

Article 20

Special Provisions

Section 20.01 Purpose

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

Section 20.02 Dwelling Per Lot, Parcel, or Building Site

Every dwelling hereafter erected shall be located on a lot, parcel, or building site or premises, the description of the boundaries of which are on record at the Register of Deeds Office, or in case of a Land Contract shall be on record with the Zoning Administrator and Township Assessor as adequately descriptive.

Section 20.03 Accessory Building

- A) All accessory buildings not attached to the main building shall be located in the rear yard, and not less than three (3) feet from the sideline of the premises on which they are located. All accessory buildings attached to the main building, including breezeways, shall be considered a part of the main building in determining yard requirements.
- B) No accessory building shall project into any required front yard.
- C) No accessory building shall occupy more than thirty (30) percent of the rear yard, as measured from the rear of the principal building/structure to the rear property line.
- D) On a corner lot, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.
- E) If a rear yard abuts an alley then the rear setback shall be measured from the center of the alley line and shall not be less than 10 (ten) feet.

Section 20.04 Substandard Dwellings

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township, and of reducing hazards to health, life, and property, no basement dwelling, or cellar dwelling, tent, garage-house, recreational vehicle or similar type, or other substandard structure shall hereinafter be erected or moved upon any premises and used for dwelling purposes.

Section 20.05 Required Water Supply and Sanitary Sewer Facilities

In addition to the requirements established by the State and County Health Departments, no structure for human occupancy or use shall hereinafter be erected, enlarged, moved, or its kitchen or bathroom altered unless it shall be properly connected to the Township water and sanitary sewer systems.

Section 20.06 Access to a Street

No lot, parcel, or building site shall be occupied except where access to a public street no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods.

Section 20.07 Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than two (2) feet above street grade on any corner lot, parcel, or building site in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a (30) feet distant from the point of intersection, measured along the street right-of-way.

Section 20.08 Street Vacations

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 20.09 Height Regulations

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses, and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, utility poles, power lines, radio and television broadcasting and receiving antennas, silos, parapets, and other necessary mechanical appurtenances. Provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

Section 20.10 Fences, Walls, and Screens

Within the limits of a front yard space of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than four (4) feet. No such fence or wall located within a side or rear yard shall exceed six (6) feet in height.

A) Approved enclosure shall mean a fenced in area which meets the following requirements:

- 1) The fenced-in area shall not exceed 4 (four) percent of the property area, or 8,000 (eight thousand) square feet, whichever is less.
- 2) The fenced-in area shall not be located in the front yard setback area required pursuant to Arlington Township Zoning Ordinance.
- 3) The fence shall be no greater than 6 (six) feet in height.
- 4) The fence shall be constructed of durable exterior materials and shall be properly maintained.
- 5) The finished side of the fence shall face surrounding properties.
- 6) The Planning Commission may allow modifications to these requirements subject to site plan approval.

Section 20.11 Essential Services

For purposes of this Ordinance, the following provisions shall apply:

- A) The surface of land used for pipeline rights-of-way shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- B) Essential services shall be exempt from lot area requirements in the Commercial and Industrial Districts.

Section 20.12 Swimming Pools

The following shall apply to all swimming pools located within Arlington Township.

- A) **Permit.** No person shall construct, operate, or maintain or use a swimming pool without first obtaining a permit therefore from Arlington Township. An application for such a permit shall be accompanied by a complete and detailed set of plans and specifications for the swimming pool, including the site plan, pool dimensions, location and type of disposal system, structural calculations, fence, and gate details deemed necessary by the Township.
- B) **Location.** Swimming pools must fulfill the property line setback requirements established in the applicable zoning district to which the pool will be located.
- C) **Construction Standards.**
 - 1) **Electrical Wiring:** All electrical wiring used on, in or about the premises upon which the pool is located shall conform in all respects to the Arlington Township adopted electrical code.
 - 2) **Drainage:** a drainage plan, showing existing topography of the subject site, shall be submitted for review by the Township.
 - 3) **Water supply:** swimming pools shall be provided with a potable water supply. The water supply line to the pool shall be protected against backflow of water by means of a fixed air gap of six inches or more above the highest possible water level, or by an approved vacuum breaker or other approved backflow prevention device installed in an approved manner. All filter pipe shall be located so as to prevent hazards to bathers.
 - 4) **Circulation:** swimming pools shall have adequate recirculation and filtration of pool water to prevent stagnation and organic growth.
- D) **Fences & Gates.**
 - 1) A fence, wall or other structure shall be at least five (5) feet in height above the finished grade level measured on the side of the barrier away from the pool.
 - 2) Gates and doors in such barriers shall be self-closing and self-latching.
 - 3) Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no openings greater than one-half inch within 18 inches of the release mechanism.
- E) **Maintenance & Operation.** The pool, its environs, and its operation shall be clean and sanitary at all times, and the pool shall be kept free of floating material, sediment, scum, and debris.

Section 20.13 Keeping of Animals

A farm animal that is permitted in an area zoned for or being used as a residence shall be defined as follows: any horse, cow, calf, swine, sheep, goat, chickens, geese, ducks, donkeys, pigeons, pigs (including Vietnamese pot-bellied pigs), reptiles, wild, or hybrid (part domesticated and part wild) exotic animal, except domesticated dogs and cats, caged reptiles or insects commonly kept as pets, fish, caged rodents normally kept as pets, caged rabbits normally kept as pets, and caged birds normally kept as pets.

Such animals shall be permitted within Arlington Township upon meeting the follow conditions:

- 1) Such animals shall only be allowed in the Single-Family Residential Zoning District and shall be considered an Accessory Use(s) in accordance to Section 11.02 (B). Such lot or parcel where the animals are located must consist of at least 2 acres (87,120 sq. ft.) in size. Such an area must be that of one parcel and not the combination of parcels.
- 2) Such lot or parcel must contain a principal dwelling where the owner of such animals resides.
- 3) Any pasturing or housing of such animals must be kept a minimum of 50 feet from any residential dwelling or water source.
- 4) Must prevent any animal waste or fluid runoff from leaving the parcel or lot unless for the purpose of proper disposal.
- 5) The keeping of such animals must be in compliance with the Michigan Department of Agriculture, which shall include GAAMPS (Generally Accepted Agricultural Management Practices) and any other applicable local, State or Federal regulations.
- 6) Such animals shall be prohibited in any area of the Township where the same become obnoxious by reason of odors, noise, or sanitary conditions. Such a determination shall be made by Arlington Township Board of Trustees. Such decision shall be conclusive on the question of whether the same are so obnoxious only after a written complaint is filed by a property owner that has been directly affected by the presence of such animals. The Township Board of Trustees for Arlington Township shall issue a written decision to both the complaining party, and the owner of such animals. Such decision must also include any corrective actions that must be taken which may include the removal of such animal, and a timeframe to which such actions must be taken.
- 7) Any other animal that is not listed or defined as a farm animal above must be approved by the Zoning Administrator prior to such animal being allowed.
- 8) Prior to the placement of such animals, the property owner shall submit a plot application to the Zoning Administrator. Such plot plan shall include the type of animals being kept, the number of animals being kept, a diagram of where the animals will be located on the property, and any buildings or structures that will be associated with such animals.
- 9) In addition to the plot plan, a manure management plan shall also be submitted.
- 10) The keeping of such animals is not for commercial use, production. And shall be for personal use only.
- 11) No butchering or slaughtering of animals shall take place on the property.
- 12) Such regulations are not intended to supersede or interfere with any other agency which shall include the Van Buren County Animal Control, or the Van Buren County Public Health Department.

Section 20.14 **Elevated Decks**

Uncovered decks elevated more than 3 (three) feet above grade may be located only in the rear yard and may not occupy more than 30 (thirty) percent of the rear yard or be located closer than 3 (three) feet to the side or rear lot lines.

Section 20.15 **Satellite Disk/Dish**

Satellite disks are permitted in any zoning district. If any satellite disks or related item is located in a front or side yard of any lot or parcel, such disk or related equipment must be setback a minimum of 40 feet from the centerline of the roadway. Disks may be located in rear yards, attached to the ground and not closer than 3 (three) feet to the side or rear lot lines. Regardless of its location, no disk shall be located in any right of way, and shall not cause any vision obstructions for vehicle or foot traffic, or obstruct any utility or public works agency in the performance of their duties. The height of such disk shall not be a vision obstruction from any adjacent property owner from a clear view that they have been custom to.

Section 20.16 Accessory Dwelling Units

- A) Definition:** An Accessory Dwelling Unit (ADU) is a detached dwelling unit that is permitted only on properties with a single detached principal dwelling unit. ADUs are smaller in size than the principal dwelling unit. ADUs include a kitchen, sleeping area(s), bathroom facilities.
- B) Permitted Districts:** ADUs are permitted in the R-1, Residential District and shall meet the standards of this section.
- C) Application Process:** An application for an ADU shall be made to Arlington Township, and shall include the following information:
- 1) **Scaled & Dimensioned Site Plan (Plot Plan) of the property showing:**
 - (a) Location of all structures on the subject property.
 - (b) Proposed location of the ADU.
 - (c) Setbacks of the proposed ADU from the property lines and all existing structures.
 - (d) Designated vehicle parking
 - 2) **Scaled and Dimensioned Floor Plan & Elevations of the ADU showing:**
 - (a) Kitchen facility.
 - (b) Bathroom facilities.
 - (c) Sleeping areas.
 - (d) Entrances, porches, windows, and other structural components.
 - (e) Total square footage of the ADU.
- D) Review Process**
- 1) **Approving Agency:** Arlington Township and their designated reviewing agents shall be the approving authority for Accessory Dwelling Units (ADU).
- E) Standards for Approval**
- 1) **Number Allowed:** A maximum of one (1) ADU shall be permitted on a residential property.
 - 2) **Location and Setbacks**
 - (a) Front Yard: shall not be permitted in a required front setback.
 - (b) Side Yard: shall meet the minimum side yard setback requirements for principal structures in the R-1 District.
 - (c) Rear Yard: shall meet the minimum side yard setback requirements for principal structures in the R-1 District.
 - 3) **Height:** An ADU shall be subject to the height requirements stipulated within the R-1 District.
 - 4) **Occupancy:** The principal dwelling unit OR the accessory dwelling unit (ADU) shall be owner-occupied.
 - 5) **Property Requirements**
 - (a) An ADU shall only be constructed on a property with a single detached dwelling unit.
 - (b) An ADU shall count towards the maximum lot coverage as stipulated within the R-1 District.
 - (c) An ADU shall be connected to an approved water and sewer system.
 - (d) The utilities for the ADU shall not be metered separately.
 - (e) An ADU shall not be sold separately.

(f) An ADU shall receive a certificate of occupancy from the building official prior to occupancy.

6) **Impact**

- (a) The ADU shall not result in an excessive increase in vehicular traffic, parking congestion, or noise.
- (b) The placement, orientation, and location of windows and doors of the ADU shall not infringe on the privacy of the surrounding neighborhood.

Section 20.17 **2nd Story Residential Dwellings**

It is the intent of this Section to permit 2nd Story residential dwellings above a principal commercial use within the C-1, Commercial Corridor District as a permitted use, subject to the following:

- A) No dwelling unit shall occupy any portion of the floor area of the building at grade level.
- B) Business uses may occupy any number of total floors in the building, but no business shall be located on the same floor as a residential use.
- C) No floor in the building may be used for business purposes that is located above a floor used for residential purposes.
- D) Each dwelling unit shall have a minimum of 750 square feet of floor area, excluding any hallway or common pathway to access each individual unit.

Section 20.18 **Economy Homes**

It is the intent of this Section to permit economy homes (compact dwellings/tiny homes) within the R-1 District, subject to the following:

- A) Footprint: A minimum building footprint of 400 square feet.
- B) Parking: Minimum of 1.5 parking spaces per unit for personal vehicles.
- C) Setbacks: the minimum setback distance from property lines shall be as established in the R-1 District.
- D) Foundation: the economy home (compact home/tiny home) shall be constructed on a permanent foundation. For the intent of this provision, a wheel chassis, such as a vehicle tires, shall not be considered a permanent foundation.
- E) Meet all applicable Michigan Building Code regulations.

Section 20.19 **Residential Solar**

A) **On-Site Use Solar Energy Panels (50kW or less).** The use of solar energy panels for on-site use may be permitted administratively as an accessory use provided it complies with applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code and the following requirements. A building permit shall be required for the installation of any On-site Use Solar Energy Systems.

1) **Ground Mounted On-Site Use Solar Energy Panels**

- (a) Ground mounted Solar Energy Panels shall be permitted to be located on a residentially-used parcel as an accessory structure.
- (b) Up to 15% of the residential parcel may be permitted to be covered with ground mounted Solar Energy Panels.
- (c) A ground mounted Solar Energy Panel shall be located in the rear yard and shall be set back a minimum of 10 feet from all property lines.
- (d) No ground mounted Solar Energy Panel shall be permitted to exceed a height of fifteen (15) feet.

- (e) All power transmission or other lines, wires or conduits from a ground mounted Solar Energy Panel to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy Panel, they must be placed in a secured container or enclosure in compliance with manufacturer and building code requirements.
 - (f) There shall be greenbelt screening around any ground mounted Solar Energy Panels and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy Panels from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive, plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used.
 - (g) In the event that a ground mounted Solar Energy Panel has been abandoned (meaning not having been in operation for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.
- 2) **Roof or Building Mounted Private Solar Energy Panels**
- (a) Shall be considered an accessory use in all zoning districts subject to the requirements of this section.
 - (b) Shall not project more than two (2) feet above the roof line. However, the solar panel when installed shall not exceed the maximum height allowed in the Zoning District. The use of flat mount solar panels or solar shingles is preferred.
 - (c) May be constructed on any roof surface of an existing structure.
 - (d) Shall meet all building and fire code regulations.
 - (e) In the event that a roof or building mounted Solar Energy Panels have been abandoned (meaning not having been in operation for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.
- 3) **Removal/Abandonment:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the property owner shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

Section 20.20 Home Occupation

It is the intent of this Section to permit home occupations within the residential districts, subject to the following:

- A) Such an occupation is clearly incidental to the use of a dwelling unit for residential purposes.
- B) Such an occupation shall be wholly within the principal dwelling or within an accessory building located on the property.
- C) No article shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises.
- D) No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use.
- E) Exterior storage of materials shall not be permitted.
- F) No exterior indication of the home occupation or variation from the residential character of the principal building shall be permitted.
- G) Home occupations shall not produce noise, vibration, smoke, dust, odor, heat or glare that is not typically associated with residential use.
- H) Home occupations shall only be operated by members of the family occupying the premises.

Section 20.21 Landscaping

It is the intent of this Section to regulate landscaping elements and design components, in order to reduce urban island heat effect, promote climate resiliency, protect existing natural features and create standards for new developments by requiring the following:

A) Green Belts.

- 1) The intent of the green belt is to provide a consistent buffer along vehicular corridors. A green belt shall be planted within or adjacent to the right-of-way of any public street. If planting in the right-of-way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the green belt plantings shall be planted within a required setback.
- 2) The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
- 3) Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
- 4) Green belts shall be a minimum of six (6) feet wide. The C-1 District shall be except from the green belt requirement due to the "build to" design regulations associated with said District.
- 5) Where such a planting is not feasible due to the potential for poor vegetation growth due to limited greenbelt widths, the Planning Commission shall have the ability to approve a deviation/waiver from Section 19.21.

B) Street Trees.

- 1) Parcels that have frontage along a public right-of-way shall be landscaped with a minimum equivalent of one (1) canopy tree for every 75 linear feet, or fraction thereof.
- 2) Street trees shall have a minimum caliper size of two (2) inches, as measured in conformance with the American Standard for Nursery Stock.
- 3) Any tree species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.
- 4) Invasive species shall not be used for street tree planting requirements. Further, to protect species that are indigenous to the Township, the use of invasive species which naturalize are prohibited. Such invasive species not permitted may be referenced via the Midwest Invasive Species Information Network.

C) Steep Slopes. For those properties that are found to have the presence of steep slopes, the following minimum standards shall apply:

- 1) Slopes between 12 and 18 percent, which have erodible soils at a K factor of 0.20 to 0.24, shall not be cleared or developed to an extent that is greater than 50% of the slope area.
- 2) Slopes between 12 and 18 percent with erodible soils at a K factor higher than 0.24, shall not be cleared or developed to an extent that is greater than 20% of the slope area.
- 3) Slopes greater than 18 percent are prohibited to be vegetatively cleared.

D) Maintenance.

- 1) Green belts and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material is required by this chapter dies or becomes diseased, such material shall be replaced within 30 days of written notice by the Township or within an extended time period as specified in such notice.

- E) Required Plant Species.** A minimum of seventy-five (75%) percent of landscape plans must include native plants listed in the tables below. Native plants pose no threat of becoming invasive and provide a host of critical ecological benefits. Xeriscape design is highly encouraged.



Xeriscape adjacent to parking lot



Residential Xeriscape

MICHIGAN NATIVE PLANTS – SOUTHERN LOWER PENINSULA

Deciduous Trees		
Common Name	Scientific Name	Notes
American Hornbeam	<i>Ostrya Virginiana</i>	
Beech, American	<i>Fagus Grandifolia</i>	
Beech, Blue	<i>Carpinus Caroliniana</i>	
Birch	<i>Betula</i>	
Black Gum	<i>Nyssa Sylvania</i>	
Black Walnut	<i>Juglans Nigra</i>	
Chestnut	<i>Castanea</i>	
Crabapple/Hawthorn	<i>Malus/Crataegus</i>	
Hickory	<i>Carya</i>	
Juneberry	<i>Amelanchier Arborea</i>	
Kentucky Coffeetree	<i>Gymnocladus Dioicus</i>	
Larch/Tamarack	<i>Larix</i>	
Maple	<i>Acer</i>	
Oak	<i>Quercus</i>	
Oak, Bur	<i>Quercus Macrocarpa</i>	LH
Oak, Red	<i>Quercus Rubra</i>	LH
Oak, Swamp White	<i>Quercus Bicolor</i>	LH
Oak, White	<i>Quercus Alba</i>	LH, B
Redbud	<i>Cercis Canadensis</i>	LH, N

Deciduous Trees		
Common Name	Scientific Name	Notes
Sassafras	<i>Sassafras Albidum</i>	
Sycamore	<i>Platanus</i>	
Tulip Tree	<i>Liriodendron Tulipifera</i>	
Wild Cherry	<i>Prunus</i>	LH, N
Coniferous/Evergreen Trees		
Arborvitae	<i>Thuja</i>	
Cedar, Red	<i>Juniperus Virginiana</i>	
Fir	<i>Abies</i>	
Hemlock	<i>Tsuga</i>	
Larch/Tamarack	<i>Larix</i>	Cannot be used for required screening.
White Pine	<i>Pinus Strobus</i>	
Shrubs		
Arrowwood Viburnum	<i>Viburnum Dentatum</i>	
Blackhaw Viburnum	<i>Viburnum Prunifolium</i>	
Bush Honeysuckle	<i>Diervilla Lonicera</i>	
Buttonbush	<i>Cephalanthus Occidentalis</i>	
Dogwood, Alternate Leaved	<i>Cornus Alternifolia</i>	
Dogwood, Flowering	<i>Cornus Florida</i>	
Dogwood, Red-Osier	<i>Cornus Sericea or Stolonifera</i>	LH, B, N, S
Elderberry	<i>Sambucus Nigra or Canadensis</i>	B
Holly (Michigan)	<i>Ilex Verticillata</i>	B
Nannyberry	<i>Viburnum Lentago</i>	B, LH, N
New Jersey Tea	<i>Ceanothus Americanus</i>	LH, N
Ninebark	<i>Physocarpus Opulifolius</i>	N
Red Chokeberry	<i>Aronia Arbutifolia</i>	
Serviceberry	<i>Amelanchier</i>	B, LH
Shrubby Ceanquefoil	<i>Potentilla Fruticose</i>	
Spicebush	<i>Lindera Benzoin</i>	LH
Witch-Hazel	<i>Hamamelis Virginiana</i>	

B = Provides food (fruit, seed, or nectar) or nesting habitat for birds
GC = Groundcover
LH = Larval host for butterflies
LS = Well-suited for landscaping; not for gardens.

N = Provides nectar for butterflies.
NS = Does not establish well from seed.
PP = Attract pollinators and predatory insects
S = Spreads by underground suckers

Ferns		
Common Name	Scientific Name	Notes
Lady Fern	<i>Athyrium Filix-Femina</i>	
Maidenhair Fern	<i>Adiantum Pedatum</i>	
Ostrich Fern	<i>Matteuccia Struthiopteris</i>	
Sensitive Fern	<i>Onoclea Sensibilis</i>	
Grasses, Sedges, Rushes		
Big Bluestem	<i>Andropogon Gerardii</i>	
Bottlebrush Grass	<i>Hystrix Patula</i>	LH
Indian Grass	<i>Sorghastrum Nutans</i>	LH
Little Bluestem	<i>Andropogon Scoparius</i>	LH
Pennsylvania Sedge	<i>Carex Pensylvanica</i>	GC
Soft-stemmed Rush	<i>Juncus Effuses</i>	
Switch Grass	<i>Panicum Virgatum</i>	LH
Tussock Sedge	<i>Carex Stricta</i>	LH, LS
Wildflowers		
Aster, New England	<i>Aster Novae-Angliae</i>	LH, N, PP
Aster, Smooth	<i>Aster Laevis</i>	LH, N, PP
Beardtongue, Foxglove	<i>Penstemon Digitalis</i>	B
Beardtongue, Hairy	<i>Penstemon Hirsutus</i>	B
Black-eyed Susan	<i>Rudbeckia Hirta</i>	LH, N
Blazing Star, Marsh	<i>Liatris Spicata</i>	N
Blazing Star, Rough	<i>Liatris Aspera</i>	N
Boneset, Common	<i>Eupatorium Perfoliatum</i>	N, PP
Cardinal Flower	<i>Lobelia Cardinalis</i>	B, N
Culver's Root	<i>Veronicastrum Virginicum</i>	N, PP
Golden Alexanders	<i>Zizia Aurea</i>	PP
Golden Ragwort	<i>Senecio Aureus</i>	
Goldenrod, Broad-Leaved	<i>Solidago Flexicaulis</i>	N
Goldenrod, Riddell's	<i>Solidago Riddellii</i>	N, PP
Goldenrod, Showy	<i>Solidago Speciose</i>	N, PP
Goldenrod, Stiff	<i>Solidago Rigida</i>	N
Great Blue Lobelia	<i>Lobelia Siphilitica</i>	PP
Meadow-rue, Early	<i>Thalictrum Dioicum</i>	
Meadow-rue, Purple	<i>Thalictrum Dasycarpum</i>	

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Wildflowers		
Common Name	Common Name	Common Name
Milkweed, Butterfly	<i>Asclepias Tuberosa</i>	LH, N
Milkweed, Common	<i>Asclepias Syriaca</i>	LH
Milkweed, Poke	<i>Asclepias Exaltata</i>	LH
Milkweed, Swamp	<i>Asclepias Incarnata</i>	LH, N
Missouri Ironweed	<i>Vernonia Missurica</i>	N
Mountain Mint	<i>Pycnanthemum Virginianum</i>	N
Nodding Wild Onion	<i>Allium Cernuum</i>	
Prairie Dock	<i>Silphium Terebinthinaceum</i>	B, N
Sand Coreopsis	<i>Coreopsis Lanceolate</i>	B, N
Southern Blue Flag	<i>Iris Virginica</i>	
Spiderwort, Common	<i>Tradescantia Ohiensis</i>	
Spotted Joe-pye Weed	<i>Eupatorium Maculatum</i>	N
True Solomon's Seal	<i>Polygonatum Biflorum</i>	
Turtlehead	<i>Chelone Glabra</i>	LH
White Baneberry	<i>Actaea Pachypoda</i>	
Wild Bergamot	<i>Monarda Fistulosa</i>	N
Wild Columbine	<i>Aquilegia Canadensis</i>	LH, B
Wild Geranium	<i>Geranium Maculatum</i>	
Wild Ginger	<i>Asarum Canadense</i>	
Wild Lupine	<i>Lupinus Perennis</i>	LH, N
Wild Strawberry	<i>Fragaria Virginiana</i>	GC, LH, NS
Aster, New England	<i>Aster Novae-Angliae</i>	LH, N, PP
Aster, Smooth	<i>Aster Laevis</i>	LH, N, PP
Beardtongue, Foxglove	<i>Penstemon Digitalis</i>	B
Beardtongue, Hairy	<i>Penstemon Hirsutus</i>	B
Black-eyed Susan	<i>Rudbeckia Hirta</i>	LH, N
Blazing Star, Marsh	<i>Liatris Spicata</i>	N
Blazing Star, Rough	<i>Liatris Aspera</i>	N
Boneset, Common	<i>Eupatorium Perfoliatum</i>	N, PP
Cardinal Flower	<i>Lobelia Cardinalis</i>	B, N
Culver's Root	<i>Veronicastrum Virginicum</i>	N, PP
Golden Alexanders	<i>Zizia Aurea</i>	PP
Golden Ragwort	<i>Senecio Aureus</i>	

B = Provides food (fruit, seed, or nectar) or nesting habitat for birds
GC = Groundcover
LH = Larval host for butterflies
LS = Well-suited for landscaping; not for gardens.

N = Provides nectar for butterflies.
NS = Does not establish well from seed.
PP = Attract pollinators and predatory insects
S = Spreads by underground suckers

Wildflowers		
Common Name	Common Name	Notes
Goldenrod, Broad-Leaved	<i>Solidago Flexicaulis</i>	N
Goldenrod, Riddell's	<i>Solidago Riddellii</i>	N, PP
Goldenrod, Showy	<i>Solidago Speciose</i>	N, PP
Goldenrod, Stiff	<i>Solidago Rigida</i>	N
Great Blue Lobelia	<i>Lobelia Siphilitica</i>	PP
Meadow-rue, Early	<i>Thalictrum Dioicum</i>	
Meadow-rue, Purple	<i>Thalictrum Dasycarpum</i>	
Milkweed, Butterfly	<i>Asclepias Tuberosa</i>	LH, N
Milkweed, Common	<i>Asclepias Syriaca</i>	LH
Milkweed, Poke	<i>Asclepias Exaltata</i>	LH
Milkweed, Swamp	<i>Asclepias Incarnata</i>	LH, N
Missouri Ironweed	<i>Vernonia Missurica</i>	N
Mountain Mint	<i>Pycnanthemum Virginianum</i>	N
Nodding Wild Onion	<i>Allium Cernuum</i>	
Prairie Dock	<i>Silphium Terebinthinaceum</i>	B, N
Sand Coreopsis	<i>Coreopsis Lanceolate</i>	B, N
Southern Blue Flag	<i>Iris Virginica</i>	
Spiderwort, Common	<i>Tradescantia Ohiensis</i>	
Spotted Joe-pye Weed	<i>Eupatorium Maculatum</i>	N
True Solomon's Seal	<i>Polygonatum Biflorum</i>	
Turtlehead	<i>Chelone Glabra</i>	LH
White Baneberry	<i>Actaea Pachypoda</i>	
Wild Bergamot	<i>Monarda Fistulosa</i>	N
Wild Columbine	<i>Aquilegia Canadensis</i>	LH, B
Wild Geranium	<i>Geranium Maculatum</i>	
Wild Ginger	<i>Asarum Canadense</i>	
Wild Lupine	<i>Lupinus Perennis</i>	LH, N
Wild Strawberry	<i>Fragaria Virginiana</i>	GC, LH, NS

B = Provides food (fruit, seed, or nectar) or nesting habitat for birds
GC = Groundcover
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LS = Well-suited for landscaping; not for gardens.

N = Provides nectar for butterflies.
NS = Does not establish well from seed.
PP = Attract pollinators and predatory insects
S = Spreads by underground suckers

Section 20.22 Marihuana establishments

A. Purpose and intent.

It is the general purpose and intent of the Township to authorize marihuana establishments in a manner that will ensure compatibility with adjacent land uses, maintain the integrity of neighborhoods, and retain the character, property values and aesthetic quality of the community at large. Regulation of the locations of these uses is necessary to ensure that any negative secondary impacts that such businesses may have will not cause or contribute to the blighting or downgrading of the City's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impacts of their operations may be minimized by the separation of such uses from one another and from schools. It is neither the intent nor effect of this section to deny the medical use of marihuana as defined by and in accordance with the Michigan Medical Marihuana Act (MCLA 333.26421 et seq.), as amended.

B. General standards.

These provisions are intended to allow marihuana establishments within appropriately zoned properties as special land uses in accordance with the standards and procedures set forth in Article 9, Special Land Uses and Conditional Rezoning; permit procedures, provided the final determination of approval, approval with conditions, or denial shall be made by the Township Board following a recommendation from the Planning Commission. Furthermore, all marihuana establishments shall be subject to the following:

- 1) An application for a marihuana establishment shall include a site plan prepared in accordance with Article 10, Site plan review, along with documentation that:
 - (a) The petitioner has prequalification status for an applicable license with the State of Michigan; and
 - (b) A complete application for an applicable license with Arlington Township has been accepted and awarded a municipal license slot in accordance with Marihuana Business Ordinances, as amended.
- 2) No marihuana establishment shall be permitted unless the Township Board determines it will not be detrimental to the neighborhood based upon the following criteria:
 - (a) The establishment is designed and will be constructed to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - (b) The establishment will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- 3) No marihuana establishment shall be permitted within a 1,000-foot radius of any existing public or private school with a curriculum equivalent to kindergarten through 12th grade. No marihuana retailer or marihuana microbusiness shall be permitted within a 1,000-foot radius of any existing retailer or microbusiness within Arlington Township. Measurement of either radius shall be made from the outermost boundaries of the lot or parcel upon which the respective establishments are or would be situated.
- 4) Designated consumption establishments and excess marihuana growers shall be specifically prohibited in any zoning district. Marihuana event organizers and temporary marihuana events shall be specifically prohibited in any zoning district, unless otherwise approved by the Township Board in accordance with Marihuana Business Ordinances, as amended.
- 5) Marihuana establishments shall be prohibited at any location that was conditionally zoned to an appropriate zoning district within which such uses are allowed, or a property that is zoned "planned unit development" (PUD), unless they are specifically permitted under the applicable conditional zoning agreement or development agreement.
- 6) Drive-through lanes and windows and walk-up windows shall be prohibited.
- 7) Each marihuana establishment shall be permitted one wall sign, as defined in Article 19, Signs, with a maximum area not to exceed 50 square feet or 5% of the building facade area, whichever is less. All other signs, including, but not limited to, freestanding signs, window signs, and electronic message centers, shall be prohibited.

- 8) Unshielded luminous tubes (i.e., neon or argon lights), fluorescent light fixtures, fiber optic lights, light emitting diodes, bare light bulbs, or similar lighting, shall be prohibited as permanent architectural details or enhancements on any building facade or the exterior of any structure, including, but not limited to, windows and window openings, doors and door openings, rooflines, cornices, and eaves.
- 9) Architectural enhancements that are designed to accent, emphasize, feature, highlight, or draw attention to a building but are neither required nor recommended in accordance with Article 3, General Provisions—Specifications, shall be prohibited.
- 10) Security devices, such as security curtains, steel bars, metal gates, and similar apparatus, shall be prohibited on the exterior of a building. Security devices may be permitted inside a building, provided that the device is:
 - (a) Retractable so it is not visible from the sidewalk or public right-of-way during regular business hours; and
 - (b) Equipped with an emergency release device approved by the Arlington Township Fire Department.
- 11) Site plans for marihuana establishments shall incorporate low-impact development techniques or green infrastructure that significantly reduces stormwater runoff and/or the need for stormwater detention, such as, but not limited to, rain gardens, bioswales, green roofs, and permeable or pervious pavement surfaces. The Planning Commission and Township Board may determine alternate requirements as deemed necessary and advisable during the course of their special land use permit and site plan review process.
- 12) Applicable licenses with the State of Michigan and the Arlington Township shall be maintained.
- 13) The Township Commission may impose such reasonable conditions and safeguards as it deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects from the general operation of any marihuana establishment and to minimize any adverse effect on the character of the surrounding area.
- 14) Deviations from applicable setback, parking, and other requirements may be granted by the Township Board, provided there are features or elements demonstrated by an applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission that are designed into the site plan for the purpose of achieving the objectives of this section.

Section 20.23 Wind and solar energy systems

A. Purpose and intent.

It is the general purpose and intent of the Township to balance the need for clean, renewable and abundant energy resources that may reduce dependence upon scarce and nonrenewable fossil fuels, with the necessity to protect the public health, safety and welfare of the Township, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large. The Township therefore finds these regulations are necessary in order to facilitate adequate provision of sites for wind and solar energy systems and ensure they are situated in appropriate locations and relationships to other land uses, structures and buildings, without significantly increasing the cost or decreasing the efficiency of such systems.

B. Authorization.

- 1) Wind energy systems with a rated capacity of up to 20 kilowatts (20 kw) and solar energy systems shall be allowed as an accessory use in any zoning district, subject to the required standards of this section, provided that they are to be incidental and subordinate to a use on the same parcel and shall supply electrical power exclusively for on-site consumption, except as otherwise provided by this chapter.
- 2) Wind and solar energy systems may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.

- 3) Solar energy systems and wind energy systems with a rated capacity of more than 20 kilowatts (20 kw) that are intended to produce electricity for sale to a utility and/or other customers for off-site consumption shall be prohibited, except as a special land use in the **General Industrial Zoning District**. Wind or solar energy systems developed as a special land use in the **General Industrial Zoning District** shall be subject to the required standards of this section.

C. Standards specific to wind energy systems.

- 1) Number of systems per lot. No more than one ground-mounted or freestanding wind energy system may be placed on any lot of record. Arrays of multiple-turbine roof-mounted wind energy systems may be allowed, provided that they are architecturally integrated with the building upon which they are attached as determined by the Zoning Administrator, and otherwise comply with the required standards of this section.
- 2) Height.
 - (a) The total system height of a ground-mounted or freestanding wind energy system shall not exceed twice the maximum permitted height for principal structures on a site within or adjacent to any residential or mixed-use zoning districts, or 100 feet on any other site that is not adjacent to any residential or mixed-use zoning district. The total system height shall include the height above grade of the fixed portion of the tower to the center of the rotor hub, including the turbine and the highest vertical extension of any blades and rotors.
 - (b) The height of roof-mounted wind energy systems are subject to the required standards in District Regulations of Articles 11-17.
- 3) Location and setbacks.
 - (a) Ground-mounted or freestanding wind energy systems shall not be located within a front yard in any residential or mixed-use zoning district and shall be set back from all lot lines and rights-of-way to the center of the tower base no less than a distance equal to 1/2 the diameter of the rotor and blades, or the minimum required front, side and rear yard setbacks for principal structures within a site's given zoning district, whichever is greater.
 - (b) No portion of any wind energy system's blades, rotor, or other exposed moving parts shall extend to within 20 feet of the ground, or to within 10 feet of any overhead utility lines.
 - (c) Roof-mounted wind energy systems shall be setback from the building edge a distance equal to 1/2 the diameter of its rotor and blades, or a distance as determined necessary by the Zoning Administrator. No portion of any roof-mounted wind energy system's blades, rotor or other exposed moving part shall extend beyond the edge of the building to which it is attached, or to within 20 feet of any outdoor surfaces that are located directly below the system and intended for human occupancy, such as balconies or rooftop patios.

D. Standards specific to solar energy systems.

- 1) Number of systems per lot. No more than one ground-mounted or freestanding solar energy system may be placed on any lot of record, and its solar collector shall not exceed 800 square feet of surface area. Solar collectors shall not be counted towards lot coverage, but the area covered or enclosed by solar collectors may be counted as required open space. Arrays of multiple-collector roof-mounted, building-mounted, or facade-mounted solar energy systems may be allowed, provided that they are architecturally integrated with the building upon which they are attached as determined by the Zoning Administrator, and otherwise comply with the required standards of this section.
- 2) Height. Ground-mounted or freestanding solar collectors and any mounts shall not exceed a height of 20 feet when oriented at maximum tilt. Building-mounted or facade-mounted solar collectors shall not exceed the height of the building to which they are attached. Roof-mounted solar collectors and any mounts are subject to the standards in **XX**.
- 3) Location and setbacks.
 - (a) Ground-mounted or freestanding solar energy systems shall not be located within a front yard in any residential or mixed-use zoning district, and shall be set back from all lot lines and rights-of-way to any part of the system no less than the minimum required front, side and rear yard setbacks for accessory structures within a site's given zoning district.

- (b) Roof-mounted solar energy systems shall be setback from the building edge a distance equal to its height or a distance as determined necessary by the Zoning Administrator.
 - (c) Building-mounted or facade-mounted solar energy systems shall not be attached to any front building facade that directly faces and is visible from any right-of-way. Such systems may be located on any side or rear building facade, provided that they do not directly face and are not visible from any right-of-way, and provided that they are architecturally integrated with the building upon which they are attached, as determined by the Zoning Administrator.
 - (d) Solar collectors shall be placed so as not to shade any existing solar collector or adjacent property to the north between the hours of 9:30 a.m. and 2:30 p.m. Eastern Standard Time on December 21 of each year any more than would a structure built to the maximum permitted bulk and area standards for a site's given zoning district.
- 4) Solar storage batteries. When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the Township's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable township, state and federal laws and regulations.

E. General standards.

- 1) Screening. Landscape screening in accordance with 20.21, Landscaping, shall be provided along all property lines to mitigate aesthetic impacts upon the neighborhood if a ground-mounted or freestanding wind or solar energy system is located within or adjacent to any residential or mixed-use zoning districts, except when a principal structure is placed between the system and a property line. Roof-mounted wind or solar energy systems shall be effectively screened as determined necessary by the Zoning Administrator.
- 2) Access and safety. All wind or solar energy systems shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present. All ground-mounted or freestanding wind or solar energy systems shall be adequately enclosed by a six-foot fence, or placed within a yard that is entirely enclosed by a six-foot fence, in accordance with the provisions of 20.10, Fences. All climbing apparatus shall be located at least 12 feet above ground, and any tower must be designed to prevent climbing within the first 12 feet.
- 3) Lighting. Exterior lighting from a direct source upon a wind or solar energy system shall be prohibited. No lights shall be installed on a tower or any other part of a wind or solar energy system, unless required to meet federal aviation regulations.
- 4) Controls. All wind energy systems shall be equipped with manual and automatic override brakes in order to limit the blade rotation speed to within its design limits, to prevent uncontrolled rotation and excessive pressure on the tower, rotors, blades and other components, and to shut down turbines in the event of an electrical outage.
- 5) Underground wiring. All wiring connected with a wind or solar energy system shall be underground, except for wiring that runs from the turbine to the base of the wind energy systems, and all wiring associated with roof-mounted wind energy systems, and roof-mounted, building-mounted, or facade-mounted solar energy systems.
- 6) Noise and electrical disturbance. All wind energy and solar systems shall comply with the required standards of XX, Noise and vibrations, and XX, Electrical disturbance, electromagnetic or radio frequency interference.
- 7) Signs. All signs on a wind or solar energy system visible from any right-of-way or adjacent property shall be prohibited, except for the manufacturer's or installer's identification on the nacelle or solar collector, appropriate warning signs, or the owner and/or operator's identification.

F. Access easements.

- 1) The enactment of this section does not constitute the granting of an easement by the Township for access to wind or solar radiation. The owner and/or operator shall provide covenants, easements, or similar documentation to assure sufficient wind or solar radiation to operate a wind or solar energy system unless adequate accessibility to the wind or solar radiation is provided by the site.

- 2) Nothing within this section shall prevent any owner, occupant or other person in control of property from legally placing or planting any vegetation or trees, or legally constructing any structure that may cast a shadow on a solar energy system or block wind from a wind energy system, provided that such vegetation, trees, or structures comply with the required standards of this chapter and all other applicable laws, codes and ordinances.

G. Removal.

- 1) An owner and/or operator shall remove any ground-mounted or freestanding wind or solar energy system when it has not been used for a period of 180 days or more or has otherwise been abandoned. For purposes of this section, the removal of rotors, blades, turbines, solar collectors, solar batteries, or other equipment from a wind or solar energy system, or the cessation of electrical power generation, shall be considered as the beginning of a period of nonuse or abandonment. Nonuse or abandonment may also be proven by reports from an interconnected utility.
- 2) Once a ground-mounted or freestanding wind or solar energy system has not been used for a period of 180 days or more or has otherwise been determined to be abandoned, the owner and/or operator shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition and removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official and/or Zoning Administrator.
- 3) If the required removal of a wind or solar energy system has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice by the Township Attorney, Building Official, and/or Zoning Administrator, the Township may pursue legal action to remove or secure the removal of the system at the owner's and/or operator's sole expense.
- 4) The Zoning Administrator and/or Building Official may require that an application for a ground-mounted or freestanding wind or solar energy system include a security to be posted at the time of receiving a building permit to ensure its removal when it has been abandoned or is no longer in use, as provided in this section. The security may, at the election of the owner and/or operator, be in the form of cash; surety bond; letter of credit; or an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the owner and/or operator to timely remove the wind or solar energy system as required under this section, with the further provision that the owner and/or operator shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal. The City's actual costs and reasonable administrative charges to remove or secure the removal of a wind or solar energy system may be drawn or collected from such security.

H. Applications and permits.

The owner and/or operator of any wind or solar energy system shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system. Wind or solar energy systems shall comply with all applicable state and Township construction and electrical codes and Township building permit requirements, and also all requirements of the Federal Aviation Administration, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCLA § 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCLA § 259.481 et seq.), and all other applicable state and federal regulations.

- 1) Wind energy systems. Applications for permits to install a wind energy system shall include a site plan prepared in accordance with Article 10, Site plan review, along with the following additional information:
 - (a) The location of all buildings within 200 feet of the property including exterior dimensions, height and uses.
 - (b) The location and dimensions of any other natural or man-made features within 200 feet of the property, such as trees, overhead utility lines, utility poles and towers, streets and rights-of-way, wireless community devices, etc.
 - (c) The plans and specifications identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturer's electrical plans and specifications.
 - (d) Certification from a licensed engineer or qualified professional that the manual and automatic override brakes have been designed for the proposed system.

- (e) Evidence that the applicant has notified the affected utility of the intent to install an interconnected customer-owned generator, and that the generator meets the minimum requirements established by the affected utility, the Michigan Public Service Commission, the Federal Energy Regulatory Commission, and all other applicable state and federal standards. Off-grid systems shall be exempt from this requirement.
 - (f) Evidence from a qualified professional that the site is feasible for a wind energy system, or that covenants, easements, and other assurances to document sufficient wind to operate the wind energy system have been obtained.
 - (g) Evidence that the proposed wind energy system will comply with applicable federal aviation regulations, including any necessary approvals from the Federal Aviation Administration.
 - (h) A visual simulation that includes views from all rights-of-way within 500 feet.
 - (i) Any other evidence or information as required by the Zoning Administrator and/or Building Official.
- 2) Solar energy systems. Applications for permits to install a solar energy system shall include a site plan prepared in accordance with Article 10, Site plan review, along with the following additional information:
- (a) The plans and specifications identifying all parts of the system, including, but not limited to, the manufacturer and model, solar collector or generator, mount height and type, foundation, solar batteries, any accessory equipment, and the manufacturer's electrical plans and specifications.
 - (b) Evidence that the applicant has notified the affected utility of the intent to install an interconnected customer-owned solar collector, and that the collector meets the minimum requirements established by the affected utility, the Michigan Public Service Commission, the Federal Energy Regulatory Commission, and all other applicable state and federal standards. Off-grid systems shall be exempt from this requirement.
 - (c) Evidence from a qualified professional that the site is feasible for a solar energy system, including between the hours of 9:30 a.m. and 2:30 p.m. Eastern Standard Time on December 21 of each year, or that covenants, easements and other assurances to document sufficient solar radiation to operate the solar energy system have been obtained.
 - (d) Evidence that the proposed solar energy system will comply with applicable state and federal regulations.
 - (e) Any other evidence or information as required by the Zoning Administrator and/or Building Official.
- I. Additional and accessory uses.**
- 1) The applicable standards and requirements of this section shall also apply to anemometer towers used to conduct wind site assessments for possible installation of wind energy systems.
 - 2) Co-location of wireless communication facilities on any wind or solar energy system shall be subject to the requirements of **Section XX, Wireless communication devices**. Co-location of any equipment or facilities other than wireless communication facilities that are not used for wind or solar power purposes shall only be permitted if allowed elsewhere within this chapter.

Section 20.24 Cemeteries

- A)** The Planning Commission as part of site plan review shall determine that the lot area and frontage is adequate to support the operation in compliance with all ordinance requirements. Consideration shall be given to the arrangement of an assembly area and off-street parking.
- B)** The proposed site shall have at least one property line abutting a major thoroughfare or collector street, and all access to and egress from the site shall be by such thoroughfare or street.
- C)** Points of ingress and egress for the site shall be laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and adjacent land uses.
- D)** A caretaker's residence may be provided within the main building of the mortuary establishment.

- E) The minimum yard setback for all structures, burial plots, drives, and parking areas shall be no less than 25 feet from any public road right-of-way or property line, except when located adjacent to residentially zoned property, when a minimum setback of 50 feet is required.
- F) Delivery areas and outdoor storage of equipment shall be screened in accordance with Section 20.21, Landscaping.
- G) Buildings shall not exceed 30 feet in height.

Section 20.25 Battery Energy Storage Systems

A) Definitions:

- 1) Battery management system: An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- 2) Utility-scale battery energy storage facilities: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").
- 3) Utility-Scale Battery Energy Storage System: A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

B) General Provisions. All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

- 1) All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems"
- 2) The Township Planning Commission may revoke any approvals for, and require the removal of, any Utility-Scale Battery Energy Storage System that does not comply with this Ordinance, in accordance with this Zoning Ordinance.

C) Application Requirements. The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

- 1) Application fee in an amount set by resolution of the Township Board.
- 2) A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- 3) An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- 4) Current photographs of the subject property.
- 5) A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.
- 6) A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage System.
- 7) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

- 8) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township's review and approval.
- 9) Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- 10) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.
- 11) A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- 12) A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- 13) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.
- 14) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township
- 15) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

D) System and Location Requirements.

- 1) *Minimum Acreage.* Utility-Scale Battery Energy Storage Systems must be located on parcels of land 10 acres in size or larger.
- 2) *Setbacks.* Utility-Scale Battery Energy Storage Systems must be set back at least 100 feet from all lot lines. If a single Utility-Scale Battery Energy Storage System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
- 3) *Screening.* Greenbelt screening is required around any Utility-Scale Battery Energy Storage System and around any equipment associated with the system to obscure, to the greatest extent possible, the Utility-Scale Battery Energy Storage System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.
- 4) *Lighting.* Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
- 5) *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.
- 6) *Noise.* The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed 50 dBA Lmax / A-weighted scale, as measured at the property line of any adjacent parcel.

- 7) *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- 8) *Drain Tile Inspections.* The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- 9) *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence.
- 10) *Permits.* All required county, state, and federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating.
- 11) *Decommissioning.* If a Utility-Scale Battery Energy Storage System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.
- 12) *Financial Security.* To ensure proper decommissioning of a Commercial Utility-Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- 13) *Extraordinary Events.* If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- 14) *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - (a) Current proof of insurance;
 - (b) Verification of financial security; and
 - (c) A summary of all complaints, complaint resolutions, and extraordinary events.
- 15) *Inspections.* The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.
- 16) *Transferability.* A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- 17) *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

E) Utility-Scale Battery Energy Storage Systems under PA 233.

On or after November 29, 2024, if PA 233 of 2023 is in effect, then the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in Section 437 above, these provisions control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 does not take effect and does not apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts and an energy discharge capability of less than 200 megawatt hours.

- 1) **Setbacks.** Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

- 2) **NFPA Standard.** Utility-Scale Battery Energy Storage Systems must comply 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 commission as reasonable and consistent with the purposes of this subdivision.
- 3) **Noise.** The Utility-Scale Battery Energy Storage System must 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.
- 4) **Lighting.** The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.
- 5) **Environmental Regulations.** The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.

- F) **Host community agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 20.26 Data Centers

- A) **Definition.** Any facility, structure, or portion thereof, used primarily for the housing of computer servers, telecommunications equipment, data storage systems, or cryptocurrency mining operations, with a connected load of five (5) Megawatts (MW) or greater at full build-out. These include Hyperscale, Co-location, Enterprise, and Edge Data Centers. Facilities under 5 MW used solely for internal business (e.g. Farm office servers) are excluded.
- B) **Procedures.** A Detailed Site Plan shall be required.
- C) **Specific Standards.**
 - 1) **Minimum Site Requirements**
 - (a) The minimum parcel size for a Data Center shall be Fifty (50) acres.

- (b) Any Data Center building or accessory use shall be located at least 500 feet from a residential dwelling, school, church or residential zoning district.

2) Utility and Infrastructure Standards

- (a) All equipment for colling, ventilation, and otherwise operating the facility, including generators and other power supply equipment, shall be fully enclosed unless it is determined that it is not mechanically feasible.

(1) Any equipment not enclosed including any accessory substations shall be screened by a wall or similar barrier.

(2) A closed loop cooling system shall be required.

- (b) The maximum water withdrawal shall be 0.1 gallons per kWh of energy used.
- (c) At least 50% of the annual energy consumption must come from on site or contracted renewable energy sources (solar, wind, or certified green power)
- (d) The applicant shall provide a utility impact study showing no adverse effects on local grid stability
- (e) Any back-up generators on site shall be limited to emergency use only.

D) Design Standards.

- 1) The Main entrance shall be differentiated from the remainder of the building by a change in building material, pattern, texture, color, or accent material.
- 2) The main entrance shall project outward from the main adjoining building plan.
- 3) The Maximum height of a Data Center shall be 50 feet.
- 4) The buildings shall be screened with evergreen trees and or architecturally compatible fencing.
- 5) A maximum noise of 55 dBa at any property line. The applicant may use sound walls or berms to lessen the noise.
- 6) Parking requirements for a Data Center shall be based on the Ordinance requirement for the office component of the facility.

E) Decommissioning Plan

- 1) A fully funded decommissioning and site restoration plan shall be submitted and bonded before issuance of the final land use permit.