



SHARON TOWNSHIP

18010 W. Pleasant Lake Rd, Manchester, MI 48158

PH: 734-428-7591 FAX: 734-428-9250

www.sharontownship.org

PLANNING COMMISSION

AGENDA

Tuesday, May 21, 2024 @ 6:00 pm

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call
4. Approval of the agenda
5. Approval of the April 22, 2024 Regular Meeting Minutes
6. Public comment (non-agenda items)
7. Zoning Administrator Report – David Wilson
8. Zoning Board of Appeals Liaison Report – Mike Hobbs
9. Township Board Representative Report – Trudi Cooper
10. Mineral Licensing Board Liaison Report – Justin Smith
11. Old Business
 - A. Solar Ordinance Updates
 - B. Shipping Container Regulations
12. New Business:
 - A. Earthwell Retreat Center Itinerary Approval
 - B. Fence Ordinance Discussion – Dave Wilson
13. Public comment
14. Concerns of PC members, Zoning Administrator, Planner, Engineer and Legal Counsel.
15. Action Items
16. Next regular meeting date and time
17. Adjourn

*Public comments are always appreciated during the designated time. Time will be allowed for anyone wishing to make a comment. Please remember that this is a working board meeting and questions presented during the public comment portion of the meeting may have to wait to be answered until after the meeting or another arranged time. Board members are also available to answer questions and take comments by contacting them directly outside of the board meeting. Contact information for board members can be found on the township website www.sharontownship.org.



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Planning Commission DRAFT Meeting Minutes Monday, April 22, 2024

The meeting was **called to order** by Chair Pat Kelly at 6:00 pm.

The **Pledge of Allegiance** was recited.

Roll Call:

Members present: Chair Pat Kelly, Vice-Chair Justin Smith, Secretary and Township Board Liaison Trudi Cooper, Commissioner Randy Bradshaw and Commissioner Mike Hobbs.

Also present were Township Supervisor Kathy Spiegel, Township Zoning Administrator Dave Wilson, Planning Commissioner Emeritus Bill Lewis, and Township Planners Megan Mason-Minnock and Grayson Moore

Approval of the Agenda:

Motion to approve the agenda as submitted by Hobbs, second by Cooper. Motion carried.

Approval of the March 19, 2024 Meeting Minutes:

Motion to approve as presented by Cooper, supported by Smith. Motion carried.

Public Comment (non-agenda items):

Bill Lewis commented that the fee schedule committee should have a completion deadline.

Zoning Administrator Report:

David Wilson was not present during this part of the meeting, so no report was given.

Zoning Board of Appeals Liaison Report:

Mike Hobbs had nothing to report as the ZBA did not meet.

Township Board Representative Report:

Cooper reported that at the Board of Trustees meeting held April 4, 2024, the following issues were discussed:

HOLCIM GRAVEL MINE ON M-52: Dave Wilson, Kathy Spiegel and Andrew DeLeeuw toured the mine and were impressed by the clean and modern operation. Spiegel reported that all on-site equipment is powered with electricity.

STONECO COURT CASE: Oral arguments will be held on Thursday, April 29 at 9:30 and can be watched via zoom.

DEPUTY ZONING ADMINISTRATOR APPONTMENT: Mike Hobbs.

RITZ PROPERTY DEMOLITION: Spiegel will have a building inspector assess the viability of rebuilding or remodeling the house.

TOWNSHIP TECH/VIRUS PROTECTION: Clerk Mrocko will be meeting with a tech specialist about safeguarding Township computers.

MARHUANA RETAIL ORDINANCE AMENDMENT: Spiegel will send recommended ordinance amendments to Township Attorney Ed Plato for review.

Mineral Licensing Board Liaison:

Justin Smith reported that the Board performed a site visit to the Holcim extraction operation on M-52.

Old Business:

SOLAR, WIND AND BATTERY STORAGE ORDINANCE UPDATES:

The Planning Commission reviewed Planner Mason-Minnock's map of Sharon Township's Electric Transmission Infrastructure and made suggestions for zoning overlays. This discussion will continue at the May meeting.

SHIPPING CONTAINERS:

Planner Grayson Moore presented ordinance language for consideration. Discussion included a fee schedule and permitting for limited use of shipping containers as temporary storage units. Moore and Mason-Minnock will revise the ordinance for presentation at the May meeting. A Public Hearing will be scheduled once the Planning Commission is satisfied with the revised ordinance.

New Business: None.

Public Comment: None.

Concerns of PC members, Zoning Administrator and Planner:

Bradshaw had a question about Stoneco's plans to build lakes on the property as part of the reclamation plan, if Stoneco's Special Use is approved by the court. Stoneco has been permitted by EGLE to build these lakes.

Cooper wondered if the Township has a blight ordinance. It does not. She is concerned about the home across from Sharon Mills Park that burned many months ago, and the site remains an ugly mess. A blight ordinance, as a Police Powers Ordinance, is Board of Trustee work. Spiegel will look into it.

Next Meeting

The next regular meeting of the Sharon Township Planning Commission will be held on **Tuesday, May 21, 2024 at 6:00 pm** at the Sharon Township Hall.

Adjourn

Motion to adjourn by Cooper, second by Smith, at 7:22 pm. Motion carried.

Minutes submitted by Trudi Cooper, Planning Commission Secretary.

These minutes were approved by majority vote at the -----, 2024 Sharon Township regular meeting.



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Sharon Township Planning Commission

FROM: Megan Masson-Minock, AICP and Grayson Moore, Community Planner

DATE: May 15, 2024

RE: Proposed Zoning Ordinance Amendments for Renewable Energy and Portable Storage Containers

The following memo addresses the proposed Zoning Ordinance amendments that add regulations regarding renewable energy facilities and portable storage containers into the Sharon Township Zoning Ordinance. Revised language of the Portable Storage Container ordinance was shared with Dave Wilson on May 6, 2024 following the April 22, 2024 Planning Commission meeting. Draft Zoning Ordinance Amendments are attached.

Please note the following changes to the proposed portable storage container zoning ordinance:

- A portable storage container may be situated on a parcel for six (6) months of the year with the option for a single extension of three (3) months upon renewal of the zoning permit prior to its expiration.
- All storage containers must be maintained and absent of unwarranted rust or evidence of wear.
- Except when located in a residential driveway, storage containers shall meet the principal building's setbacks.
- No electricity or plumbing may be connected to a portable storage container.

Please note the following changes to the proposed renewable energy zoning ordinance:

- Battery energy storage facilities that operate at or over 50 megawatts with an energy discharge capacity of 200 megawatt hours or more will be permitted through a Special Use Permit.
- Wind energy conversion systems have been split into two sections, Schedule A, WECS with a nameplate capacity at or above 100 megawatts and Schedule B, WECS with a nameplate capacity under 100 megawatts.
- Solar energy systems are organized as Section A, solar energy systems with a nameplate capacity at or above 50 megawatts, and Section B, solar energy systems with a nameplate capacity of less than 50 megawatts.


- Battery energy storage facilities that operate at or over 50 megawatts with an energy discharge capacity of 200 megawatts and Schedule A wind and solar systems reflect current requirements of the Michigan State Act No. 233 of 2023.

We look forward to discussing these proposed Zoning Ordinance amendments at your next Planning Commission meeting.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Grayson Moore
Community Planner



CARLISLE/WORTMAN ASSOC., INC
Megan Masson-Minock, AICP
Principal

ORDINANCE NO. _____

An ordinance to amend relevant portions of Article 20 to regulate portable storage containers.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE TOWNSHIP OF SHARON:

SECTION 1. MODIFY SECTION 20.15 TO INCLUDE PORTABLE STORAGE CONTAINERS IN TEMPORARY USES

4. Portable Storage Containers:

- a. For the purposes of this Section, a portable storage container shall be interpreted as a portable, weather-resistant receptacle designed and used for the temporary storage and/or shipment of household goods or building materials that is capable of being mounted or moved by rail, truck, or ship by means of being mounted on a chassis or similar transport.
- b. Portable Storage Containers shall be permitted in all zoning districts according to the following:
 - 1) A portable storage container may be situated on a parcel for six (6) months out of a calendar year. A single extension of three (3) months is permitted upon renewal of the zoning permit prior to expiration.
 - 2) A portable storage container shall not be utilized for or contain habitable space.
 - 3) A parcel is limited to no more than one (1) portable storage container on the lot at a single time.
 - 4) Portable storage containers shall not be stacked above the height of a single container.
 - 5) All portable storage containers shall be maintained and absent of unwarranted rust, holes, or other evidence of aging or wear.
 - 6) No electricity or plumbing may be connected to a portable storage container.
 - 7) A portable storage container may be placed on a paved or gravel off street surface in the front yard, side yard or residential driveway. In Commercial and Industrial Districts, a portable storage container may be placed in a parking lot, if the minimum parking requirements in Article 16 are maintained. Except when located in a residential driveway, portable storage containers shall meet the principal building's setbacks.
- c. Non-compliance with Regulations: Any portable storage container which exceeds the standards in this section is subject to penalty. Failure to adhere to approved duration constitutes removal of the portable storage container by the Township.

SECTION 2. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 3. PUBLICATION: This ordinance shall be published in a newspaper of general circulation as required by law.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 5. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, <insert>, Clerk of the Sharon Township, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2021-___ by the Sharon Township Board of Trustees assembled at a Regular Meeting held on _____.

The motion to approve was made by member _____ and seconded by _____

YES: _____

ABSENT: _____

NO: None. _____

ABSTAIN: _____

Clerk Sharon Township

ORDINANCE NO. _____

An ordinance to amend relevant portions of Article 5 to regulate renewable energy facilities and infrastructure.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE TOWNSHIP OF SHARON:

SECTION 1 ADD SECTION 5.33 TO INCLUDE BATTERY ENERGY STORAGE FACILITIES

A. Purpose

Sharon Township promotes the effective and efficient use of Energy Storage Facilities by minimizing regulations on the placement, design, and connection of conversion systems corresponding with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants.

B. Approval Required

It shall be unlawful to construct, erect, install, alter, or locate any Battery Energy Storage Facilities within Sharon Township that operates at less than a Utility Scale of fifty (50) megawatts or more with an energy discharge capacity of 200 megawatt hours or more without obtaining a Special Use Permit pursuant to this Ordinance. The granting of a Special Use Permit is contingent upon meeting the following criteria:

1. Battery Energy Storage Facilities have an aggregate energy that is at or above 50 megawatts in storage.
2. Application for a Special Use Permit required by this Ordinance for all Battery Energy Storage Facilities at, or above a capacity of 50 megawatts and an energy discharge capability of 200 megawatt hours or more shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses as required by Michigan State Act No. 233 of 2023:
 - a. The location and a description of the energy storage facility
 - b. A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultations with relevant state and federal agencies.
 - c. Additional information as required by planning commission rule or order that directly relates to the site plan.

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ORDINANCE DRAFT 05.15.24

- d. When a site plan is approved by the planning commission, an electric provider or independent power producer shall, for informational purposes, submit a copy to the clerk of each affected local unit.
 - e. A description of the expected use of the energy storage facility.
 - f. Expected public benefits of the proposed energy storage facility.
 - g. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
 - h. Information on the effects of the proposed energy storage facility on public health and safety.
 - i. A description of the portion of the community where the energy storage facility will be located.
 - j. A summary of the community outreach and education efforts undertaken by the electric provider or independent power producer, including a description of the public meetings and meetings with elected officials under this section
 - k. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy (EGLE) and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources (DNR) and the Department of Agriculture and Rural Development (MDARD).
 - l. The soil and economic survey report under section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
 - m. Interconnection queue information for the applicable regional transmission organization.
 - n. If the proposed site of the energy storage facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
3. Battery Energy Storage Facilities and all other buildings or structures that contain or are otherwise associated with a Battery Energy Storage System shall be designed, erected, and installed in accordance with all applicable state provisions of the codes, state regulations, and state and industry standards.

C. General Standards

Any commercial/industrial scale Battery Energy Storage Facilities with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more shall be subject to the following requirements in addition to the Michigan Public Act 233 of 2023 and any other applicable county, state, and federal regulations. Such requirements are in addition to, or in modification of, other applicable provisions and requirements of this ordinance.

1. Location

Battery Energy Storage Facilities shall not be located in the following areas:

- a. Flood hazard zones
- b. Parks and land set aside for open space and recreation
- c. Parcels or property of historical, cultural, archeological or religious significance
- d. Within 500 feet or less of wetlands

2. Electrical Components

All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.

3. Separation of Lithium-Ion Battery Energy Storage Facilities

| ESS Type & Capacity | Object Combustibility | Nonsprinklered |
|---------------------|-----------------------|-----------------|
| LFP 83 kWh | Combustible | 1.8 m (6 ft) |
| | Noncombustible | 1.2 m (4 ft) |
| NMC 125 kWh | Combustible | 1.2 m (4 ft) |
| | Noncombustible | <0.9 m (< 3 ft) |

Source: NFPA Fact Sheet

4. Compliance with Township Ordinances

All Battery Energy Storage Facilities shall be in compliance with all Sharon Zoning Ordinance requirements and other applicable ordinances.

5. Setbacks

All Battery Energy Storage Facilities setback requirements are found in the table below. All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

| | |
|----------|--------------------------|
| District | Renewable Energy Overlay |
|----------|--------------------------|

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| Adjacent Properties | Residential Land Uses | Place of Worship or Public Institutional Land Uses | All Other Land Uses |
|-----------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------|
| Front Yard Setback (adjacent to right-of-way) | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |
| Side Yard Setback | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |
| Rear Yard Setback | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |

- a. The Energy Storage Facility complies with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section, or any applicable successor standard adopted by the Planning Commission as reasonable and consistent with the purposes of this subdivision.
- b. The Energy Storage Facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- c. The Energy Storage Facility will comply with any more stringent requirements adopted by the Planning Commission. Before adopting such requirements, the Planning Commission must determine that the requirements are necessary for compliance with state or federal environmental regulations

6. Signage

- a. The signage shall be in compliance with Article 15 of the Zoning Ordinance and shall include the type of technology associated with the Battery Energy Storage Facilities, including the type of battery energy storage facility, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact

information, including reach-back phone number, and all such information must be updated with any change in the storage systems.

- b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.

7. Fire Risk

The applicant shall provide a fire response plan and emergency response plan. All facilities must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of ten (10) feet of electrical gear and connections, and must utilize twistable cables on turbines.

8. Installation

The energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section, or any applicable successor standard adopted by the Planning Commission as reasonable and consistent with the purposes of this subdivision.

9. Sound

At any time, the Energy Storage Facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A weighted scale as designed by the American National Standards Institute.

10. Dark Skys

The Energy Storage Facility will implement dark sky friendly lighting solutions.

**SECTION 2 MODIFY SECTION 5.27 TO INCLUDE WIND ENERGY CONVERSION
SYSTEM CATEGORIES AT OR ABOVE 100 MEGAWATTS AND BELOW 100
MEGAWATTS**

A. **Purpose:** Sharon Township promotes the effective and efficient use of Wind Energy Conversion Systems (WECS) by minimizing regulations on the siting, design, and installation of conversion systems commensurate with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

~~B. Definitions~~

~~1. "Wind Energy Conversion System" (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy together with such auxiliary and ancillary equipment and facilities required to condition or distribute the usable energy for use.~~

~~a. "Private WECS" shall mean any WECS that is accessory to a principal land use located on the same lot and is designed and built to serve the needs of the principal use.~~

~~b. "Commercial WECS" shall mean any WECS that is designed and built to provide electricity to the electric utility power grid and not for direct connection to specific, i.e. on site, uses~~

~~2. "Manual and Automatic Controls" prevent operation of the WECS outside of its design limits in order to protect the electric grid (if so connected), the machine itself, and the general public from the effects of failures that could occur were those limits to be exceeded.~~

~~3. An "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.~~

~~4. A "Utility Scale" wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.~~

~~5. "Facility Abandonment" shall mean out of production for a period of time not less than one year. (See Section 5.27.E.12. below)~~

~~6. "Anemometer Tower" (AMT) shall mean a structure supporting an anemometer (wind speed gauge).~~

B. Approval Required

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Sharon Township unless a Special Use permit has been obtained pursuant to this Ordinance.

- ~~1. Private WECS projects, accessory to permitted uses, shall not require a Special Use permit. Private WECS projects shall conform to the regulations of the zoning district where located, except that maximum height and minimum setback standards for WECS shall be as determined by Section D.4 and D.5, herein respectively. Application for Private WECS projects shall contain the following information in addition to that generally required by Article 4, Section 4.03, Plot Plan Review.
 - ~~a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;~~
 - ~~b. Elevation renderings depicting the appearance of the WECS from the nearest public road and from the nearest neighboring occupied dwelling.~~
 - ~~c. Documentation on non-interference with radio and television communication (D.6, below).~~
 - ~~d. Documentation on acoustic noise levels (D.8, below).~~
 - ~~e. Plot plan to show the outline of the area “swept” by moving parts, e.g. turbine blades, under all operating conditions, e.g. wind direction. (For a typical “windmill” WECS this would be a circle centered on the center of rotation of the nacelle or cab, with a radius equal to the distance from such center of rotation to the tip of a blade when horizontal.)~~~~
- ~~2. Application for special use permit required by this Ordinance for all Commercial WECS shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:
 - ~~a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;~~
 - ~~b. Methods to screen the base of the WECS pole and/or other ground apparatus.~~
 - ~~c. A permit fee for each WECS as set by Sharon Township Board must accompany the application.~~
 - ~~d. Elevation renderings depicting the appearance of the WECS from the nearest public road and from the nearest neighboring occupied dwelling.~~
 - ~~e. Documentation on non-interference with radio and television communication (D.6, below).~~
 - ~~f. Documentation on acoustic noise levels (D.8, below).~~~~

~~g. Plot plan to show the outline of the area “swept” by moving parts, e.g. turbine blades, under all operating conditions, e.g. wind direction. (For a typical “windmill” WECS this would be a circle centered on the center of rotation of the nacelle or cab, with a radius equal to the distance from such center of rotation to the tip of a blade when horizontal.)~~

- ~~C. **General Standards:** The following shall apply to all private and commercial wind energy conversion systems in Sharon Township. **Regulation Schedules:** All Wind Energy Conversion Systems (WECS) with nameplate capacities at or above 100 megawatts shall use Schedule A. All other WECS facilities shall use Schedule B.~~

~~1. Controls and Brakes~~

~~All private and commercial WECS machines shall be equipped with manual and automatic controls to maintain operation, rotation speed, load, etc., of the WECS within its design limits.~~

~~The Professional Engineer shall certify that the rotor and ‘over speed’ control design and fabrication of a Commercial WESC conform to applicable design standards. The certification documentation may include materials, calculations, etc., provided by the WECS manufacturer. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer’s statement of certification.~~

~~2. Electrical Components~~

~~All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.~~

~~3. Compliance with Township Ordinances~~

~~All private and commercial WECS projects shall be in compliance with all Sharon zoning ordinance requirements and other applicable ordinances.~~

~~4. Setbacks~~

~~All private and commercial WECS machines must be set back from property lines a distance equal to or greater than the larger of (a) one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blades or other moving components (b) one hundred percent (100%) of the height, measured from the base of the structure, of any nonmoving component or attachment. (c) 100 percent (100%) of the height of an anemometer tower.~~

~~5. Height~~

~~The height of any WECS machine shall be measured from the finish grade at the base of the structure to the maximum vertical extent of any component or attachment, moving or non-moving. a. b. c. The maximum height of a Private WECS installation shall be one hundred and ten feet (110 ft.). No moving~~

~~parts shall be closer to the finish grade than twenty-five feet (25 ft.). Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Special Uses, ARTICLE 5, and compliance with Federal Aviation Administration requirements and regulations.~~

~~6. Interference~~

~~A private or commercial WECS installation shall not in any way cause interference with commercial microwave or radio transmissions, or with residential television or radio reception.~~

~~7. Fire Risk~~

~~All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.~~

~~8. Noise Levels~~

~~The acoustic noise level from the WECS machine(s) operating at a wind speed of 15 mph, measured at the property line of the property on which the private or commercial WECS project has been installed, shall not exceed 55 decibels, A weighted (dBA).~~

~~Acoustic design and/or testing documentation from the WECS machine manufacturer or builder showing noise levels versus wind speed versus distance shall be provided as part of the application.~~

1. Schedule A.

The following standards shall apply to all ~~private and commercial~~ wind energy conversion systems whose nameplate capacity is at, or greater than 100 megawatts in Sharon Township.

a. Minimum Setbacks: Measured form the center of the base of the wind tower:

| Setback Description | Setback Distance |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Occupied community buildings and residences on nonparticipating properties | 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Residences and other structures on participating properties | 1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Nonparticipating property lines | 1.1 times the maximum blade tip height |
| Public road right-of-way | 1.1 times the maximum blade tip height to the center line of the public road right-of-way |

| | |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings | 1.1 times the maximum blade tip height to the center line of the easement containing overhead line |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|

b. Placement

Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

2. Schedule B

The following standards shall apply to all ~~private and commercial~~ wind energy conversion systems whose nameplate capacity is less than 100 megawatts in Sharon Township:

a. Controls and Brakes

All ~~private and commercial~~ WECS machines shall be equipped with manual and automatic controls to maintain operation, rotation speed, load, etc., of the WECS within its design limits.

~~The Professional Engineer shall certify that the rotor and 'over speed' control design and fabrication of a Commercial WESC conform to applicable design standards. The certification documentation may include materials, calculations, etc., provided by the WECS manufacturer. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.~~

b. Setbacks

The distance between a WECS and the nearest property line and/or nearest road right of way shall be at least one and one-half (1.5) times the height of the WECS. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

~~4. Setbacks~~

~~All private and commercial WECS machines must be set back from property lines a distance equal to or greater than the larger of~~

~~a. one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blades or other moving components~~

~~b. one hundred percent (100%) of the height, measured from the base of the structure, of any nonmoving component or attachment.~~

~~e. —100 percent (100%) of the height of an anemometer tower.~~

All accessory equipment shall at least one hundred (100) feet from the nearest property line. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

c. Fencing

The facility boundary perimeter of a solar or storage renewable energy facility must be fenced per standards set forth in Section 7.10. Additional fencing may be required for screening or security purposes in cases where the Planning Commission deems necessary. All fencing must comply with the latest version of the National Electrical Code. For the purpose of fence height regulations, WECS facilities shall be considered industrial lots.

D. Additional Standards for all ~~Commercial~~ WECS Projects.

The following additional standards shall apply to all ~~commercial wind energy systems~~ WECS projects in Sharon Township. If the Michigan Public Services Commission adopts rules regarding the below standards, those rules shall apply to Schedule A WECS projects instead of the standards in this subsection.

1. Zoning

WECS installations shall be constructed within the Energy Storage System Overlay Zone.

2. Sound

At any time, the WECS shall not generate a maximum sound exceeding 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

3. Height

The height of any WECS machine shall be measured from the finish grade at the base of the structure to the maximum vertical extent of any component or attachment, moving or non-moving.

a. The maximum height of a ~~Private Schedule B~~ WECS installation shall be one hundred and ten feet (110 ft.).

b. No moving parts shall be closer to the finish grade than twenty-five feet (25 ft.).

c. Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of

shadow flicker under planned operating conditions as indicated by industry standard computer model.

Each wind tower blade tip does not exceed height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

4. Electrical Components

All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.

5. Design Safety Certification

The safety of the design of all ~~commercial~~ WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard(s) for certification shall be included with the permit application.

6. Waste

a. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of a ~~Commercial~~ WECS, including old parts and equipment, shall be removed from the site immediately.

b. All hazardous waste generated by the operation and maintenance of a ~~Commercial~~ WECS, including but not limited to lubricating materials, shall be removed from the site immediately.

7. Color and finish

External surfaces and components shall be painted or treated to be non-corroding. Color is at the discretion of the WECS owner, operator or applicant, subject to compliance with any regulations promulgated by any competent external agency, such as, but not limited to, the Federal Aviation Administration.

8. Compliance with FAA

It shall be the responsibility of the person in charge of the ~~commercial~~ WECS project 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 project to obtain a determination of no significant impact to air navigation from the FAA.

9. Warnings

Warning signs reading “High Voltage” are required at all ~~commercial~~ WECS projects where voltages exceeding 250 volts are present outside of closed structures. The signs must have at a minimum six-inch letters with ¼-inch stroke. Such signs shall be

located a maximum of three hundred (300) feet apart and at all points of site ingress and egress. The location(s) of the sign(s) shall be called out on the Site Plan.

10. Installation Certification

Construction and installation of a ~~commercial~~ WECS shall be certified by a Professional Engineer with expertise in Wind Energy Systems to meet or exceed the manufacturer's construction and installation standards.

11. Climb Prevention

All ~~commercial~~ WECS project towers or poles must be unclimbable by design or protected by anticleimbing devices such as

- a. Fences with locking portals at least six feet high;
- b. Anti-climbing devices 12 feet from base of pole;
- c. or Anchor points for guy wires supporting tower(s) shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.

12. 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.

A record of each such inspection shall be submitted to Sharon Township and considered a part of the continuing special use permit.

13. Compliance with Township Ordinances

All ~~private and commercial~~ WECS projects shall be in compliance with all Sharon zoning ordinance requirements and other applicable ordinances.

The wind energy facility will comply with any more stringent requirements adopted by the Planning Commission provided the additional requirements are in compliance with state or federal environmental regulations.

14. Compliance with Additional Regulations

Applicants for ~~commercial~~ WECS projects shall contact such external agencies, as, but not limited to, the FCC, the FAA, the MDOT Bureau of Aeronautics and Freight Services, and the MPSC regarding any necessary additional permits or regulations.

Sharon Township shall not grant final approval for the Special Use prior to evidence of such contact, the corresponding permits if needed or correspondence indicating no necessity, or compliance with such regulations being provided. It shall be the responsibility of the applicant to ascertain which agencies claim such jurisdiction. A

Special Use permit may be suspended or revoked if Sharon Township determines that an owner or applicant knowingly bypassed a required contact, permit or regulation.

15. Migratory Birds

Sharon Township may require an avian study conducted by a qualified professional to determine any potential impacts the ~~commercial~~ WECS project may present to migratory birds. The study as part of the Special Use permit application must provide assurances that the WECS project does not negatively impact the path of migratory birds.

16. Liability Insurance

The owner or operator of a ~~commercial~~ WECS installation shall maintain a current insurance policy with a bond rating acceptable to Sharon Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special use permit approval.

17. Lighting

The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Planning Commission may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- i. The purpose of the exemption.
- ii. The proposed length of the exemption.
- iii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- iv. The technical or economic reason a light-mitigating technology is not feasible.
- v. Any other relevant information requested by the Planning Commission.

18. Decommissioning Plan and Escrow

Application for a ~~commercial~~ WECS project shall include a Decommissioning Plan to ensure the WECS is properly decommissioned upon the end of the project life 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 six (6) months of the end of project life or facility abandonment.

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 Sharon Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond or shall be deposited in an escrow account with an escrow agent acceptable to Sharon Township.
- b. Sharon Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the WECS owner or applicant within six (6) months of the end of project life or facility abandonment.
- c. Sharon Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. Sharon Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township'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. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

19. Interference

A ~~private or commercial~~ WECS installation shall not in any way cause interference with commercial microwave or radio transmissions, or with residential television or radio reception.

20. Fire Risk

All ~~private and commercial~~ WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

**SECTION 3 MODIFY SECTION 5.31 TO INCLUDE CATEGORIES FOR SMALL
SCALE SOLAR AND TO COMPLY WITH P.A. 233 OF 2023**

- A. **Purpose:** Sharon Township promotes the effective and efficient use of both Solar Energy Systems with a nameplate capacity of less than 50 megawatts and Large Solar Energy Systems with a nameplate capacity of 50 megawatts or more by minimizing regulations on the siting, design, and installation of conversion systems commensurate with preserving and protecting the public health, safety, and welfare of neighboring property owners or occupants.

~~C. Approval Required~~

~~It shall be unlawful to construct, erect, install, alter or locate any Solar Energy Systems within Sharon Township unless a Special Use Permit has been obtained pursuant to this Ordinance.~~

- ~~1. Application for a Special Use Permit required by this Ordinance for all Large Solar Energy Systems shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:~~

- ~~a. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy Systems and within 100 feet of all exterior property lines of the Energy System(s).~~
- ~~b. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System(s).~~
- ~~c. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System(s) at a minimum of 5-foot contours.~~
- ~~d. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System(s).~~
- ~~e. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System(s), including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.~~
- ~~f. Planned lightning protection measures.~~

- ~~g. Additional detail(s) and information as required by the Special Land Use requirements of the Sharon Township Zoning Ordinance or as required by the Planning Commission.~~
- ~~2. If applicable according to the state or county agency, approval by the Washtenaw County Road Commission, Michigan Department of Transportation and/or the Washtenaw Water Resources Commission must be obtained. Final approvals from these agencies may be a condition of approval by the Township Board.~~
- ~~3. An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.~~

B. General Standards Regulation Schedule

~~The following standards shall apply to all Large Scale Solar Systems in Sharon Township:~~

- ~~All Energy Solar Systems with a nameplate capacity at or above 50 megawatts shall use Schedule A.~~
- ~~All other Energy Solar Systems with a capacity of less than 50 megawatts in Sharon Township shall use Schedule B.~~

1. Schedule A: Sites with a capacity at or above 50 megawatts shall conform to the regulations below.

a. Minimum Setbacks

| Setback Description | Setback Distance |
|---------------------------------------------------------------------------|----------------------------------------------------------------------|
| Occupied community buildings and dwellings on nonparticipating properties | 300 feet from the nearest point on the outer wall |
| Public road right-of-way | 50 feet measured from the nearest edge of a public road right-of-way |
| Nonparticipating parties | 50 feet measured from the nearest shared property line |

b. Screening/Security

A Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height. The Planning Commission may approve as part of the site plan approval up to a one (1) foot extension arm with barbed-wire or razor wire slanting outward as measured from the natural grade of the fencing perimeter, with a finding that the additional barbed-wire or razor-wire is necessary to ensure public safety. Electric fencing is not permitted. The perimeter of Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings providing a minimum of 80 percent opacity year-round whenever existing natural vegetation does not otherwise reasonably obscure the Solar Energy System from adjacent residential structures, subject to the following requirements:

- i. The Solar Energy Systems shall be exempt from the landscape requirements of Article 17.
- ii. The evergreen or native vegetative buffer shall be composed of evergreen trees that at planting shall be a minimum of six (6) feet in height, native deciduous shade trees a minimum of two and a half (2 1/2) inch caliper and shrubs four (4) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native deciduous shade trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. The buffer shall be planted in at least two (2) rows of staggered plantings. For the

SHARON TOWNSHIP RENEWABLE ENERGY
ORDINANCE DRAFT 05.15.24

lifetime of the Solar Energy System, all unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

- iii. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- iv. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

c. Height

Solar panel components do not exceed a maximum height of twenty-five (25) feet above ground when the arrays are at full tilt. Substation and electrical transmission equipment shall not exceed seventy-five (75) feet.

e. Lot Size

A Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.

f. Lot Coverage

A Solar Energy System may not cover more than seventy-five (75) percent of the area of the parcel(s).

h. Dark Skys

The solar energy facility will implement dark sky friendly lighting solutions.

f. Schedule A Site Plans.

A site plan required under Public Act Section 223 or 225 shall meet application filing requirements established by Planning Commission rule or order to maintain consistency between applications. The Township is limited to a period of 120 days to approve or deny the project with a possible extension of up to 120 days if mutually agreed upon by the Township and the developer. If the Township denies or fails to act on the proposal, the Michigan Public Services Commission would then receive, review and decide the application.

2. Schedule B Process

It shall be unlawful to construct, erect, install, alter or locate any Solar Energy Systems **classified under Schedule B** within Sharon Township unless a Special Use Permit has been obtained pursuant to this Ordinance.

- a. Application for a Special Use Permit required by this Ordinance for all **Large** Solar Energy Systems shall contain the following information, in addition to that generally required by Article 4, Site Plan Review, and Article 5, Special Uses:
 - a. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the **Large** Solar Energy Systems and within 100 feet of all exterior property lines of the Energy System(s).
 - b. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the **Large** Solar Energy System(s).
 - c. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the **Large** Solar Energy System(s) at a minimum of 5-foot contours.
 - d. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the **Large** Solar Energy System(s).
 - e. A written description of the maintenance program to be used for the Solar Array and other components of the **Large** Solar Energy System(s), including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the **Large** Solar–Energy System is decommissioned.
 - f. Planned lightning protection measures.
 - g. Additional detail(s) and information as required by the Special Land Use requirements of the Sharon Township Zoning Ordinance or as required by the Planning Commission.

If applicable according to the state or county agency, approval by the Washtenaw County Road Commission, Michigan Department of Transportation and/or the Washtenaw Water Resources Commission must be obtained. Final approvals from these agencies may be a condition of approval by the Township Board.

2. Schedule B:

The following standards shall apply to all Schedule B systems whose nameplate capacity is below 100 megawatts in Sharon Township.

a. Setbacks

Setback requirements are found in the table below. All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

| District | Renewable Energy Overlay | | |
|-----------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------|
| Adjacent Properties | Residential Land Uses | Place of Worship or Public Institutional Land Uses | All Other Land Uses |
| Front Yard Setback (adjacent to right-of-way) | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |
| Side Yard Setback | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |
| Rear Yard Setback | 300 feet from nearest dwelling unit or 100 feet from property line, whichever is greater | 100 feet from property line | 50 feet from property line |

In instances where the Solar Energy System is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. All setback distances are measured from the property line, or nearest point of a dwelling unit, to the closest point of the renewable energy system. The nearest component of the Solar Energy System shall be taken from the array at minimum tilt.

b. Lot Coverage

The area of the Solar Energy System and any associated accessory structures shall not exceed 75% of the square footage of the entire site within the facility boundary. Impervious surfaces for the purpose of calculating lot coverage for Solar Energy Systems include, but

are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures.

c. Height

The height of the Solar Energy System or any structure constructed to enclose the system shall not exceed forty-five (45) feet.

d. Screening

When the Solar Energy System is within 100 feet of a residential use, systems shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).

When a Solar Energy System is ground-mounted, they may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the Solar Energy System in the rear or side yard will:

- i. Decrease the efficiency of the Solar Energy System due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;
- ii. Interfere with septic system, accessory structures, or accessory uses; or
- iii. Require the SES to be placed on the waterfront side of the building housing the primary use [where applicable].

e. Code Compliance

All Solar Energy Systems that are (1) contained or are otherwise associated with a renewable storage energy facility and (2) subject to the Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Sharon Township Zoning Ordinance.

f. Lighting

All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 18.04. The solar energy facility will implement dark sky-friendly lighting solutions.

g. Land not Protected by P.A. 116 Farmland Development Rights Agreements.

The land proposed for erection of a Energy Solar System may not be protected by a Farmland Development Rights Agreement under farmland protection program under Michigan Public Act 116.

h. Certified Solar Array Components

Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization if the similar certification organization is approved by the Township which approval shall not be unreasonably withheld.

i. Distribution, Transmission, and Interconnection

All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Solar Energy System. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

j. General Standards

The Planning Commission shall not approve any Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 5 of this Ordinance are met.

k. Approval Time Limit and Extension

Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for a single additional one year period.

l. Conditions and Modifications

Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

m. Maintenance and Repair

Each Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the

Solar Energy System must be shut down, Applicant shall immediately shut down the Solar Energy System and not operate, start or restart the Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

n. Signage

No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public. All signs must meet the provisions of Article 15.

3. Additional Standards for all Solar Energy Systems

a. Abandonment, Removal, Repowering and/or Maintenance

If a Solar Energy System ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove all associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the renewable energy facility and/or system or if due to abandonment and/or negligence to maintain, the Township shall have the right to enter the site for the reason of repowering the facility, in cases where repairs or replacements to the solar facility components are necessary, in order to properly maintain the system. The Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire set of repairs and/or maintenance to restore the site to its original capacity. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.

b. Decommissioning

The ground shall be restored to its original condition within 365 days of removal of structures. The restoration will include returning all soil within the facility to its original environmental state of which record must be taken prior to the commencement of construction. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground

materials shall be removed when the Small Scale Solar Energy System is decommissioned. All installed landscaping and greenbelts shall be permitted to remain on the site as well as any reusable infrastructure as determined by the Township. These can include service drives, utilities, etc.

c. Provision of Manufacturers' Safety Data Sheet(s)

The applicant must submit manufacturer safety data sheets for all proposed equipment. If approval is granted, applicant must provide the Township with finalized manufacturer safety data sheets both to be kept on record at with the Township and on-site in a clearly marked waterproof container. Applicants must provide updated manufacturer data sheets whenever equipment is modified so that all records are up to date. Documentation shall include the type and quantity of all materials used in the operation of all equipment.

d. Fire Response

All electrical equipment associated with and necessary for the operations of the system shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC).

e. Anticipated Construction Schedule

Applicant must provide an anticipated construction schedule which highlights when potentially hazardous materials will be brought on-site and installed.

f. Permits

Applicant must coordinate with all applicable agencies for required permitting including but not limited to the Oakland County Road Commission and/or Michigan Department of Transportation (MDOT) Oakland County Drain Commission, Environmental Protection Agency (EPA), Michigan Department of Environment, Great Lakes and Energy (EGLE), etc.

g. Sound

All Solar Energy Systems must conform to the residential zoning standards set forth in Section 18.05 of the Sharon Township Zoning Ordinance.

h. Compliance with the County Building Code and the National Electric Safety Code

Construction of a Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

i. Continuing Security

If any Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security in the form of a letter of credit prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Solar Energy System. Such letter of credit shall be kept in full force and effect during the entire time that the Solar Energy System exists or is in place, and such letter of credit shall be irrevocable and noncancelable.

1. Continuing Obligations: Failure to keep any required letter of credit in full force and effect at all times while a Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

j. Inspection

The Township shall have the right at any reasonable time, to provide same-day notice to the Applicant to inspect the premises on which any Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

k. Roads

Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the Washtenaw County Road Commission or the Michigan Department of Transportation, as applicable, a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads. The Applicant shall be responsible for any road

improvements necessary to accommodate construction vehicles, equipment or other deliveries.

l. Other Requirements

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

m. Escrow

An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a ~~Large~~ Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.

n. Glare

Solar Energy Systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties.

o. Drainage and Stormwater

Solar Energy Systems shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not cause undue flooding. Any necessary permits from outside agencies for off-site

discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife.

Earthwell Retreat Center Itineraries

| Title of Retreat | Date(s) | # of participants | Programming |
|--------------------------------------|--------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day of Mindfulness | May 5 | 12 | Provided by EarthWell - Silent retreat - Mindfulness meditation, BYO lunch, 10am-4pm |
| SEND Sustainable Ag. conference | May 12 | 20 | Landcare volunteering opportunities and sustainability workshops outside, Potluck, 10am-5pm |
| Day of Renewal | May 19 | 12 | Provided by EarthWell - custom retreat for mental health private practice - yoga, mindfulness training, nature connection, secondary trauma presentation and discussion; catered, 9am-5pm |
| SAPAC custom Day of Renewal | May 30 | 12 | Provided by EarthWell - custom retreat for the Sexual Assault Prevention and Awareness Center (SAPAC) at the University of Michigan, 9am-4pm |
| Day of Mindfulness | June 2 | 12 | Provided by EarthWell - Silent retreat - Mindfulness meditation, BYO lunch, 10am-4pm |
| Gaiam Rhythms | June 16-22 | 20 | Private Rental for weeklong nature-connection retreat, catered |
| Julie Kouyate | June 28-30 | 20 | Private Wellness Retreat lead by BodyMind Coach, catered |
| Jessica - non-profit leaders retreat | July 12-14 | 12 | Private Rental - non-profit leaders development retreat, programming provided by EarthWell |
| Day of mindfulness | July 28 | 12 | Provided by EarthWell - Silent retreat - Mindfulness meditation, BYO lunch, 10am-4pm |
| Sara Vos family weekend | August 9-11 | 70 ** | Private Rental - Daytime event with workshops for families on Saturday only. Lunch catered. |
| Cohousing family weekend | August 23-25 | 20 | Private retreat for families that live in the same neighborhood from Ann Arbor, cooking for themselves |

** Requires additional approval of the Planning Commission.

Submitted by Earthwell - May 1, 2024

All items approved by Zoning Administrator Dave Wilson - May 3, 2024

Presented to PC for approval - May 21, 2024

SHARON TOWNSHIP ZONING ORDINANCE

April 20, 2006 Updated August 8, 2022

Section 20.09 Fences

A. Residential Fences: Fences erected on residential properties shall be subject to the following provisions:

1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
3. The finished side of a fence shall face the adjoining lot when such fence is within twenty (20) feet of a lot line.

B. Non-residential Fences: Fences that are proposed as part of a commercial, industrial, institutional, or other non-residential use shall be subject to review as part of the normal site plan review proceedings for the use, at which time the Township Board shall determine the appropriateness of any proposed fencing in regard to height, setbacks, materials, and design.

C. Dangerous Fences: No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining farm animals, or otherwise approved during site plan review proceedings.

Section 20.10 Home Occupations

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Class 2 Home Occupations, as defined in Article 21 of this Ordinance, shall be permitted pursuant to Article 5, Special Land Uses, and Section 5.22. Class 1 Home Occupations, as defined in Article 21, shall comply with the following conditions:

1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty (20) percent of the total floor area of the dwelling.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. The operation of the home occupation shall not involve the presence of more than one (1) person not residing in the home.
4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
5. There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of such home occupation.
6. Traffic generated by a home occupation shall not be greater in volume than is normally associated with a single family dwelling. Any need for parking generated by the home occupation shall be met off the street, and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling, or is provided as an incidental activity associated with the principal service offered by the home occupation.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials or waste in excess of quantities normally customary and incidental to a single family dwelling and lot.

Section 20.11 Condominium Subdivisions

A. Intent: The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

Freedom Township

Section 6.09 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

C. Location and Height.

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. **Front yard.** In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular.
2. **Side or rear yard.** In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Article 5.0 (Use Standards). See Section 6.09E (Waterfront Lots) for additional limitations that apply to fences on waterfront lots.

SECTION 7.

Article 6.0 (General Provisions), Section 6.09 (Fences and Walls), Subsection "E." (Waterfront Lots) is hereby deleted in its entirety and replaced with the following:

Section 6.09 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

E. Waterfront Lots.

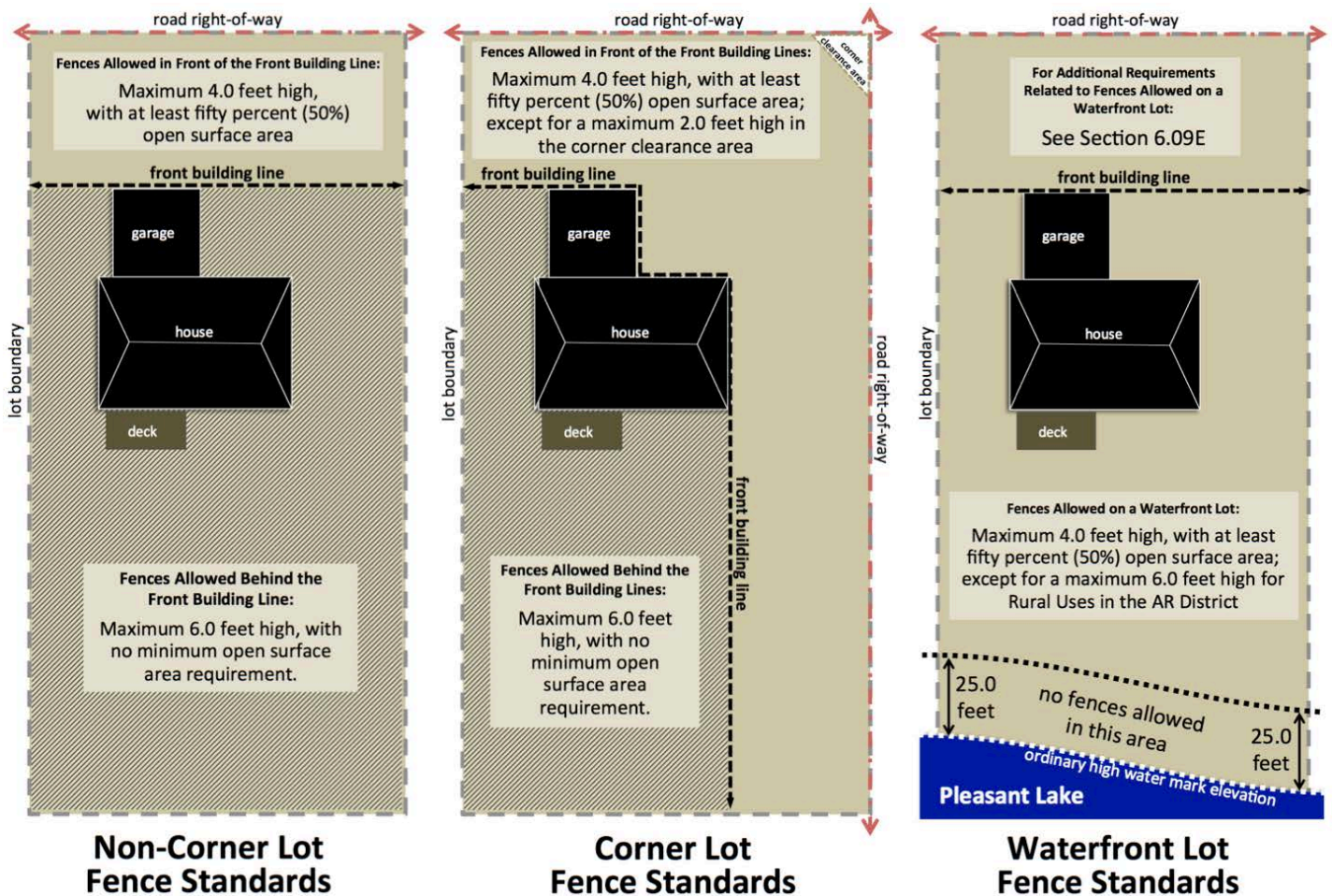
On waterfront lots, as defined in Section 19.03 (Definitions), it is the intent of this Section that the location, height, and design of fences shall not obstruct views of the water. Fences on waterfront lots shall be subject to the following additional limitations:

1. Fences shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular, except for farm fences up to six (6) feet in height allowed accessory to RURAL USES on waterfront lots in the AR (Agricultural-Resource) District.
2. No fence shall be located within 25.0 feet of the ordinary high water mark elevation of Pleasant Lake.

SECTION 8.

Article 6.0 (General Provisions), Section 6.09 (Fences and Walls) is hereby amended to add three (3) new illustrations of the fence standards:

Section 6.09 Fences and Walls.



SECTION 9.

Article 10.0 (Supplementary Development Provisions), Section 10.04 (Natural Resources Protection), subsection "B" (Watercourses and Wetlands) is hereby deleted in its entirety and replaced with the following:

Section 10.04 Natural Resources Protection.

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites subject to development. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

B. Watercourses and Wetlands.

No person shall alter, obstruct, fill or otherwise vary the shoreline, area, course, water level or flow, vegetation or natural conditions of any lake, river, stream or other

Sec. 30-803. - Fence regulations.

- (a) *Permit requirements.* It shall be unlawful for any person to construct, or cause to be constructed, any fence on any property within the township, except in accordance with these regulations. Any person or entity desiring to construct, or cause to be constructed, any fence that is subject to these regulations shall first obtain a fence permit from the zoning inspector. The application for a fence permit shall contain all information, including drawings, that is needed to determine compliance with this chapter.
- (b) *Fee.* The fee for a fence permit shall be established and may be amended from time to time, by resolution of the township board. The fee shall be paid to the township treasurer at the time of application.
- (c) *Location of fences.* A fence shall be located entirely on the property of the owner of the fence. A fence may be located on a common property line if the adjoining property owners agree in writing to a location on the common property line.
- (d) *Height regulations.*
 - (1) In all districts except the AG district, fences located on residential lots shall comply with the following regulations:
 - a. Fences shall not be located in a front yard, in any other yard that abuts a public or private street, or in a yard that abuts a lake or stream.
 - b. A fence that is located adjacent to such yards described in subsection (d)(1)a of this section at the building line, shall not be more than four feet high and shall not have an opacity greater than 50 percent.
 - c. In the AG district, fences may be located in any yard, provided that such a fence shall not be more than four feet high and shall not have an opacity greater than 50 percent.
 - d. Fences may be located in any other part of a lot not listed in subsection (d)(1)a of this section, provided such fences shall not be more than six feet high.
 - e. A berm that is located in a front yard, in any other yard that abuts a public or private street, or in a yard that abuts a lake or stream shall be regulated as a fence if it is more than 18 inches high, measured from existing grade at the base of the berm's slope.
 - (2) Fences on a commercial or office lot shall not be more than six feet high. Fences shall not be permitted in the front yard or any yard along a public or private street or a lake or stream, except where required by the township planning commission as part of site plan review or a special use permit.
 - (3)

Fences on an industrial lot shall not be more than 12 feet high. Fences shall not be permitted in the front yard or any yard along a public or private street or a lake or stream, except where required by the township planning commission as part of site plan review or a special use permit.

- (4) The height of a fence that is located within two feet of a common property line shall be measured from the highest grade within two feet on either side of the common property line.
- (e) *Vision clearance.* Fences shall comply with the section 30-791. A fence that is located at the intersection of a driveway and a sidewalk along a public or private street shall not impede vision between the driveway and sidewalk.
 - (f) *Fence safety regulations.*
 - (1) No spikes, nails, barbed wire, or other pointed objects or sharp protrusions may be placed on or attached to any fence below a height of ten feet. Fences that enclose farmland may have barbed wire at any height.
 - (2) Fences shall not carry any electric charge or current, except fences that enclose farmland, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the fence owner's side of the fence posts. All electrically charged fences shall be of a type and manufacture approved by Underwriters Laboratories.
 - (g) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the grade of the ground being retained.
 - (h) *Public utility fences.* Fences that enclose public utility installations located in a residential zoning district shall not be located in any required yard. Such fences may be located in any required yard in any other zoning district. Such fences shall comply with all other regulations in this section.
 - (i) *Maintenance.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property, is hereby declared a nuisance. If an unsafe fence condition exists, the zoning inspector or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which the fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or a portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
 - (j) *Exemptions.*
 - (1) Fences enclosing farmland shall be exempt from all regulations of this section, except subsections (e) and (f) of this section.
 - (2) Fences not more than four feet high, where located on single-family residential lots larger than two acres that are not within a recorded subdivision or site condominium, shall not require a permit.

- B Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect three hundred sixty-five (365) days following the effective date of adoption or amendment of this ordinance, unless the Building Official has issued a permit for the actual construction of a new building.
- C. Where a building permit has been issued within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article 12, Non-Conforming Uses, Structures, Lots, herein, if applicable.

Section 5.16. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of all buildings, underground and overhead wires and pipelines, and towers associated with essential services shall be subject to the provisions of Article 7, Site Plan Review. (See definition of Essential Service, Article 2).

Section 5.17. Fences, Walls and Screens. Except as otherwise required by this Ordinance, the following regulations shall apply:

- A. **All Districts:** Fences, walls and screens shall not to be located in any public right-of-way or any easement granted for the purposes of ingress or egress.
- B. **Rural Districts (RC, AG-1, AG-2).** Within the limits of the front yard space of a lot in the above districts, no fence wall, or other screening structure shall exceed four (4) feet in height unless at least fifty (50%) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. (Subject to Section 5.47, Visibility at Intersections and page 2-34).
- C. **Residential Districts (RR, R-1A, R-1B, R-1C, R-1D, R-2A.)** Within the limits of the front yard space of a lot within a residential district, no fence wall, or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. (Subject to Section 5.47, Visibility at Intersections and page 2-34).

- D. **Non-Residential Districts (GC, HC, VC, O, R-O, LI).** Within the limits of the front yard space of a lot within a non-residential district, no fence wall, or other screening structure shall exceed four (4) feet in height unless at least seventy-five (75%) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator. No fence, wall, or other screening structure located within a side or rear yard shall exceed twelve (12) feet in height. (Subject to Section 5.47, Visibility at Intersections and page 2-34).
- E. The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- F. On lakefront lots fences that are located between the rear of the main building and the lake shoreline shall be of an open-air type, permitting visibility through at least eighty (80%) percent of its area.
- G. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- H. Fence height shall be designed and constructed in accordance with applicable building code requirements.

Section 5.18. Freeway Overlay District.

5.18.1. Intent.

Freeway Overlay District. The purpose of this district shall be to manage the development of the area surrounding freeway interchanges in such a manner that land will not interfere with the operational aspects of the interchange, including ramps and feeder roads; will be compatible with surrounding environment and characteristics of the site on which it is located. Community facilities and services shall be adequate to accommodate the needs of the development; and, suitable provisions will be made for the needs of motorists for service-oriented uses.

5.18.2. Permitted Uses. All principal permitted uses and structures, permitted accessory uses and structures and special uses and structures within the various zoning districts shall be applicable within the Freeway Overlay District as designated on the Lima Township Zoning Map.

5.18.3. Schedule of Zoning Regulations. All zoning district regulations (Subject to Section 4.6) for the underlying zoning districts shall apply to uses in the Freeway Overlay



SECTION 16.16

Fences, Walls, and Gated Entrances

Fences, walls, and gated entrances shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Fences and Walls:** Fences and walls shall meet the standards outlined below, unless otherwise permitted in this Ordinance.
- 1) **General Provisions:** The standards outlined below shall apply to all fences and walls.
 - a) *Finished Side:* The finished side shall face adjacent properties. All exposed fence posts shall be located towards the property that is being fenced.
 - b) *Setbacks:* Fences shall be located completely within the property being fenced.
 - c) *Clear-vision Zone:* Fences and walls located within a clear-vision zone shall have a maximum height of three (3) feet.
 - d) *Height:* Fences and walls located within a front yard shall have a maximum height of four (4) feet. Fences and walls located within a side or rear yard shall have a maximum height of six (6) feet, unless otherwise stated in this Ordinance.
 - e) *Maintenance:* Fences and walls shall be kept and maintained in good, plumb upright condition.
 - f) *Gates:* Gates shall be installed so that they do not extend over or into a right-of-way, public space, or adjacent property when opened.
 - 2) **Waterbody Yards:** Fences and walls in waterbody yards shall meet the standards outlined below.
 - a) *Commercial, Recreation Conservation, and Public Districts:* The maximum height for fences or walls in the waterfront yard of Commercial (C), Recreation Conservation (RC), and Public Districts shall be four (4) feet, and the fence or wall shall have a maximum opacity of 50 percent.
 - b) *All Other Districts:* Fences and walls shall not be permitted in the waterfront yard in any other zoning district.
 - 3) **Recreational Facility Fences:** Fences surrounding a recreational facility field or court shall have a maximum height of twelve (12) feet and shall be set back from all lot lines a distance at least equal to the fence height.
 - 4) **Agricultural Fences:** Agricultural fences may be taller than outlined in this Section if the fence is the minimum height necessary for the agricultural use and the fence will not cause negative impacts to adjacent properties or traffic. Agricultural fences that are taller than otherwise allowed shall have a maximum opacity of 50 percent.
 - 5) **Temporary Fences:** Temporary fences shall be maintained in good condition and shall be installed a maximum of five (5) months in a calendar year.
 - 6) **Razor Wire:** Razor wire shall only be used with the approving authority's approval for utility substations and gate valve stations.
 - 7) **Barbed Wire and Electrical Fences:** Barbed wire and electrical fences shall only be allowed in Agricultural (AG) and Rural Residential (RR) Districts. All barbed wire or electrical fences within 50 feet of a lot line or in an area accessed by the public shall have clearly visible warning signs.
- (B) **Gated Entrances:** Gated entrances shall meet the standards outlined below.
- 1) **Approvals:** Gated entrances shall require review and approval by emergency responders, including, but not limited to, the Fire Inspector, police, and emergency medical services.



- 2) **First Responder Access:** Gated entrances shall be equipped with a sound-activated entry system that will automatically open the gate upon detecting an emergency siren for two point five (2.5) to four point five (4.5) seconds or sooner.
- 3) **Law Enforcement Access:** Gated entrances shall be equipped with a silent, secondary access system that allows for quiet entrance by law enforcement personnel.
- 4) **Back-up Power:** Gated entrances shall be equipped with a back-up power supply capable of operating the gate for at least 24 hours in the case of power failure.
- 5) **Manual Control:** Gated entrances shall be equipped with a fail-safe mode that allows for manual operation of the gate.

SECTION 16.17

Pools and Hot Tubs

Pools and hot tubs shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- (A) **Location:** Swimming pools shall be located in a side or rear yard. Hot tubs shall be located in a side, rear, or waterfront yard.
- (B) **Setbacks:** Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least 35 feet from waterbodies.
- (C) **Access:** Swimming pools and hot tubs shall have restricted access by at least one (1) of the methods below:
 - 1) **Fencing:** Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high. The fence shall not be climbable. All gates shall be self-closing and self-latching;
 - 2) **Elevated Pools:** Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;
 - 3) **Building Wall:** When a building wall is used as a barrier, all doors along that wall shall be equipped with alarms and the swimming pool shall have an automatic cover; and/or
 - 4) **Hot Tub Cover:** Hot tubs with a cover that complies with the American Society for Testing and Materials (ASTM) F1346 shall not be required to have additional access restrictions. This cover shall be in place when the hot tub is not in use.
- (D) **Filling:** Swimming pools and hot tubs shall not be filled until the applicable access restrictions have been satisfactorily installed.

SECTION 16.18

Retaining Walls

Retaining walls shall meet the standards outlined below, in addition to other applicable provisions of this Ordinance. The standards of this Section shall not apply to seawalls.

- (A) **Setbacks:** Retaining walls shall be at least three (3) feet from all lot lines. For retaining walls that are taller than three (3) feet the minimum setback shall be equal to the wall height. This setback may be reduced if a letter of non-objection is obtained from the affected adjacent property owner. This letter shall be in a form approved by the Township and shall be recorded with the Register of Deeds, with a copy of the recorded agreement supplied to the Township.

Section 13.60

Fence Regulations

- A. Setbacks.** Fences may be located in any required yard and are not subject to setback requirements. In the Base Line Lake Residential District (BLLR), fences are not allowed in any yard of lots bordering Base Lake Drive and Leach Lane.
- B. Height Limits.**
- (1) In all residential zoning districts, fences that are permitted within any required side or rear yard shall not exceed six (6') feet in height. Fences located in any front yard shall not exceed three (3') feet in height.
 - (2) In all other zoning districts, fences that are permitted within any required yard shall not exceed a height of twelve (12') feet.
- C. Height Measurements.** The height of a fence shall be measured from the ground level at the lowest grade within one (1') foot of any side of a fence post, except the height of a retaining wall, or a fence located on a top of a retaining wall, which shall be measured from the ground level at the higher side of the wall.
- D. Vision Clearance.** No fence shall be erected or maintained on any lot that will obstruct the view of the driver of a vehicle approaching an intersection. In the case of corner lots, there shall be provided an unobstructed triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25') feet from the intersection of the right-of-way lines, or in the case of a rounded corner, from the intersection of the street right-of-way lines extended.
- E. Safety.**
- (1) Fences shall not have attached, fixed, or placed thereon any spike, nail, barbed wire, or other pointed instrument or sharp protrusion below the height of eight (8') feet, except non-subdivided areas in the Agricultural, Agribusiness or Rural Residential (AG, AB or R-1) zoning district, in which case barbed wire may be used at any height on the fence.
 - (2) Fences shall not contain any electric charge, except fences located within Agricultural, Agribusiness or Rural Residential (AG, AB or R-1) zoning district, in which case electrically charged fences shall be of a type and make approved by the Underwriters Laboratories or similar testing agency. This regulation does not apply to "invisible fences" meant to control pets.
- F. Temporary Construction Fences.** Temporary construction fences, and fences required for protection around excavations, shall comply with the Michigan State Construction Code.
- G. Location of Fences.** All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a permit to erect a fence upon the common property line.
- H. Permits.** Any person desiring to construct a fence within any zoning district, other than an agricultural zoning district shall apply to the Zoning Administrator for a permit for such construction. The application shall contain all information necessary for determination of whether the fence will comply with this Ordinance and any applicable laws in the State of Michigan. A fee for the permit shall be established by resolution of the Township Board. In issuing a fence permit, Webster Township shall not be responsible for the location of the fence with respect to property lines.

- I. **Retaining Walls.** Retaining walls shall be regulated as fences and shall be subject to the provisions of this Section if the wall extends more than three (3') feet above the lower of the two ground levels. Fences shall be required on top of retaining walls as required by the Michigan State Construction Code.
- J. **Fences on Public Land.** Fences which enclose public parks, recreation areas, playgrounds and buildings shall be permitted in any required yard. Fences which enclose public utility installations within a residential zoning district shall not be permitted within a required side yard. Fences which enclose public utility installations in all other zoning districts, shall be permitted in any required yard.
- K. **Maintenance.** Fences shall be maintained so as not to endanger life or property. Any fence that, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Administrator or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.

Section 13.65 Grading

- A. **Certificate of Zoning Compliance.** Any grading required pursuant to a certificate of zoning compliance shall be subject to the following provisions:
 - (1) All required yards shall be maintained at a slope to cause the flow of surface waters to existing drainage systems, without causing any ponding or flooding upon any adjacent lands resulting from any change in elevation; provided, however, this shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are constructed and maintained.
 - (2) When a new building is constructed or located on a vacant lot between two existing buildings, the yard around the new building shall be graded to meet the existing grades and permit runoff of surface waters without encroachment onto adjacent properties, except as such runoff follows drainage patterns as they exist.
 - (3) All buildings and structures shall be constructed at an elevation that provides a sloping grade from the building or structure, thereby causing surface waters to drain away from the walls of the building to a natural or established drainage course.
 - (4) During the period of construction, other lots shall not be burdened with drainage from the property upon which the construction occurs.
 - (5) Final grades shall be determined and approved by the Zoning Administrator, Township Engineer, or Planning Commission.
 - (6) To ensure that the final grades are in accordance with approved plans or provisions of this Ordinance, the Township may require the project developer, building contractor, or property owner to post an irrevocable letter of credit, cash or other form of security acceptable to the Township to cover the cost of grading.
 - (7) A certificate of zoning compliance shall not be issued unless the grading has been inspected and approved by the Zoning Administrator or Township Engineer or an adequate performance guarantee posted to ensure the grading on or before a specified date.