reviewable on an annual basis) shall be established sufficient to pay for independent investigations conducted by qualified professionals acceptable to the County to determine compliance with the requirements of this Ordinance.
 - c) If the WECS Testing Facility or WECS is found to be in violation of the Ordinance and/or this Section, the owner or operator shall take immediate action to bring the WECS Testing Facility or WECS into compliance, or cease operation of the WECS Testing Facility or WECS until compliance can be maintained. In the event the owner(s) and/or operator fails or refuses to bring the WECS Testing Facility or WECS into compliance within ten (10) days thereafter, the County may seek any relief by law afforded to it.

G. Safety Measures. The following safety measures are to be implemented for Testing facilities and WECS.

1. Controls and Brakes. All Private and Commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the Private or Commercial WECS. A Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.
2. Building and Trade Codes. All WECS testing facilities and WECS shall meet applicable state and national construction codes (where applicable).
3. Installation Certification. The Professional Engineer shall certify that the construction and installation of the WECS Testing Facility or WECS meets or exceeds the manufacturer's construction and installation standards.
4. Climb Prevention. All WECS Testing Facilities and WECS must be unclimbable by design or protected by anti-climbing devices.
5. Fire Risk. All WECS Testing Facilities and WECS must adhere to all applicable electrical codes and standards, and shall remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
6. Interference. It shall be the responsibility of the applicant to submit acceptable documentation as part of the special use permit application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception and to prevent such interference from occurring. The applicant shall also provide documentation that the location of the WECS Testing Facility and WECS will not interfere with the operation of existing WECS.
7. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS Testing Facility and WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
8. Liability Insurance. The owner(s) or operator(s) of the WECS Testing Facility or WECS shall maintain a current liability insurance policy to cover installation and operation. For a Private WECS accessory to a principal residence, proof of homeowner's insurance with specific coverage for the Private WECS shall satisfy this requirement.
9. The owner or operator shall notify the Shiawassee County Zoning Administrator in writing within twenty-four (24) hours of an occurrence of a WECS Testing Facility or WECS collapse, failure, fire, collector or feeder line failure, or injury to person or property caused by the WECS or WECS Testing Facility. See E.3 for notice of repair.

H. Additional Considerations.

1. No WECS or WECS Testing Facility shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.
 - a) A Commercial WECS or WECS Testing Facility shall not have lighting of any kind unless required by standards referenced in this Section or of the Federal Aviation Administration ("FAA") for purposes of safety or operation. If lighting of a Commercial WECS or WECS Testing Facility is required, lighting shall be controlled by an aircraft detection lighting system which activates or deactivates warning lights depending on the presence of aircraft unless otherwise restricted or prohibited by the FAA.
2. Color and Appearance. Structures and improvements shall be painted a neutral color that is acceptable to Shiawassee County or otherwise required by law. The main structure of any WECS shall be of a monopole (tubular) design.

J. Compliance with Federal Rules and Regulations.

1. It shall be the responsibility of the owner(s) or operator of the WECS Testing Facility or Commercial WECS to complete the proper FAA applications and obtain the proper permits, where applicable, for the construction of such improvements.
2. Compliance with Additional Regulations. It shall be the responsibility of the owner(s) or operator of a Commercial WECS to contact the FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to granting of a special use permit by the Planning Commission. Documentation that applicable permits have been obtained and requirements of these agencies have been met must be supplied to the County Building Department prior to the issuance of construction permits.

K. Studies.

1. Migratory and Game Birds. An avian study is required to be conducted by a qualified professional to determine any potential impacts one or more Commercial WECS may present to migratory and game birds. As part of the special use permit application, the study and its results must provide assurances that a Commercial WECS does not negatively impact the path of migratory birds or the viability of game birds.
2. Endangered Species. An endangered species study is required and is to be conducted by a qualified professional to determine any potential impacts the Commercial WECS may present to endangered species. The study as part of the special use permit application must provide assurances that the Commercial WECS does not negatively impact endangered species.

L. Administrative Provisions Following Approval.

1. An approved special use permit for a Commercial WECS or Commercial WECS Farm shall expire if construction of a Commercial WECS or Commercial WECS Farm has not commenced within thirty-six (36) months from the date of issuance. Commencement shall mean the erection of a Commercial WECS structure.
2. Amendment to Site Location Following Special Use Permit and Final Site Plan Approval. The Zoning Administrator may approve changes in location of Commercial

WECS and WECS Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet, continues to meet all regulations of this Section, and the improvement remains on the same parcel.

**SHIAWASSEE COUNTY ZONING ORDINANCE
ARTICLE 5
SUPPLEMENTAL REGULATIONS**

SECTION 5.3.1, ACCESSORY BUILDINGS AND STRUCTURES

(Effective Date: November 5, 2018)

5.3.1 Accessory Buildings and Structures:

A. Authorized accessory buildings and structures may be erected as a part of the principal structure or may be connected to it by a roofed over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal structure, an accessory structure shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal structure.

1. Accessory Buildings/Structures - As an accessory to a principal structure, accessory structures shall comply with the following:

- a. For single-family zoned and utilized property, there shall be no storage of commercial vehicles, except one (1) per dwelling unit not to exceed one (1) ton rated capacity unless otherwise permitted herein..
- b. Space in an accessory structure shall not be rented out or space leased to other parties unless otherwise permitted herein.
- c. An accessory structure not attached and not made a part of the principal structure shall not be nearer than ten (10) feet from any other structure on the same lot and shall comply with the front, rear, and side yard requirements of this Ordinance for accessory structures.

B. Residential Accessory Buildings/Structures

1. Structures accessory to a principal residential structure and use shall not be erected or project into any front yard between the lot line and the front building line, except where such improvement meets one (1) of the following condition sets:

a. Condition Set One:

- i. The parcel is a minimum of five (5) acres in lot area; and
- ii. All setback requirements of the district in which the residential accessory structure is to be located are complied with; and
- iii. The residential accessory structure shall be located not less than one hundred and sixty-five (165') feet from the road right-of-way; and
- iv. The accessory structure shall be located no closer than one hundred (100) feet to an existing principal residential structure on an adjacent parcel.

- b. Condition Set Two:
- i. The parcel is less than five (5) acres in lot area; and
 - ii. The residential accessory structure exterior siding is similar in color to the principal structure of which it is accessory to; and
 - iii. The residential accessory structure roofing is similar in color to the principal structure of which it is accessory to; and
 - iv. The residential accessory structure must be located no more than seventy-five (75) feet from the principal structure; and
 - v. The residential accessory structure shall be no closer than seventy-five (75) feet from an existing residential structure on an adjacent parcel; and
 - vi. No more than twenty (20) percent of a residential accessory structure floor area shall be located within an interior area defined as between the front building line and side building lines of the principal structure and the right-of-way so as not to obstruct the view of the principal structure from the public road; and
 - vii. Irrespective of residential accessory structure height requirements outlined herein, no accessory structure under this condition shall have a sidewall height exceeding ten (10) feet or a peak height of sixteen (16) feet.
2. No residential accessory structures shall be erected closer than ten (10) feet to any side or rear lot line or a principal or other accessory structure on the property.
 3. On a corner lot, no residential accessory structure shall be closer to the side street lot line than the side yard setback of the principal residential structure on the lot.
 4. No residential accessory building/structure shall exceed a sidewall height of (16) feet or a peak height of twenty-four (24) feet.
 5. The total of all detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements and accessory structure size shall be subject to the restrictions in floor area based upon parcel size listed in the schedule below.

<u>Parcel (lot) Size</u>	<u>Maximum Accessory Floor Area</u>
One-half (1/2) acre or less	1,200 square feet.
More than One-half (1/2) and up to one (1) acre.	1,850 square feet.
More than one (1) acre and up to two and one-half (2½) acres.	3,600 square feet
More than two and one-half (2½) acres and up to five (5) acres.	5,600 square feet
More than five (5) acres.	7,500 square feet

C. Agricultural Accessory Buildings/Structures - Agriculture accessory buildings and structures which are clearly incidental or secondary to the principal use of the property for agricultural purposes shall be allowed when the following provisions are fully complied with:

1. No accessory structure shall be constructed between the road right-of-way and the required minimum front yard setback.
2. In a rear or side yard, no accessory building shall be closer than ten (10) feet to any property line.

D. Commercial Accessory Buildings/Structures: Accessory buildings or structures in the O-1, B-1, B-2, B-3, M-1 and M-2 districts may be constructed up to the permitted maximum height of principal structures in said districts.

1. Accessory buildings or structures greater than five hundred (500) square feet are subject to site plan review and approval by the Site Plan Review Committee per the requirements of Section 14.3.4.
2. Temporary or seasonal accessory structures may be erected in a side or rear yard of any district for not more than four (4) months in a given year, provided they are not closer than eight (8) feet from a side or rear lot line.
3. Sleeping Quarters for Caretaker, Watchman, or Security Personnel: Sleeping quarters for a caretaker or security personnel whose functions serve the principal use of the lot, is permitted in the B-3, M-1 and M-2 Districts. In addition, the following standards apply:
 - a. Approval is received from the Shiawassee County Health Department in reference to sanitary facilities.

- b. The quarters meet all applicable code requirements of the State Construction Code, Public Act 230 of 1972.
 - c. The quarters do not adversely change the character of the lot or the district.
 - d. If the quarters are freestanding apart from the principal structure on the lot, it shall not be used for any other dwelling purpose other than as sleeping quarters for a caretaker, security personnel, or domestic employee, nor shall it be used as the basis for dividing a parcel to create a separate lot with a separate dwelling unit.
- E. Swimming Pools: Swimming pools and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.
- 1. Swimming pools shall conform to the yard setback requirements as required for accessory uses and structures in this Ordinance and are not eligible to be considered under the aforementioned condition sets allowing for accessory structures to be located between a residential principal structure and the right-of-way.
 - 2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the Shiawassee County Health Department as reserved for a replacement drain field unless approved by the Shiawassee County Health Department.
 - 3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
 - 4. Swimming pools in R-T and R-M1 Districts are permitted as part of a mobile home subdivision, mobile home park, or multiple-family development, but not on individual lots within the mobile home park, mobile home subdivision or multiple-family development.