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ARTICLE 3

GENERAL PROVISIONS

Section 3.01. **COMPLIANCE.** No building, structure or property located within the Township shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or structurally altered except in conformity with all of the regulations of this Ordinance.

Section 3.02. **PERMIT REQUIRED.** No permanent structure shall hereafter be erected, enlarged or altered without first obtaining a zoning compliance permit from the administrator of this ordinance and a building permit from the building inspector as required by the State

Construction Code. No such permits shall be issued until a completed application has been submitted to the Township showing that the proposed construction complies with the applicable state and local codes, laws and the provisions within this Ordinance. No zoning compliance permit shall be required for general farming operations with the exception that no person shall commence construction or alteration of any agricultural building or structure without first obtaining a zoning compliance permit. Any person, firm, partnership, corporation or any entity whatsoever, who shall violate the provisions of the permitting requirements shall be subject to the following penalties:

- (a) One (1) violation of this Ordinance or Building or Construction Code adopted by the Township of Casnovia within any twelve (12) month calendar year shall result in the imposition of a monetary penalty equal to two (2) times the normal permit fee as ascribed to the work for which a permit is required.
- (b) Two (2) violations of this Ordinance or Building or Construction Code adopted by the Township of Casnovia within any twelve (12) month calendar year shall result in the imposition of a monetary penalty equal to three (3) times the normal permit fee as ascribed to the work for which a permit is required.
- (c) Three (3) violations of this Ordinance or Building or Construction Code adopted by the Township of Casnovia within any twelve (12) month calendar year shall result in a suspension of that person's ability to pull or otherwise obtain a permit to perform any authorized work within the Township of Casnovia. *[Ord. # 110-300, & 1, effective 8/18/1991; Ord. # 110-302, effective 2/2/1994; Revised section 3.02 Ord. # 01-2005, effective 2/18/2005; Revised section 3.02 Ord. # 2009-01, effective 8/28/2009]*

Section 3.03 CERTIFICATE OF OCCUPANCY. After having obtained the required permits and complying with all applicable state and local codes, laws and the requirements contained within this Ordinance, a certificate of occupancy shall be issued to the applicant by the building official designated by the Casnovia Township Board. A building or structure shall not be used or occupied prior to the issuance of such certificate. *[Revised section 3.03 Ord. #2009-01, effective 8/28/2009]*

Section 3.04. ACCESS. An application for a land use permit shall be denied unless the applicant can satisfactorily demonstrate that the property for which the permit is requested has adequate access. Adequate access, for purposes of this Ordinance, shall mean property that fronts or abuts an improved street, a permanent recorded non-obstructed easement of access or right-of-way to a street of at least sixty-six (66) feet in width. *[Ord. #2017-04, effective 1/20/2017]*

Section 3.05. SIZE OF DWELLING. No building to be used as a dwelling shall hereafter be erected or altered having a floor area of less than that required by the Zoning District Standards.

Section 3.06. SUBSTANDARD LOTS OF RECORD. Any lot in a single ownership which ownership was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot area, may be utilized for uses permitted under this

Ordinance so long as the owner meets an adjusted requirement of sixty (60) percent of the minimum lot area requirement of the zoning district, or lot area is one (1) acre or greater. Further, the owner must meet the yard and setback requirements of the zoning district as otherwise designated and required by this Ordinance. If already less than the minimum required, no lot shall be further divided or reduced. *[Ord. # 2020-03, effective 11/19/2020]*

Section 3.07. MOVING OF HOUSES, BUILDINGS, AND STRUCTURES. No pre-existing home, building or structure shall be moved into the Township from a point outside the Township limits, or shall be moved from one location in the Township to some other different location until and unless the mover of the home, building or structure submits a site plan for review, the site plan shall show the approximate final position of the home, building or structure at the proposed new location. The site and moving plan shall be submitted and reviewed before the mover may receive a moving permit for the Administrator.

The Administrator shall issue a permit approving the transfer after having determined that adequate on-site facilities exist such as water, gas, sewer and electricity, or that such utilities are available and will be installed or otherwise be made operable within six months of the transfer of the house, building or structure to its new location. The Administrator shall further determine that prior to the moving of the house, building or structure and after inspection, the house, building or structure will comply or will be brought into compliance with the applicable building code then in force within the township.

The Administrator must further determine that a certain time has been specified during which the move will take place, that the streets that will be used during the process of moving the house, building or structure have been specified and their use approved, and that adequate provisions have been made to insure the safe transportation of the home, building or structure, including the use of escort vehicles as required by the County Sheriff's Department, to proceed and to follow the house, building or structure during the actual move. The home, building or structure must comply with all pertinent local, State and Federal regulations regarding zoning, construction and installation in effect at the time of application.

Section 3.08. SUBTERRANEAN OR UNDERGROUND DWELLINGS. No subterranean dwelling as defined in Section 2.55 may be constructed unless it complies with the following provisions:

- (a) It shall meet all zoning, building, county and State Health Code requirements;
- (b) The design shall be certified by a registered architect or engineer;
- (c) The roof structure and truss work must be designed and certified by a registered architect or engineer;
- (d) Yard dimensions shall exclude any portion of ground which is covering a portion of the dwelling;

- (e) No land use permit shall be issued where, in the opinion of the Administrator, such site is unsuitable due to a reasonable danger of flooding from surface or subterranean sources or is likely to be situated on a site which has a reasonable likelihood of erosion.

Section 3.09. USE OF TRAVEL TRAILERS OR RECREATIONAL VEHICLES. No person shall use any travel trailer or recreational vehicle outside of a licensed mobile home park or trailer coach park for camping purposes except as provided in this Ordinance. Such uses shall be limited to thirty (30) days cumulative use in a calendar year in residential districts or one hundred five (105) days cumulative use in a calendar year on lots located in an agricultural district where such use is on a lot on which there is located a permanent occupied dwelling.

Travel trailers and recreational vehicles, when located outside of State licensed trailer coach parks, shall be removed from all lots during periods in which they are not being used for camping or recreational purposes and are otherwise unoccupied except where the travel trailer or recreational vehicle is stored.

Each occupied travel trailer or recreational vehicle shall be self-contained. No waste water from travel trailers, recreational vehicles or any other sources shall be deposited on the surface of the ground, if surface waters, or underground in the Township and all such vehicle owners and users shall specifically act in accordance with all rules and regulations of the Muskegon County Health Department and all other laws of the State of Michigan.

Section 3.10. MOBILE HOME. In addition to any other provisions contained in this Ordinance, the owners of mobile homes who decide to locate their homes in areas outside of State licensed mobile home parks must satisfy all of the following standards:

- (a) Meet all construction standards of the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards in effect at the time of application;
- (b) Meet all interior square foot minimum floor space requirements of this Ordinance;
- (c) The dwelling shall be placed on the same foundation as required for on-site-build homes constructed under the support beams of the dwelling; all modular, manufactured or pre-built homes shall have a 6" concrete pad with 10/10 welded mesh wire included; [Ord. # 110-310A, effective 8/4/1995]
- (d) All wheels, towing mechanisms or under-carriages shall be removed;
- (e) In the "R-1 District", each mobile home shall have a minimum square footage equal to that required in site built homes.

Notwithstanding the foregoing provision, a special temporary mobile home permit may be issued for a period not to exceed one hundred eighty (180) days when the

applicant can demonstrate an intent to construct, reconstruct or rehabilitate structures or building located on the property. The original permit may be extended by the administrator for an additional one hundred eighty (180) days upon a showing that the applicant has substantially progressed towards construction, reconstruction or rehabilitation of the other structure or building. The total period of the temporary permit, including any extensions, shall not exceed three hundred sixty (360) days. In no case shall a temporary permit be issued unless the applicant can further demonstrate that the applicant has satisfied all Health Department requirements of a safe water supply and proper sewage disposal and treatment.

- (f) No mobile home shall be located within the township without having received the certification from the Department of Housing and Urban Development promulgated consistent with the 1974 Construction and Safety Standards Act.
[Ord. # 110-310, effective 5/2/1995]
- (g) All mobile homes must have a minimum width across any front, side, or rear, elevation of at least twenty (20) feet. *[Ord. # 110-310, effective 5/2/1995]*
- (h) The owner/occupant must be “first” title holder. *[Ord. # 110-310, effective 5/2/1995]*
- (i) All mobile homes must have a minimum of eight hundred sixty-four (864) square feet, outside measurement, of usable floor space. The floor space shall not include porches, garages, breezeways, carports, decks, patios and other appendages to the building. *[Ord. # 110-1600, effective 5/2/1995]*
- (j) Any single wide Mobile Home legally in place on the effective date of this Ordinance may be replaced by another single wide Mobile Home provided the Mobile Home is at least twelve (12) feet wide and contains eight hundred sixty-four (864) square feet of habitable living space, should not be more than seven (7) years old and must meet all other requirements of Section 3.10 with the exception of section (h) must be first title holder.
[Ord.# 110-310, effective 5/2/1995; Ord. # 110-310, effective 8/1/1996]
- (k) Skirting shall consist of at least three (3) rows of cement blocks.
[Ord. # 110-310, effective 7/2/1997]

Section 3.11. **HOME OCCUPATIONS.** Occupations engaged in within a dwelling by the resident or residents of that dwelling are allowed if the same comply with all of the following conditions and limitations:

- (a) Are operated in their entirety within the dwelling and not within any accessory building located upon the premises;
- (b) Are only conducted by the person or persons occupying the premises as the principal residents. No person shall provide services or be employed in

connection with the home occupation except those family members residing on the premises;

- (c) The dwelling has no exterior evidence other than a permitted sign to indicate that the same is being used for any purpose other than that of a dwelling;
- (d) The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes. The space of the home occupation must not exceed more than twenty-five percent (25%) of the dwelling, excluding accessory buildings, regardless of the site of the home occupation;
- (e) The Administrator shall have the authority to conduct an inspection of any home occupation in order to determine compliance with the requirements of this Section and upon making a determination that any home occupation does not comply, may serve a notice of termination on the property owner who shall then have a right of appeal to the Board of Appeals. Upon appeal to the Board of Appeals of such termination, it shall have the authority to determine whether or not a proposed use complies with the terms of the Ordinance and is within the spirit of the same to insure the compatibility of the use with the character of the zoning classification to which the same is located.

Section 3.12. **LAND USES PROHIBITED.** No land may be used in such a manner as to cause air or water pollution, erosion or excessive noise, dust or obnoxious smell, water run-off from property or in any other manner which creates a hazard to adjacent land, improvements or occupants. No future use different than the lawful use or a valid non-conforming use may be made of property unless specifically allowed by this Ordinance without first obtaining change of zoning or special use permit as may apply in the individual circumstances. Further, no tin cans, stoves, garbage, automobile bodies, junk, refuse or any waste material as defined in Article 2 shall be dumped or allowed to remain on any private or public land within the Township unless as otherwise provided in this Ordinance at such a location as has been designated sanitary land-fill or junk yard by the Township and County Health Department with necessary approval from the State of Michigan licensing agency responsible therefore.

Section 3.13. **AREA REQUIREMENTS.** No yard or lot existing at the time of the passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 3.14. **MORE THAN ONE PRINCIPAL USE ON A LOT.** Not more than one (1) principal or main building shall be allowed on a lot, except for groups of related agricultural, commercial or industrial buildings or multiple family dwellings contained within a single unified complex or grouping and unless such use complies with all applicable provisions permitted in this ordinance. *[Revised section 3.14 Ord. #2009-01, effective 8/28/2009]*

Section 3.15. **REAR DWELLINGS.** No building in addition to a main building on the same lot shall be used for residential purposes. Non-conforming lots containing more than one dwelling shall be made conforming where possible to all other yard and open space requirements of this Ordinance.

Section 3.15.1. **TEMPORARY DWELLINGS AND BUILDINGS.** Temporary dwellings and buildings may be placed on a lot or parcel of record and occupied only under the following conditions:

- (a) A temporary land use permit agreement shall be filed with the Zoning Administrator prior to the placement of any temporary dwelling or building within the Township. Temporary land use permits shall authorize the placement of temporary dwellings or buildings for a maximum of one (1) year.
- (b) During renovation of a principal building damaged by fire or natural disaster, a temporary dwelling or building is authorized, however the temporary dwelling or building shall be removed when repair of damage is complete. In no case shall a temporary dwelling or building be located on the lot or parcel for more than thirty (30) days following issuance of the occupancy permit.
- (c) Temporary dwellings or buildings, including trailers, incidental to construction and land development work, are permitted, except that no temporary dwelling is permitted during construction of multiple family dwellings. Said temporary dwelling or building shall be removed from the lot or parcel within thirty (30) days of issuance of the occupancy permit for the principal dwelling.
- (d) A bond in the amount of five-hundred dollars (\$500) shall be required to insure removal of the temporary dwelling or building which has been used incidental to construction and land development work. The bond may be in the name of the applicant and Casnovia Township and may be maintained at the applicant's bank until released by the Township. A copy of the Certificates of the guarantee or bond shall be provided to the Zoning Administrator and shall be maintained with the permit agreement. A bond shall not be required for temporary dwellings used during renovation of a principal building damaged by fire or natural disaster.

[New section 3.15.1 Ord. # 110-300, effective 6/5/1997]

Section 3.16. **VISIBILITY, FENCE REGULATIONS.** At any intersection of public roads, no fence, structure, walls, scrubs, trees or plants shall be permitted within twenty (20) feet of the right-of-way lines of the public highways which will obstruct the view of the users of the highways. No motor vehicles, house or tent trailers shall be stored or parked within thirty-five (35) feet of the highway right-of-way line.

Section 3.17. **ZONING ORDINANCE APPLICATION, TOWNSHIP EXCEPTION.** The terms of this Ordinance shall not apply to lands, buildings, activities or uses of land or

buildings if conducted by or on behalf of the Township in the performance of those activities required or allowed under the Michigan Constitution, State laws or Township ordinances.

Section 3.18. BASEMENT QUARTERS. Sleeping quarters in basements shall be permitted only if there are two means of exit from said basement, one of which shall be a door leading directly to the outside of the basement and each room used as sleeping quarters has at least one (1) window opening to the outside with a minimum area of 5.7 square feet and a minimum side dimension of twenty (20) inches. Where two (2) or more walls of a structure are above grade, and a least one (1) access and egress to the out of doors as provided directly to the out of doors at grade level by a door, this structure shall not be classified as a basement.

Section 3.19. PRIVATE ROADS AND PRIVATE DRIVEWAYS. Private Roads and Private Driveways shall be subject to the following regulations:

- (a) No building or structure shall be built upon any lot which does not abut a public street except in compliance with the requirements of this section.
- (b) All private driveways, private roads and the lots to be served thereby shall comply with the requirements of the Casnovia Township Zoning Ordinance and the Subdivision Control Act of 1967 (MCLA 560.101 et seq.), as both may be amended from time to time.
- (c) Each private road or driveway shall extend from a public right-of-way to the lot(s) served thereby. A document describing the private driveway or private road shall be recorded with the Muskegon County Department of Public Works and/or the Muskegon County Road Commission and shall also be provided to the purchaser of any parcel served by a private driveway or private road. The requirements for maintenance provisions for private roads shall be as follows:
 - (1) The applicant(s)/owner(s) of a proposed private road right-of-way or private road shall also provide the Township, as condition of approval, with a private road maintenance or restrictive covenant agreement in such a form as to be recorded with the office of the Register of Deeds. It shall be signed by all the owner(s) of the easement or right-of-way of the private road and by any other parties having any interest therein. Any building(s) or parcel(s) thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement. Such agreement shall provide for and assure that the private road shall be regularly maintained, repaired and snow plowed so as to assure that the private road is safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.
 - (2) Maintenance, repair and liability for private roads shall be the responsibility of benefiting property owners with access to the private road

and not the responsibility or liability of the Township, Township staff or Township consultants used by the Township in the review and approval of private roads.

- (3) No construction permits shall be issued and no construction on a private road shall commence until the maintenance agreement has been reviewed and approved by the Township.
- (d) No private driveway shall serve more than one single family or duplex residential lot. For the purpose of this section, “duplex” is defined as a two-family dwelling located on a single lot in common ownership and sharing at least one common wall, ceiling, or fire separation assembly. In order to be properly protected by Casnovia Township Emergency Vehicles and personnel, your private driveway shall be constructed and maintained as follows:
 - (1) A driveway shall have a dedicated width of twenty (20) feet.
 - (2) The traveled portion of a driveway shall be twelve (12) feet wide and shall be constructed of six (6) inches of gravel or other suitable road building material, so as to provide sufficient integrity to allow the safe passage of emergency vehicles.
- (e) A private road is a right-of-way which serves more than one single family or duplex residential lot.
 - (1) All private roads for single family or duplex residential lots shall be a minimum of sixty-six (66) feet in width.
 - (2) All private roads shall have a minimum clear improved passable area of twenty-two (22) feet in width. For the purpose of this section, “clear improved and passable area” shall mean that the area is cleared of all brush, shrubs, trees, roots, or other debris, and that it is level enough to permit a vehicle to travel within that area; “improved area” shall mean a surface which meets or exceeds the then current standards (at the time of construction) of both the Muskegon County Road Commission and Michigan Department of Transportation for an aggregate base course road. i.e. six (6) inches of packed gravel.
 - (3) Land immediately adjacent to a private road shall be ditched along its entire length at a slope no greater than one (1) on three (3) for a front slope, and one (1) on two (2) for the ditches back slope. All ditches shall flow into a natural drainage course or a cross culvert beneath the private road. All culverts must be approved by the Muskegon County Road Commission.
 - (4) The terminus of each private road shall contain a one hundred ten (110)

feet cul-de-sac.

- (f) All private roads which serve more than one (1) single family or duplex residential lot shall be reviewed by the Planning Commission prior to the issuance of a building permit. The purpose of the review is to assure that the private road will comply with the requirements of this Ordinance and that the development of the private road will not impose or impact on the public interest. A person, firm, or corporation which desires to install a private road that serves more than one (1) single family or duplex residential lot shall apply to the Planning Commission for review of the proposed private road, and he shall pay the fee which is established for such review by the resolution of the Township Board, as adopted and established from time to time. The Planning Commission shall consider the following matters, at a minimum:
 - (1) The number of single family or duplex residential lots served by the private road and how they are affected by the private road.
 - (2) The number of additional single family or duplex residential lots.
 - (3) The length of the road and whether it meets the specifications of this Ordinance.
 - (4) Impact of the road on wetlands and/or dunes or other environmentally sensitive lands.
- (g) When computing any required setbacks under the provisions of this Ordinance, any land which is devoted to a private driveway or private road shall not be considered in the computation of whether the structure is setback the required number of feet. In other words, setbacks shall be computed from the nearest edge of the private drive or private road right-of-way, not from the center of the roadway or driveway. *[New section 3.19 Ord. # 110-320, effective 1/4/1995; Revised section 3.19 Ord. # 03-2005, effective 4/22/2005]*

Section 3.20. LOT SPLITS. Whenever a lot of record within the Township is intended to be divided to create two (2) or more lots, the owner or owner's agent shall provide to the Zoning Administrator an application for the lot split authorization and a drawing legal description of the existing lot and the proposed lots. Each proposed lot or parcel resulting from the proposed lot split shall conform to all site development standards for the zoning district in which they are located. The Zoning Administrator shall review the application and determine whether the resulting lots in the proposed lot split conform to the requirements of this Ordinance. If the Zoning Administrator determines the proposed lots do comply with the requirements of this Ordinance, the Administrator may issue approval for proceeding with the proposed lot split.

Whenever the Zoning Administrator shall determine the proposed lot split does not conform to the requirements of this Ordinance, the application for lot split shall be denied with the reasons for denial provided in writing to the applicant. Any lot of record split into two (2) or more lots

after the effective date of this Ordinance which has not been approved under the terms of this Ordinance shall be deemed an illegal lot split and a nuisance per se.

[New section 3.20 Ord. # 110-320, effective 2/6/1997]

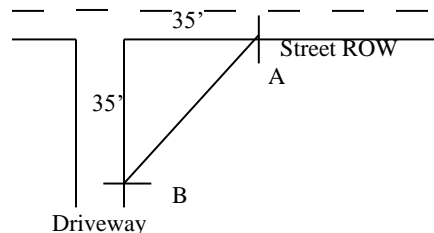
Section 3.21. **SIGNS AND BILLBOARDS.**

- (a) *Intent and Purpose:* The intent of this section is to regulate the type, number, physical dimensions, and placement of signs in Casnovia Township. The purpose of these requirements is to:

- (1) Promote the public health, safety, and welfare of residents and visitors;
- (2) Reduce distractions to motorists and pedestrians that may be hazardous;
- (3) Protect commercial districts from visual clutter and chaos;
- (4) Protect property values; and
- (5) Protect the rural character and natural beauty of Casnovia Township.

- (b) *Definitions:* As used in this ordinance the following terms and words are defined as follows:

- (1) Sign. Any display, figure, painting, drawing, placard, poster or other device visible from a public way that is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure, or part thereof, painted oil or attached directly or indirectly to a structure.
- (2) Clear Vision Area. The area adjacent to the drive-way access to a property and public or private street. The clear vision area is that area that is within a triangle formed by connection Point "A" which is a point located along the street right of way that is thirty-five (35) feet from the intersection of the right of way line and the edge of the driveway access with Point "B" which is a point located along the edge of the driveway access that is thirty-five (35) feet from the intersection of the right of way line and the edge of the driveway access.



- (3) *Types of Signs defined:*

- (i) Nameplate. A sign indicating the name, address or profession of the person occupying the lot or a part of a building.

- (ii) Bulletin board. An announcement sign that directs attention and is located on the lot of a public or semipublic institution.
- (iii) Identification sign. A sign indicating the name, owner or manager of an existing project or building.
- (iv) Real Estate sign. A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
- (v) Project sign. A sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved with the construction.
- (vi) Business sign. A sign advertising the name of the business or establishment, the goods or commodities sold, or services rendered, on the property on which the sign is located.
- (vii) Directional sign. A sign indicating the direction to a specific business. The sign shall include no more than the name of the business in question and an arrow for the direction.
- (viii) Informational sign. A sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, public offices or facilities, historic sites, or similar information.
- (ix) Political sign. A sign advocating action on a public issue or indicating a candidate for public office.
- (x) Temporary sign. A sign of any type that is on wheels or any other nonpermanent construction that is placed on property where the business is located to announce special events or sales, that is intended by the owner or lessee of the property to be used for thirty (30) days or less and is not intended to be repeatedly used throughout the year.
- (xi) Seasonal agricultural sign. A sign that is placed within Casnovia Township to advertise or direct customers to seasonal farm markets or agricultural road side stands on farms within Casnovia Township that have a substantial or significant portion of its stock in trade consisting of produce or farm related products grown or produced within Casnovia Township.
- (xii) Lighted Sign. Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign. [Ord. # 2018-02, effective 07/09/2018]

(4) *Structural Types of Signs defined:*

- (i) Wall or Panel sign. A sign integral with the exterior face of a building or attached to the wall and projecting not more than twelve inches from the wall.
- (ii) Window sign. A sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building.

- (iii) Projecting sign. A sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle perpendicular to the wall.
- (iv) Canopy sign. A sign attached to a canopy of a covered entrance or walkway or to a permanent awning or marquee.
- (v) Ground sign. A freestanding sign which is supported by one or more poles, posts or braces in or upon the ground and which does not extend higher than fifteen (15) feet above the finished grade.
- (vi) Pole sign. A sign which is supported wholly by a pole or poles in or upon the ground and which is extended above the finished grade so that the bottom of the sign is located a minimum of fifteen (15) feet above the finished grade and the top of the sign is located a maximum of one-hundred (100) feet above the finished grade.
- (vii) Billboard. A sign, also known as an “Outdoor Advertising sign” that is not located on the property for which the advertisement is intended. Seasonal Agricultural Signs shall not be considered Billboards.

(c) *Exempted Signs:* The following signs are exempt from the regulations of this section:

- (1) Garage or yard sale signs.
- (2) Realtor signs advertising single family homes for sale.
- (3) Signs on private property indicating “No Hunting; No Trespassing.”

(d) *Application Requirements Pertaining to All Signs and Billboards:*

- (1) No person shall erect or relocate or cause to be erected or relocated, any sign or billboard without first obtaining a sign permit except for those exceptions or exemptions expressly stated in this ordinance.
[Ord. #01-2006 effective 10-27-2006]
- (2) No person shall repair or alter, or cause to be erected or altered, any sign or billboard if the repair costs exceed two-thirds of the value of the sign.

(e) *Procedure for Obtaining a Sign Permit:* Sign permit forms will be provided by the Zoning Administrator and shall contain at least the following:

- (1) Name, address, and telephone number of the applicant, and that of owner of the premises upon which the sign or billboard is to be erected.

- (2) A drawing, to scale, showing the location of the sign or billboard in relation to lot lines and existing structures.
 - (3) Two (2) drawings of the plans and specifications with detail on the size of the sign, the method of construction, and method of attachment to a structure or ground.
 - (4) The name of the person, firm, or corporation erecting the sign or billboard.
 - (5) The written consent of the owner of the structure or the land upon which the sign or billboard is to be erected.
 - (6) Each applicant, except seasonal agricultural sign applicants, shall pay a permit fee as may be established from time to time by the Township Board.
 - (7) All billboards must obtain a building permit in addition to a zoning permit.
- (f) *Issuance of Sign Permit:* The Zoning Administrator shall examine all data and proposed premises. If the proposed sign or billboard complies with the requirements of this Ordinance, the provision of all building codes and state law, the Zoning Administrator shall issue the sign permit. Such permit shall be void if all work authorized by such permit has not been completed within a six (6) month period, starting from the time of issuance of that permit.
- (g) *Billboards:* Billboards as defined in this ordinance shall be prohibited except in Commercial and Industrial Districts that are located along state highways (M-37 and M-46). All Billboards must comply with this ordinance as well as the regulations of the State Highway Advertising Act (Act 106 of 1972) as amended.
- (h) *Signs Permitted In All Districts That Shall Not Require a Zoning Permit:*
The following signs, defined in this ordinance, are permitted in all zoning districts and shall not require the issuance of a sign permit. However the signs listed in this section must be in conformance with the requirements of Section 3.21 (a) and all other applicable provisions of this Ordinance. [Ord. # 01-2006, effective 10/27/2006]
- (1) Project Signs
 - (2) Political Signs
 - (3) Directional Signs
 - (4) Informational Signs
 - (5) Real Estate Signs
 - (6) Name plates
 - (7) Seasonal Agricultural Signs
- (i) *Regulations for Signs Permitted In All Districts:* Regulations for the above listed signs that are allowed in all districts are:

- (1) One (1) construction sign for each street frontage at a construction project, not exceeding thirty (30) square feet in sign area. Such signs may be erected no more than thirty (30) days before commencement of construction and must be removed not later than thirty (30) days after completion of construction.
 - (2) Seasonal Agricultural signs not to exceed two by three feet (2' x 3') or six (6) square feet in sign area. The number of signs permitted and the location of the signs must be approved by the Zoning Administrator. A refundable deposit of \$25.00 must be filed at time of approval to insure removal of the signs within six (6) months.
 - (3) One nameplate sign per premises, provided such sign does not exceed four (4) square feet in sign area.
 - (4) Directional signs may be placed outside of the right of way with permission of the property owner so long as such sign does not exceed two by three feet (2'x3') or six (6) square feet in sign area. The number of signs permitted and the location of the signs must be approved by the Zoning Administrator.
 - (5) Political signs may be placed outside of the right of way with permission of the property owner so long as such sign is not posted more than thirty (30) days before the election to which the sign pertains and so long as the sign is removed within seven (7) days of the election to which the sign pertains.
- (j) *Signs Permitted only in Agricultural and Residential Districts:* All signs noted in this Section may **only** be placed on the same property as the business or use that the sign is meant to advertise.
- (1) One (1) non-illuminated ground sign per entrance road for use as a subdivision identification sign to identify permitted platted subdivisions or site condominium developments. Ground sign not to exceed thirty (30) square feet in sign area.
 - (2) For permitted nonresidential uses, one (1) non-illuminated ground sign not to exceed sixteen (16) square feet in sign area and placed a minimum of twenty (20) feet from all lot lines.
 - (3) For nonresidential uses permitted with Special Use authorization signs shall be permitted as recommended by the Planning Commission and approved by Township Board following site plan review.
 - (4) In Agricultural Districts; one (1) non-illuminated sign advertising sale of

agricultural related produce or products, not to exceed sixteen (16) square feet in sign area.

- (5) Any illuminated sign should be a Special Land Use Permit with conditions. *[Ord. # 2018-02, effective 07/09/2018]*

- (k) *Signs Permitted only in **Commercial and Industrial Districts***: All signs noted in this Section may **only** be placed on the same property as the business or use that the sign is meant to advertise.

- (1) One (1) ground sign or one (1) pole sign per premises not to exceed sixty-four (64) square feet in sign area. A ground sign may not exceed eight (8) feet in height. The maximum height of any pole sign shall be forty (40) feet.
- (2) One (1) wall sign for each use located within a building. Total area of the wall sign not to exceed thirty percent (30%) of the building wall. The wall sign must be attached to the building and parallel to the building.
- (3) Directional signs up to three (3) square feet in sign area.
- (4) No sign other than pole signs shall project above a building roof line.
- (5) All illuminated signs must be shielded from adjacent residential properties.
- (6) Sign Illumination. There shall be no flashing, oscillating, or intermittent illumination of any sign. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential district. Illumination includes all types of artificial light. The illumination of any sign shall not be detrimental or annoying to surrounding property owners or occupants, nor constitute a safety hazard as determined by the Zoning Administrator. For purposes of this section, “flashing” means any change in sign face by electronic means for less than a continuous 30 second duration. *[Ord. # 2018-02, effective 07/09/2018]*

- (l) *Prohibited Signs*: The Following Types of Signs are **Prohibited in All Zoning Districts**:

- (1) Abandoned Signs
- (2) Signs imitating or resembling official traffic or government signs or signals.

- (m) Sign Setbacks: All signs shall be set back beyond the road right of way and must be placed a minimum of ten (10) feet from side lot lines, except where otherwise

required by this Ordinance. No sign shall be placed within the Clear Vision Area as defined by this ordinance.

- (n) **Temporary Signs:** Temporary signs advertising a specific event are allowed following a site plan review and approval by the Zoning Administrator. As for temporary signs relating to specific events sponsored by non-profit organizations and public/municipal entities; including but not limited to: churches, governmental units, public charities and schools; a sign permit shall not be required. However, all such signs shall conform to all other requirements of this Ordinance. *[Ord. # 01-2006, effective 10/27/2006]*
- (o) **Maintenance of Signs and Billboards:** The owner of any sign or billboard shall paint all parts of the sign at least once every two (2) years, unless it is galvanized or otherwise treated to prevent rust or deterioration. All signs shall be well maintained and kept in good repair. *[New section 3.21 Ord. # 032702, effective 5/9/2002]*

Section 3.22. KEEPING OF PETS, ANIMALS AND LIVESTOCK. The keeping of domesticated animals on lands in the A-1, A-2, R-1, R-2 and R-3 zoning districts shall be subject to the following provisions:

- (a) Ordinary household pets such as dogs and cats and other animals or fowl customarily kept as pets shall be permitted in the A-1, R-1, R-2 and R-3 Zoning District. Lands in the R-3 zoning district shall also be subject to requirements included in Section 7A.02(c.).
- (b) Livestock such as, but not limited to, horses, cattle, llamas, goats, pigs and sheep, are permitted in the A-1 zoning district except that on parcels of fifteen (15) acres or less, in those districts, the number of such animals shall not exceed one (1) animal for the first two (2) full acres of fenced in pasture land. One (1) additional animal for every additional two (2) full acres of fenced pasture. *[Revised Section 3.22, Ord. #2018-1, effective 04/02/2018]*
- (c) Livestock such as, horses, cattle, goats, pigs and sheep are prohibited on any lands in the R-1 zoning district. *[Revised Section 3.22, Ord. #2018-1, effective 04/02/2018]*
- (d) Any building or confined feeding area in which livestock are confined or fed (not including feeding by grazing) shall be located at least one hundred (100) feet away from the nearest property line or street right-of-way line.
- (e) Farm animals shall be fenced or penned with materials sufficient to contain animals within property lines.
- (f) Horses, cattle, and goats are herd animals and require at least two animals per pen.

No animals are allowed on any property with unoccupied dwelling, to include, but limited to abandoned or condemned buildings. *[Revised Section 3.22, Ord. #2018-1, effective 04/02/2018]*

- (g) Animal raising, animal husbandry and the keeping of farm animals accessory to farms or dwellings shall be permitted in accordance with usual, customary and best management farming practices.
- (h) The keeping of animals not generally considered to be domestic by the County Animal Control (Vector Control) authorities or endangered species are prohibited, unless properly licensed. The keeping of said animals shall be in quantities no greater than that permitted for domestic animals and shall be permitted by Special Use Permit only. The procedures and standards of Article 17 shall be followed. *[New section 3.22 Ord. #04-2005, effective 5/20/2005]*

Section 3.23. **OPEN SPACE PRESERVATION DEVELOPMENTS**

The following conditions shall apply to this section to be consistent with the requirements of Public Act 177 of 2001 mandating townships which meet certain qualifying conditions must provide for open space preservation development of land at the developers option.

- (a) **DEFINITIONS.** Words and phrases referred to in this section shall have the same meaning as defined in Public Act 177 of 2001.
- (b) **QUALIFYING CONDITIONS.** Land may be developed as an Public Act177 Open Space Preservation Development only if all of the following conditions are satisfied:
 - (1) The subject land is in the A-1, R-1 or R-2 zoning districts and subject to required density provisions.
 - (2) The applicable zoning regulations permit development at a density equivalent to two (2) or fewer dwelling units per acre, if the land is not served by a public sewer system; or at a density equivalent to three (3) of fewer dwelling units per acre, if land is served by a public sewer system.
 - (3) The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts covenants and/or deed restrictions indication that the development will be completed in its entirety as proposed.
 - (4) The Public Act 177 of 2001 Open Space Preservation Development option provided for in the article shall not have previously been exercised with respect to the same land.

- (c) **APPLICATION AND REVIEW PROCEDURE.** An Open Space Preservation project application shall be reviewed by the Planning Commission in accordance with the standards contained within these regulations and Article 17 **SPECIAL LAND USE PERMITS**, as well as Article 19 **SITE PLAN REVIEW STANDARDS**. The applicant shall submit twelve (12) sets of the Open Space Preservation Development plan.

- (1) The site plan for an Act 177 Open Space Preservation Development shall include the following additional information:

- (i) The portions of the land that are proposed to remain in a perpetually undeveloped state and portions of the land that will be used for development, including building lots street rights of way, drainage and other facilities needed for the development.
- (ii) The total number of acres proposed to remain in a perpetually undeveloped state, the number of acres proposed to be developed and the percentage of each, as compared to the total site acreage.
- (iii) The location of all proposed lots and proposed building envelopes and the lot area and width of each lot, and a demonstration that the minimum front a, side and rear building setbacks of the district can be satisfied. The number of proposed lots on the site development shall not exceed the number of lots on the parallel plan.

- (2) The application shall also include a parallel plan, which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without PUD approval or any variance approved by the Zoning Board of Appeals. The parallel plan shall include at least the following information:

- (i) Date, north arrow and scale not more than 1"= 100'.
- (ii) Locations and dimensions of streets and driveways, and computation of total area included in rights of way.
- (iii) Lot layout, dimensioned to show lot area and width.
- (iv) Location of all public or private utilities and improvements that would be necessary to serve a development and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, stormwater retention basins, community sewage treatment systems and community water supply facilities.
- (v) If development under the parallel plan would require the use of septic tanks, drain fields and/or water wells, the location of all septic tanks and drain field areas along with written documentation from the Muskegon County Health Department that at least forty percent (40%) of the lots are suitable for on site disposal systems.

The Planning Commission may require a greater percentage to verify that the site can actually be developed as presented.

- (vi) The parallel plan shall illustrate all unbuildable land, with slopes of twenty percent (20%) or greater, regulated and unregulated wetlands, public utility easements, floodplains and other similar features which prevent construction of buildings and roads.
- (3) The applicant shall submit, before final approval of the project, a copy of the legal instrument that would run with the land and have the legal effect of reserving in perpetuity the required open space. Such legal instrument shall be subject to review and approval by the Township Attorney prior to recording with the County Register of Deeds. At a minimum, the legal instrument shall:
- (i) Indicate the proposed use of the undeveloped open space.
 - (ii) State the parties who have an ownership interest in the open space.
 - (iii) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements except such drainage improvements, utility lines, hiking trails, picnic areas, park or playground equipment or similar improvements that may be approved by the Planning Commission.
 - (iv) Require that the open space be maintained by parties who have an ownership interest in the open space.
 - (v) Provide for scheduled maintenance of the open space by the owners. In the event that the dedicated open space is inadequately maintained or is determined to be a public nuisance, any maintenance costs incurred by the Township shall be assessed to the owners of the property within the Open Space Preservation project.
- (d) *MAXIMUM NUMBER OF LOTS.* The maximum number of lots in a Public Act 177 Open Space Preservation Development is the maximum number of complying, feasible lots which could be developed on the land in question if each lot met the minimum requirements of the zoning district in which it is located, as determined by the Township based on the parallel plan.
- (e) *OPEN SPACE REQUIREMENTS.* Not less than fifty percent (50%) or more than sixty percent (60%) of the land proposed for development under the provisions of this section shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal instrument that runs with the land, as approved by the Township Attorney. The following areas shall not constitute open space:
- (1) The area within all public or private road rights-of-way.
 - (2) Any golf course

- (3) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
 - (4) Detention or retention ponds created to serve the project.
 - (5) Any area devoted to public or common community sewage disposal systems or drain fields.
 - (6) Off street parking areas.
 - (7) 50% of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water within the boundaries of the proposed project.
- (f) *STANDARDS FOR OPEN SPACE.* The following standards shall apply to the preserved open space required by this section:
- (1) A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least fifty (50) feet, not including the public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing view.
 - (2) The open space may include a recreational trail, picnic area, children's play area ball fields or other use which, as determined by the Planning Commission is substantially similar to these uses.
 - (3) The open space shall be reasonably accessible and useable for all residents of the development, subject to reasonable rules and regulations.
 - (4) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 - (5) No buildings or structures or improvements may be located in the open space, unless such structures and/or improvements directly promote the purposes of the open space.
- (g) *DEVELOPMENT REQUIREMENTS.*
- (1) Open space preservation projects shall be served by either public or community water and sanitary sewer or by private wells and septic systems. The applicant shall submit proof that any proposed sanitary system(s) and well locations have been evaluated or approved by the Muskegon County Health Department.
 - (2) In order to accommodate both the required open space and the number of lots permitted according to the parallel zoning plan the Planning Commission shall allow a reduction in the minimum lot size and building

setback requirements of the zoning district in which the open space preservation project is located. For open space preservation projects the minimum lots sizes and lot width shall not be less than the following:

Zoning District	Minimum Lot Size	Minimum Lot Width
A-1 and R-2 Districts	20,000 square feet	110 feet
R-1 without both public or community sewer and water.	15,000 square feet	100 feet
R-1 with either public or community sewer or water.	10,000 square feet	85 feet

- (3) The development of lands under this section shall otherwise comply with all requirements of this Ordinance applicable to the zoning district in which the land is located except for lot size and width. Lots for dwellings in the clustered portion of the development shall be as uniform as is reasonably practicable.
- (4) Grading shall comply with the following requirements:
 - (i) To preserve the natural appearance of the land, grading shall be kept to minimum. Specific requirements may be placed on the area of land to be graded.
 - (ii) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise unless approved by the Planning Commission based on the finding that the disturbance or structure enhances the open space.
 - (iii) Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land.
- (5) Private roads which are part of an open space preservation project shall comply with the requirements for private roads as contained in section 3.19 of this Ordinance.
- (6) The development of an Act 177 Open Space Preservation Development is subject to all other applicable Township ordinances, county, state and federal statutes or regulations. The approval may be conditioned on the applicant receiving necessary permits before final site plan approval or occupancy permit is granted.
- (7) The Planning Commission may require reasonable performance guarantee in accordance with section 19.05 (f) Conditions and Plan Approval of this ordinance.
- (8) Areas of natural drainage such as swales, wetlands, ponds or swamps shall

be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land. [New section 3.23 Ord. # 03-2008, effective 12/26/2008]

Section 3.24. PUBLIC UTILITY FACILITIES AND WIND ENERGY CONVERSION SYSTEMS (WECS)

(a) Intent and Purpose

- (1) Purpose. The most common and prevalent land use in Casnovia Township is agricultural, and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the safe, effective, efficient and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial and other areas within the Township.
- (2) With advances in technology of “wind energy development” in general, specific locations within the Township may support the implementation of Utility Grid Wind Energy Systems. To prepare for potential “wind development projects” within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure wind development sites are appropriately located so as to protect the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and character while simultaneously preserving and protecting the Township’s important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

(b) Findings

- (1) This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township’s residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township’s important and sensitive environmental and ecological assets and areas, open space, viewscales and aesthetics, wetlands, and other ecological and environmentally sensitive areas.
- (2) Based on evidence presented in this State and others concerning the adverse secondary effects of wind energy systems on communities, including, but not limited to, findings from the Wind Turbine Health Impact Study: Report of Independent

Expert Panel, prepared for the Massachusetts Department of Environmental Protection (2012); Strategic Health Impact Assessment on Wind Energy Development in Oregon, prepared for the State of Oregon (2012); Potential impact on the Public's Health from Sound Associated with Wind Turbine Facilities, prepared for the State of Vermont's Department of Health (2010); Analysis of the Research on the Health Effects from Wind Turbines, Including Effects From Noise, prepared for the Maine Department of Health and Human Services (2012); Jeffrey et al, "Adverse Health Effects of Industrial Wind Turbines," 59 Can Fam Physician 473-475 (2013); Salt, A., and Kaltenbach, J, Infrasound From Wind Turbines Could Affect Humans, 31(4) Bulletin Science, Technology and Society, 296-302 (2011), the following are among the potential harmful secondary effects of wind energy systems:

- (i) Falling ice or "ice throws" is physically harmful and measures should be taken to protect the public from the risk of "ice throws."
- (ii) Nighttime wind turbine noise can cause sleep disturbance. Generally, sleep disturbance can adversely affect mood, cognitive functioning and one's overall sense of health and well-being. Chronic stress and sleep disturbance could increase the risk for cardiovascular disease, decreased immune function, endocrine disorders, and mental illness. In addition, possible health effects include increased heart rate, insomnia, fatigue, accidents, reduction in performance and depression.
- (iii) Sound from wind energy facilities could potentially impact people's health and well-being if it increases background sound levels by more than 10 dB(A) or results in long term outdoor community sound levels above 35-40 dB(A).
- (iv) There is evidence that wind turbine sound is more noticeable, annoying and disturbing than other community industrial sounds at the same level of loudness.
- (v) People who live near wind turbines are more likely to be impacted by wind turbines than would those far away.
- (vi) Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, also known as shadow flicker, can cause health issues.
- (vii) The Township desires to protect ecological and environmentally sensitive areas in the Township, including, but not limited to, habitats for endangered species or heavily used migration routes for species of waterfowl and other migratory birds (some of which are protected species). Thus, the Township has determined that wind development sites can adversely impact wildlife and their habitats and makes evaluation of proposed wind development sites essential. The Township

finds that any wind development sites should have the lowest potential for negative impacts on wildlife resources and avoid locations with higher concentrations of migratory birds. Further, any wind development sites that would fragment sensitive habitat areas, like rivers, streams, and wetlands, should be avoided.

(viii) The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this ordinance.

(c) Definitions

(1) Participating Landowner: A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Muskegon County Register of Deeds said agreement, and has a contract with the WECS Applicant. A Participating Landowner may also be called a WECS contract leaseholder. A Participating Landowner may or may not have turbines or infrastructure located on their property.

(2) Non-Participating Landowner: A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to their owned land to the WECS Applicant.

(3) SCADA (supervisory control and data acquisition): A computer system that monitors and controls WECS units.

(4) dBA: The A-weighted sound level.

(5) dBC: The C-weighted sound level.

(6) Pasquill Stability Class: Reference, wikipedia.org "Outline of air pollution dispersion".

(7) Adverse Sound Character: Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.

(8) ANSI: the American National Standards Institute.

(9) Audible: The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.

(10) Decibel (dB): The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."

(11) Emergency work: Any work or action necessary to deliver essential services in an

emergency situation, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way, and abating life-threatening conditions.

- (12) Equivalent Sound Level (or Leq): The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.
- (13) Excessive noise: Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.
- (14) Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.
- (15) Noise: A sound, especially one that is loud or unpleasant or that causes disturbance. Any airborne sounds of such level and duration as to be or tend to be injurious to human health or welfare (well-being) or that would unreasonably interfere with activities or the enjoyment of life or property.
- (16) Quiet Rural or Residential property: Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single family homes, and retirement homes.
- (17) Sound level meter: An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).
- (18) GIS: Geographic Information System and is comparable to GPS (global positioning system) coordinates.
- (19) Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (20) Tip Height: The height of the turbine with a blade at the highest vertical point.
- (21) Wind Energy Conversion System (WECS): Any combination of the following:
 - (i) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 - (ii) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;

- (iii) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - (iv) The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;
 - (v) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - (vi) Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.
- (22) **WECS Applicant:** The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Participating Landowner, or lessee, who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the WECS or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing Facility if different than the WECS owner.
- (23) **Wind Energy Conversion System (WECS) Testing Facility:** A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.
- (24) **L10:** Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.
- (25) **L90:** Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.
- (d) *Public Utilities.* Transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements of Article 19. Any office, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district. All communication towers or commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of section "Commercial Wind Energy Conversion Systems (WECS)". Unless specifically noted, all WECS permit information and supporting

documentation shall be allocated reasonable Township review time based on complexity and outside expertise review. Requirements shall be presented in written form and allow minimum thirty (30) days before Township discussion. Township may at its discretion review provided documents sooner than thirty (30) days. Providing documents without time for Planning Commission to review shall result in permit denial and require WECS applicant to reapply. Each ordinance section requires approval by the Planning Commission unless otherwise noted. Township shall review all documentation to assure that residents' health, welfare, and safety are not negatively impinged.

- (e) Exempt Towers and Wind Energy Conversion Systems (WECS). Communication towers, antennas, wind energy conversion systems (windmills, turbines) and related facilities located on the premises of a farm, home, or business and which do not primarily involve the sale of electricity or communication services off the premises shall be exempt from the requirements of section "Commercial Wind Energy Conversion Systems (WECS)". However, exempt towers and WECS are subject to the following noise regulations of the Casnovia Township Zoning Ordinance: Article 2, Section 2.42 and Article 3, Section 3.12. Such units shall be allowed as a permitted accessory use in all zoning districts, providing the electricity or communication services are primarily used on site for a farm, home or business. In the case of a WECS, the total height with the blade fully extended (Tip Height) shall not exceed one hundred thirty (130) feet, and the minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet. The minimum set-back from property lines and road right of way lines shall be equal to 3 times the Tip Height of the unit (WECS blade at its highest point).
- (f) Commercial Wind Energy Conversion Systems (WECS). Wind energy conversion systems and WECS testing facilities, other than those exempted under section (e) "Exempt Towers and Wind Energy Conversion Systems (WECS)", shall only be allowed as special land uses in the A-1 Exclusive Agricultural Zoning District. An application for a special land use permit shall be filed with the Township pursuant to Article 17 as to Special Land Use approvals. Supporting data and documentation must be submitted in their entirety at time of application. Applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board or Planning Commission. Applicant shall also include the following:
 - (1) **Permitting Costs:** An escrow account shall be set up when the Applicant applies for a Special Use Permit for a WECS and WECS Testing Facilities. The monetary amount filed by the Applicant with the Township shall be in an amount in accordance with the Township Escrow Policy to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional

monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.

- (2) Environmental Assessment: The Applicant shall fund an environmental assessment or impact study and other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Studies shall be limited to the area within three (3) miles outside of the Township boundaries.
 - (i) The Applicant shall perform pre-construction ground water testing on all wells located within the required setback distance of a proposed turbine location. The operation of the WECS shall not negatively impact any groundwater well or groundwater source in the vicinity of the WECS. Complaints regarding impact of the WESC on groundwater sources shall be promptly forwarded to the Township Board as part of the complaint resolution process. The Township Board will consider proof of a negative impact arising from the installation and/or operation of the WECS on a groundwater well or source in the vicinity of the WECS as a violation of the conditions of the special use approval.
 - (ii) A background (ambient) sound study shall be performed and a report provided which indicates Leq 1 second, L10, and L90 sound levels using A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining Non-Participating and Landowners Participating. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.
- (3) Economic Impact: The Applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average set-backs distances. Business and residential growth potential shall be considered.

- (4) Site Plan: The Applicant shall submit a site plan in full compliance with Article 19 of this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Additional requirements for a WECS site plan are as follows:
- (i) Building Siting: GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECS.
 - (ii) Nearby Building Siting: GIS locations and height of all adjacent buildings, structures, and above ground utilities located within three (3) times minimum set-back distance for Non-Participating Landowners where the proposed WECS and WECS Testing Facility will be located. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved.
 - (iii) Access Driveways: GIS location of WECS and Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the Access Driveway that serves a WECS or Testing Facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300' to adjacent property unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Such approval shall be recorded with Muskegon County Register of Deeds using only the WECS Waiver Form Revision 1 or later.
 - (iv) Facility Security: Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.
 - (v) Maintenance Program and Resolution Program: The Applicant shall provide to the Township a written description of the problem and failure program to be used to resolve the any WECS and WECS Testing Facility issues, including procedures and schedules for removal when determined to be obsolete or abandoned.

- (vi) Site Lighting: A lighting plan for each WECS and Testing Facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR activated lighting shall be utilized if allowed by FAA. Such a plan shall include but is not limited to, the planned number and location of lights, light color, activation methods, effect on Township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, Applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground, be FAA compliant, and be of most current design, to minimize lighting blinking and brightness nuisance.
 - (vii) Proof of any applicable documents recorded at the Muskegon County Register of Deeds utilizing Article 1522 WECS Waiver Form Revision 1 (or later).
 - (viii) If there are any changes to any site plan for a WECS or Testing Facility, including any changes in road locations, road access, the location of accessory structure, and/or the location of any turbine, a revised site plan shall be submitted and approved prior to construction. Any revised site plan must provide revised calculations to address all of the items required under the original plan submission (i.e. setbacks, shadow flicker, noise, etc.).
 - (ix) Supplemental: Additional detail(s) and information as requested by the Planning Commission.
- (5) Site Insurance: The Applicant shall provide proof of insurance for each WECS at all times for at least \$10,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Participating Landowners, and Non-Participating Landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site where Applicant's equipment is located.
- (6) Removal Insurance (decommissioning): To ensure proper removal of each WECS structure when it is abandoned or non-operational, application shall include a proof of the financial security in effect before permit is approved. The security shall be licensed in the State of Michigan and be in the form of 1) cash deposit or 2) performance (surety) bond selected by the Planning Commission and bonded by a top institution from the Department of the Treasury's Listing of Approved Sureties - Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in this Ordinance. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.

- (i) The amount of each WECS security guarantee (surety) shall be the average of at least two independent (of Applicant) demolition (removal) quotes, obtained by the Planning Commission and approved by the Board, plus 10%. If the quantity of quotes obtained is two, the formula shall be $(\text{quote1} + \text{quote2})/2 * 1.10$. The security guarantee shall be no less than \$800,000 per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolition companies. The demolition method shall be approved by the Township Board. Quotes shall not include salvage values. Security guarantee shall be updated every five (5) years at the rate of 1.5 times CPI (consumer price index) for each year.
 - (ii) Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.
 - (iii) The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
 - (iv) In the event the WECS owner, operator, parent company, performance bond defaults on any or all of the previously outlined decommissioning requirements, the Participating Landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the Participating Landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the Participating Landowner. If funding is not available to cover the costs of removal by the Participating Landowner, legal action to pursue the seizure of Participating Landowner property(ies) will take place to cover such costs.
- (7) Safety Manual: The Applicant shall provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.
- (8) Repair Policy Documentation: Applicant shall provide a detailed policy and process

book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.

- (9) Noise: Applicant shall provide an initial sound modeling report and a 6-month post-construction report for the project with a schedule and documentation which adhere to the following:
- (i) Chart outlining ordinance requirements and a description of compliance or non-compliance.
 - (ii) Declaration whether submitted data is modeled or measured.
 - (iii) Declaration of values, test methods, data sources, and similar for all modeled or measured data.
 - (iv) Estimated timeline for project including ordinance requirements completed, construction, post construction, and validation testing.
 - (v) Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.
 - (vi) Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
 - (vii) It is acknowledged that WECS units sustain wear over time. Applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this ordinance for 5, 10, and 15-year-old units.
 - (viii) Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (non-porous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Non-disclosure of modeling method deficiencies shall require resubmission of SLUP in its entirety with complete modeling deficiencies disclosed.

(g) *Commercial Wind Energy Conversion Systems (WECS) – Standards and Requirements.*

The WECS project shall meet the following standards and requirements:

- (1) Set-Back: The minimum set-back from any property line of a Non-Participating Landowner or any road right-of-way shall be no less than four (4) times Tip Height of WECS or WECS Testing Facility unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form Revision 1 or later, with the Muskegon County Register of Deeds. For WECS, use turbine pole centerline as WECS measuring point.
- (2) Ground Clearance: The minimum clearance from ground level to the blade at its lowest point shall be one hundred (100) feet.
- (3) Applicant Compliance: The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements.
- (4) Blade Clearance: Blade arcs created by a WECS shall have a minimum of one hundred (100') feet of clearance over and from any structure.
- (5) Braking: Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.
- (6) Signage: Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be at least two square feet in area. Signs shall be the same and shall uniquely identify each WECS. Signage shall comply with Article 3 Section 3.21 Signs and Billboards. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
 - (i) Warning high voltage.
 - (ii) Participating land owner's name, WECS owner's name, and operator's name.
 - (iii) Emergency telephone numbers and web address. (list more than one number).
 - (iv) If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
 - (v) Unique identification such as address of WECS. If more than one WECS on access drive, units shall have further identification such that first responders can positively identify. An identification example is "321 Ruger Rd, Caro, MI Unit A"

- (7) Communication Interference: Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution section (g)(25).
- (8) Infrastructure Wiring: All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of 6ft below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer Code standards. All utility lines shall be staked in the field, so as to provide notice to property owners as to the location of utilities, including installing a marker at 4-feet below-grade to identify the utility line location.

The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as geography precludes, or a demonstrated benefit to the township. The waiver shall not be granted solely on cost savings to Applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.

- (9) Road Damage: The Applicant shall post a financial security in the form of a surety bond from a surety company that is listed as an acceptable surety on Federal Surety Bonds in circular 570 of the U.S. Department of Treasury, or letter of credit from, or an escrow account established in, a financial institution licensed in the State of Michigan for the cost of repairs of Muskegon County roads within the Township, in an amount of \$1,250,000. The amount and standards for road repair work shall be determined by a third party road inspector appointed by mutual agreement of the Township, Applicant and Muskegon County Road Commission. The bond shall only be released (in whole or in part) when the Township Board, in consultation with the Muskegon County Road Commission and said third party inspector, determines that all required road work has been completed and approved by the road inspector in consultation with the Muskegon County Road Commission and/or MDOT. The Township may consult with the third party road inspector to verify the proposed bond amount of \$1,250,000. If the third party inspector determines that the amount needed for road repairs and upgrades is higher, the Applicant will post a financial security in the amount determined by the third party inspector. All road repairs must be complete within ninety (90) days of project completion, or maintenance completion, but shall not exceed 365 days from project commencement or maintenance completion.
- (10) Road Use Agreement: The Applicant shall provide and execute a Road Use Agreement with the Township and shall file a copy of such Agreement with the Township Clerk before construction of any accessory road and/or road improvements.

The Road Use Agreement is subject to review and approval of the Township attorney. The Applicant shall provide a written status report annually to the Township Board as to the ongoing scope of road work and shall also provide written notice to the Township Board when all required road work has been completed. The Township may require the renewal of the bond for road work to cover costs of road work to be completed in the future.

- (11) **Liability Insurance:** The current WECS owner and operator shall insure for liability for the WECS without interruption until removed and comply with section “Site Insurance” to protect the current WECS owner and operator, Township and property owner.
- (12) **Coating and Color:** A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- (13) **Strobe Effect:** Under no circumstances, shall a WECS or Testing Facility produce shadow flicker, or strobe-effect, on properties without a signed release from affected Participating and Non-Participating Landowners. Documents in full shall be recorded using only the WECS Waiver Form Revision 1 or later, with the Muskegon County Register of Deeds. Each wind turbine shall also use a shadow flicker mitigation system, including but not limited to the Vestas Shadow Detection System, or other similar system.
- (14) **Ice Detection:** The Applicant shall install an ice detection system on each turbine, including but not limited to the system developed by Vestas, or other similar system, to monitor ice formation on each wind turbine (WECS) and to facilitate immediate shutdown of any wind turbine if ice is detected on the turbine.
- (15) **Fire Suppression:** The Applicant shall provide and install on an WECS a fire suppression system, including but not limited to Fire Trace or other similar system, and insure that such system is operable at all times.
- (16) **Voltage:** The Applicant shall demonstrate WECS prohibits stray voltage, surge voltage, and power from entering ground, and shall correct any voltage issued that is caused by the WECS.
- (17) **Protection of Adjoining Property:** In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facility unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

- (18) Removal and Site Renovation: A condition of every approval shall be adequate provision for the removal of the structure in its entirety whenever it ceases to actively produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson and all other components in their entirety. Restoration must be completed within 365 days of non-operation. The Planning Commission can grant an extension of one hundred eighty (180) days upon the WECS owner demonstrating that an extension is necessary.
- (i) Participating Landowners may waive complete underground wiring removal if they can demonstrate that any and all remaining underground wiring will not negatively affect environment, such as, but not limited to, water quality, natural water flow, or area wildlife. Participating Landowner shall execute a waiver and record same in full with Muskegon County Register of Deeds waiving these requirements.
- (19) WECS Height: The maximum Tip Height of any WECS or WECS Testing Facility shall not exceed 500 ft.
- (20) Avian Protection: Each wind turbine shall have a bird/bat sensor installed and utilized upon it.
- (21) Post-Construction Studies: The applicant shall prepare a post-construction avian and wildlife study 1-year post-construction, as well as 5-years post-construction of the completion of a WECS, which shall comply with the requirements of the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources. A copy of the study shall be provided to the Township Board.
- (22) Post-Construction Documents: The Applicant shall provide a complete set of as built drawings for electrical structures, collection lines and surface markings to the Township Clerk within 6 months of completing work on the WECS.
- (23) Operations Training: The Applicant shall provide training for the Casnovia Township Fire Department and all fire departments that provide mutual aid to Casnovia Township before beginning operations of the Utility Grid Wind Energy System and shall likewise provide regular training at least annually thereafter. The Applicant shall report annually to the Township Board as to the status of the training of the Township Fire Department, in addition to reporting annually to the Township Board of any incidents that required response by the Fire Department (or any Fire Departments responding via mutual aid) to the WECS.

- (24) Operational, Maintenance, and Issue Resolution: Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including WECS removal. The Applicant shall keep a maintenance log on each WECS and must provide complete log to the Township within thirty (30) days of request.
- (25) Complaint Resolution: A complaint resolution process shall be established by the township. The form shall be, but not limited to:
- (i) Receiving and Forwarding of Complaints: A third party answering switchboard, website or equivalent, paid for by the Applicant or WECS or Testing Facility owner. The cost to maintain and support shall be funded in the amount of \$10,000.00 and be replenished at least every five (5) years by the Applicant or WECS owner. The Planning Commission shall select a complaint resolution process that is independent of the facility operator or owner and that reports to the Township first and operator second. Upon receiving a complaint, the Township shall forward said complaint to the WECS owner.
 - (ii) Investigation of Complaints: Township shall initiate an investigation into a complaint within sixty (60) days utilizing escrow funds to hire the appropriate expert(s).
 - (iii) Hearing of Complaints: Township Board shall set a public hearing date within sixty (60) days of completion of Investigation of Complaints where experts, residents and/or Applicant may present information before the Township Board. Notice of hearing shall be via certified mail.
 - (iv) Decision of Complaints: Township Board shall issue a decision and corrective actions within forty-five (45) days from Hearing of Complaints.
- (26) Applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000.00 to be used at the discretion of the Casnovia Township Board. When escrow account balance is below \$5,000.00, Township shall notify Applicant and Applicant shall replenish account in the amount of \$15,000.00 within 45 days.
- (27) Regulation of WECS Commercial and Industrial Noise: To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment. This ordinance establishes the acoustic baseline, background sound levels for project design purposes, and limits the maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.

- (28) The Township Board reserves the right to require WECS Applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.
- (29) Complaints: If the Township Board confirms and issues a corrective action, SCADA data from WECS within 2 miles of issue shall be required and delivered to Township within twenty (20) days of notification. SCADA data format shall be determined by Township, Township licensed engineers, or Township professional acousticians. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch. Fees for providing SCADA data are not to exceed \$100/request. Residents shall have the right to also request SCADA data in at least the minimum format at the cost of \$200/WECS per time period requested. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format shall be determined by Township, such as “csv” or “xlsx”.
- (30) Noise:
- (i) No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 39 dBA or 49 dBC (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) during the night 9 pm to 8 am for any duration, at a property line or any point within a Non-Participating property, unless Applicant provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Muskegon County Register of Deeds waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form Revision 1, or later, with the Muskegon County Register of Deeds.
 - (ii) No WECS shall generate or permit to be generated plainly audible noise from commercial or industrial permitted facilities that exceeds 45 dBA or 55 dBC during the day 8 am to 9 pm for any duration, at a property line or at any point within a Non- Participating property, unless Applicant provides documentation in the form of a signed agreement by the Participating and Non-Participating Landowner waiving these requirements. Said documents in full shall be recorded with the Muskegon County Register of Deeds waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form Revision 1, or later, with the Muskegon County Register of Deeds.
 - (iii) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the

frequency range of 0.1 to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a Non-Participating Landowner's property line or at any point within a Non-Participating Landowner's property.

- (iv) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a Non-Participating Landowner's property line or at any point within a Non-Participating Landowner's property.
 - (v) A tonal noise condition generated from commercial or industrial permitted facilities shall be assessed an upward noise penalty of 5 dBA (example 42 increased to 47 dBA) for assessment to the nighttime and daytime noise limits.
 - (vi) A noise level measurement made in accordance with methods in section "NOISE MEASUREMENT AND COMPLIANCE" that is higher than 39 dBA or 49 dBC during the nighttime hours or 45 dBA or 55 dBC during the daytime hours, adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
 - (vii) An acoustic, vibratory or barometric measurement documenting oscillations associated to commercial or industrial permitted facilities with levels exceeding the limits in 23 shall constitute prima facie evidence of a nuisance.
 - (viii) All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property unless Applicant provides documentation in the form of a signed approval by affected Participating and Non-Participating Landowners. Documents in full shall be recorded with the Muskegon County Register of Deeds waiving these requirements. Documents in full shall be recorded using only the WECS Waiver Form Revision 1 or later, with the Muskegon County Register of Deeds.
 - (ix) Leq 1-sec shall be used for all measurements and modeling.
- (31) Casnovia Township and its representatives shall have the authority to inspect the WECS (any of the wind turbines, the roads and/or accessory structures) upon reasonable notice of at least 24 hours to the Applicant. The Applicant may require that a representative of the Applicant accompany the Township and/or its representatives on any inspection.

(32)The Applicant shall enter a Host Agreement with Casnovia Township regarding taxation.

(h) Noise Measurement and Compliance

- (1) Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Planning Commission when directed by the Casnovia Charter Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.
- (2) Quality: Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSIS12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
- (3) Noise Level: Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
- (4) Tonal Noise: Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high- frequency bands (500–10,000 Hz).

- (5) Sample Metric and Rate: Noise level measurements for essentially continuous non-time-varying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
- (6) Reporting: Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and, Pasquill Class occurring during testing.

(i) *Compliance*

- (1) All applicable requirements of the Zoning Ordinance must be met in their entirety as well as all other applicable laws, ordinances, and rules of the federal, state, county, and township governments. Any subsequent development or change on the property shall comply with all requirements of the Township Zoning Ordinance or other ordinances and regulations in effect at that time. Non-compliance with ordinance requirements during SLUP process shall result in denial or revocation of the permit.
- (2) Non-compliance with post-construction ordinance requirements shall result in fines (minimum \$250/day), permit denial, and WECS decommissioning.
- (3) Nuisance compliance complaints shall be resolved after section "Complaint Resolution" is completed. Applicant shall provide resolution plan within 30 days and resolve complaint within 90 days. WECS may be shut down during resolution time to extend resolution time to 180 days.
- (4) For non-nuisance compliance, and upon formal notice from Township or Resident to WECS permit holder, WECS permit holder shall respond within thirty (30) days with resolution plan, and up to one hundred eighty (180) days to resolve compliance breach. Failure to resolve any compliance breach shall result in permit loss. Unless otherwise stated, Applicant shall provide in advance and comply with ordinance requirements prior to Township granting the permit. Conditional permits shall not be allowed.
- (5) In addition to any other remedies or complaint resolution procedures set forth in this Article, violations of this Article shall also constitute a municipal civil infraction in accordance with Ordinance Number 2012-02. Each day on which any violation of this

Article continues shall constitute a separate offense. The Township may bring an action for an injunction to restrain, prevent or abate any violation of this Article.

- (6) Upon change of ownership, operator or parent company, the Township shall receive from the new owner, operator or parent company notification and updated documents within 30 days including, but not limited to, legal proof of change, corporate legal contact, security bond updates, emergency contact, and local contact. *[Revised section 3.24 Ord. # 2019-04, effective 10/24/2019]*

Section 3.25 JUNK VEHICLES. The purpose of this Ordinance is to discourage visual blights, to protect the health, safety and welfare of the persons within the township and to regulate the parking or storage of junk vehicles.

- (a) No person shall park, store, leave, or permit the parking, storing, or leaving, of any junk vehicles, whether attended or not, upon any private property within the township.
- (b) No person shall park, store, leave, or permit the parking, storing, or leaving, of any junk vehicle, whether attended or not, upon any public property within the township. The presence of a junk vehicle, or parts thereof, on public property, or on private property in violation of this Ordinance, is hereby declared a public nuisance, and is subject to being removed by the township to abate said nuisance.
- (c) No owner of private property where a junk vehicle is parked or stored shall allow it to be used for habitation by any person or animal, wild or domestic. Nor shall any junk vehicle be permitted to be used as a receptacle for trash, junk or other debris.
- (d) The use of an ORV sticker shall not exempt stored vehicles from the provisions of this Ordinance except when the sole use of the vehicle is for recreational purposes when transported by trailer to off-premises locations. Vehicles with an ORV sticker must still meet the other provisions of this Ordinance and be either stored out of sight of adjoining premises or be located and covered with a tarp in the owner's side or rear yard.
- (e) Whenever a junk vehicle is located on private property within the township, a written violation notice shall be served by the township by posting said notice to the dwelling at which the vehicle is located, by first-class mail to the owner and the occupant of the subject property, and by first-class mail to the vehicle owner(s), if known.
- (f) Within ten (10) days after service of the violation notice, the owner of the subject property and/or the owner(s) of the junk vehicles shall be responsible

for the removal of the vehicle(s) to bring the subject property in compliance with this Ordinance. If the vehicle(s) is not removed peaceably within ten (10) days after service of the violation notice, the township, its agents and employees may enter upon the subject property and may remove the nuisance vehicle(s). Any expenses incurred by the township shall be paid by the vehicle owner and by the owner and occupant of the subject property, jointly and severally. If the expenses remain unpaid for 10 days after an invoice is mailed, the township shall have a lien against the subject property in the amount of the expenses incurred. The lien shall be enforced in the same manner as a tax upon real property and collected as provided by law. *[New section 3.25 Ord. # 2014-02, effective 10/24/2014]*

Section 3.26 SWIMMING POOL. Pools used for swimming or bathing shall be in conformity with the following provisions: *[Revised section 3.26 Ord. #2017-04, effective 1/20/2017]*

- (a) Zoning Compliance Permit and a building permit shall be obtained from the Township Zoning Administrator before the installation of a year-round above ground or in ground swimming pool. Seasonal swimming pools are required to obtain a Zoning Compliance Permit only. For purposes of the ordinance, a seasonal swimming pool is an on ground swimming pool capable of holding more than twenty-four (24) inches of water, and erected for a maximum of five (5) months during a twelve (12) month calendar year.
- (b) All swimming pools to be constructed shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be of a type not readily climbed by children. The gates shall be self-closing and latching type with the latch on the inside of the gate, not readily available for children to open. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the residence enclosure.
- (c) All swimming pools shall comply with the Michigan Building Code.
- (d) All year-round in-ground or on-ground swimming pools shall comply with the setback requirements for accessory buildings for the zoning district in which the swimming pool is located. Seasonal swimming pools shall be located not closer than ten (10) feet to any side or rear property line. Front yard setbacks shall be equal to the front yard setback for the zone district in which the pool is located, but at no time closer than twenty-five (25) feet to any road right of way. The pool shall be at least fifteen (15) feet from center of powerline right of way.
- (e) Swimming pools shall be properly maintained at all times and shall not become a safety or health hazard.
- (f) Spray ponds maintained by farms for agricultural purposes shall not be required to

comply with the terms of this Ordinance, except for fencing as may be required by the Township Building Code.

- (g) Any person who shall violate any provisions of the Ordinance shall be subject to a civil infraction.

Section 3.27 **CONDITIONAL REZONING**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(a) Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(b) Planning Commission Review

1. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Article 17 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(c) Township Board Review

1. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Article 17 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, the Township Board shall refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

(d) Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

- b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- (e) Compliance with Conditions
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

(f) Time Period for Establishing Development or Use

1. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(g) Reversion of Zoning

1. If an approved development or use of the rezoned land does not occur within the time frame specified under Subsection (f) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

(h) Subsequent Rezoning of Land

1. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 15.08 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

(i) Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

(j) Township Right to Rezone

1. Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq).

(k) Failure to Offer Conditions

1. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance. *[New section 3.27 Ord. # 2017-05, effective 7/10/2017]*

SECTION 3.28 **LARGE SOLAR ENERGY SYSTEMS**

- (a) *INTENT AND PURPOSE:* The most common and prevalent land use in Casnovia Township is agricultural and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety, and welfare of the residents of the Township and to encourage the safe effective, efficient, and orderly development and operation of Large Solar Energy Systems in the Township while preserving and protecting the character and stability of residential, agricultural, recreational, commercial, and other areas within the Township.

- (1) With advances in technology of solar energy development in general, specific locations within the Township may support the implementation of Large Solar Energy Systems. To support renewable energy/potential solar energy projects within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure solar development sites are appropriately located so as to protect the character and stability of the Township's residential areas , agricultural economy and soil health while simultaneously preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscapes, and aesthetics, wetlands, and other ecological and environmentally-sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

- (b) *APPLICABILITY:* This chapter applies to utility-scale solar energy collector systems and does not apply to small-scale solar energy collector systems primarily for on-site usage.

- (1) *Definition Large Principle Use Solar Energy System:* Solar photovoltaic systems of energy or solar-thermal systems, which provide energy for off-site consumption, over 150 KW. On-site consumption is permitted as a secondary use.

- (2) *Definition Small Accessory Use Solar Energy System:* Ground-mounted or roof mounted solar energy system for the purpose of generating electricity for principle use on site.
- (c) *SITE PLAN DRAWING AND SUPPORTING MATERIALS:* All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
- (1) All requirements for a site plan contained in Article 19 of the Casnovia Township Zoning Ordinance.
 - (2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - (3) Names of owners of each lot or parcel within Casnovia Township that is proposed to be within the Large Solar Energy System.
 - (4) Vicinity map showing the location of all surrounding land uses.
 - (5) Map showing adjoining land uses within 300 feet of the proposed Large Solar Energy System
 - (6) Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all aboveground structures and utilities associated with a Large Solar Energy System.
 - (7) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - (8) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
 - (9) Land elevations for the Solar Array(s) location and land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.
 - (10) Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Muskegon County Road Commission approval and shall be planned so as to minimize disruption to the farm operation or other existing land use.
 - (11) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 - (12) A written description of the maintenance program, including schedules and types of maintenance to be performed, to be used for the Solar Array and other components of the Large Solar Energy System.

- (13) Planned lightening protection measures.
 - (14) Additional detail(s) and information as required by the Special Land Use requirements of the Casnovia Township Zoning Ordinance, or as required by the Planning Commission.
 - (15) A written description of the decommissioning and removal plan including procedures and schedules if the Large Solar Energy System is decommissioned.
- (d) *APPLICATION ESCROW ACCOUNT*: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Large Solar Energy System.
- The monetary amount deposited by the Applicant in escrow with the Township, as determined by the Township Board, shall cover all reasonable costs and expenses associated with the Special Land Use 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. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use 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 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 shall be returned in a timely manner to the Applicant.
- (e) *CERTIFIED SOLAR ARRAY COMPONENTS*: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- (f) *LOCATION*: Solar energy equipment shall only be located in an area determined to be “not prime farmland” by the U.S. Department of Agriculture (USDA), per the USDA’s Farmland Classification Map as of the Date of Special Use Application for a Utility -Scale Solar Energy Collector System.
- (g) *GLARE AND REFLECTION*: The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto streets or private roads.

- (h) *ENERGY STORAGE SYSTEM*: When no longer in use, batteries must be properly disposed of in accordance with applicable laws and regulations. The energy storage system shall prevent leaking into groundwater and shall be designed to present no unacceptable risk to human health or the natural environment.
- (i) *HEIGHT*: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed twenty (20) feet (as measured from the natural grade at the base of improvements to the highest point at full tilt) at any time or location on the property.

The Planning Commission may consider greater heights if a secondary property use, such as animal grazing, is suggested. *DUAL USES*: Dual land uses such as agriculture, pollinator habitat, grazing, or other conservation ground cover are encouraged.

(j) *LOT SIZE, LOT COVERAGE, AND SETBACKS*:

- (1) *Lot Size*: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
 - (2) *Setbacks*: A minimum setback distance of fifty (50) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of seventy-five (75) feet shall be required adjacent to any residential structure (fences excluded). If two adjoining properties participate in the same project, the common lot line is not included in setback requirements.
 - (3) *Lot coverage*: A Large Solar Energy System is exempt from maximum lot coverage limitations if the area under the panels is pervious surface.
 - (4) Interior access drives shall be limited to the extent practical to minimize soil compaction.
- (k) *SECURITY*: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter, seven (7) feet in height without barbed wire, or eight (8) foot deer fence. Electric fencing is not permitted. The Planning Commission may consider other types of fencing if the Applicant can prove it will meet NEC and NESC requirements while retaining rural aesthetics. The security gate must be approved by the Casnovia Fire Department for emergency access.

- (l) *GROUND COVER*: A native, perennial ground cover shall be provided to stabilize soil and prevent sedimentation runoff to neighboring properties. The Planning Commission may consider exceptions for sites such as brownfield, agrivoltaic, etc.
- (m) *SCREENING AND BUFFERING*: The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent property residential structures, subject to the following requirements:
- (1) The buffer shall be composed of deciduous or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), deciduous trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (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.
 - (2) 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.
 - (3) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.
- (n) *SIGNAGE*: One six square foot sign is permitted at the entrance gate area. Any other signs 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 will also be permitted no larger than six square feet.
- (o) *NOISE*: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA (Leq [1hour]) at the property line of an adjoining non-participating lot as measured at the exterior property boundary. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with the standard.

- (p) *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. Shall also be dark sky compliant.
- (q) *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 Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- (r) *ABANDONMENT AND DECOMMISSIONING*: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. Under this plan, all structures, concrete, piping, facilities, and other project related materials above and below grade shall be removed offsite for disposal.
- Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to agricultural-grade composition, as determined by Muskegon County Soil and Water Conservation, to ensure agricultural use upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning.
- (1) The applicant will obtain a surety bond for reclamation in an amount to be determined by Township Engineer as a condition of site plan approval.
 - (2) The Engineer will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Engineer sets the surety bond amount, be sure to confirm that the applicant obtains it. This shall be a condition of site plan approval. The value of the bond shall be reviewed every five years and updated accordingly.
 - (3) The surety bond is to remain in place for the length of the leases/contracts.
- (s) *GENERAL STANDARDS*: The Planning Commission shall not approve any Large Solar Energy System Special Land Use unless it finds that all of the general standards for Special Land Uses contained in Section 17.06 of this Ordinance are met.

- (t) *APPROVAL TIME LIMIT AND EXTENSION*: Special Land Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Land Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Special Land Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- (u) *CONDITIONS AND MODIFICATIONS*: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' Casnovia Township meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.
- (v) *INSPECTION*: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large 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 Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- (w) *MAINTENANCE AND REPAIR*: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use, 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 Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

(x) *TRANSFER OF OWNERSHIP*: Prior to a change in the ownership or operation of a solar energy collector system, including but not limited to the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the solar energy collector system or the underlying property, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the solar energy collector system or the underlying property shall not be permitted to operate that system until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

(y) *CONTINUING SECURITY*: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security 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 Large Solar Energy System. The Applicant shall provide at least two (2) cost estimates from qualified contractors for full removal and disposal of equipment, foundations, and structures associated with the systems. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

(1) Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a violation of the Special Land Use and this Ordinance, and will subject the Large 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.

(z) *OTHER REQUIREMENTS*: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances. *[New section 3.28 Ord. # 2021-04, effective 12/10/2021]*

Section 3.29 FARM LABOR HOUSING

Farm labor housing is allowed as either a primary or accessory use in the Exclusive Agricultural zoning district. In addition, the following specific standards, requirements and conditions shall also apply:

(a) Farm labor housing is required to comply with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.

(b) Occupants of the farm labor housing must be employed for farm or agricultural labor. Members of a qualifying occupant's immediate family may also reside in the farm labor housing with the working occupant even if those family members are not employed for farm or agricultural labor.

(c) Mobile homes may be used to provide such housing, but must meet the size limitations of the State of Michigan and as provided in subsection G hereof. There shall be no more than 5 mobile homes per lot.

(d) Farm labor housing shall not be placed within 100 feet of a property line not adjacent to a public street and must be at least 75 feet from the public street right-of-way on which the property fronts. These limitations as to distance from a property line shall not apply to an area presently and lawfully used for farm labor housing at the adoption of this Section 3.29, but in no case will an existing area used for farm labor housing be allowed to expand closer to any property line, which is within 100 feet.

(e) Farm labor housing may be permitted on a lot which contains a minimum of five (5) acres and which complies with all other requirements of this Section 3.29. For a principal use, such lot shall be adjacent to a lot being actively farmed and both lots shall be under the same or substantially similar ownership.

(f) Farm labor housing (and occupancy) within the Agricultural zoning district shall not exceed 100 persons per lot (as the lot existed as of May 5, 2022). However, the 100-person occupancy limit per lot contained in this Subsection (f) may be varied by the Planning Commission to allow more farm labor workers inhabitation or occupancy on a particular lot via a special land use approval utilizing the special land use standards contained in Article 17 of this Ordinance together with the application of all of the following additional standards:

(1) The landowner is actively engaged in substantial commercial farming within Casnovia Township.

(2) Whether the consolidation of new or expanded farm labor housing on the lot which is the subject of the special land use request would help preserve prime and productive farm land on another lot or lots elsewhere within the Township owned by the same landowner involved which would or could otherwise be developed for farm labor housing.

(3) Will consolidating new or expanded farm labor housing and allowing more farm labor workers to inhabit or occupy the lot for which the special land use is being requested result in a more efficient, safe and reasonable location for such occupancy of farm labor workers than would multiple new or expanded farm labor

housing facilities on other separate lots owned by the landowner involved within the Township.

(4) Such consolidation is reasonably necessary for the operation of one or more farms within Casnovia Township.

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In deciding whether a special land use will be approved for farm labor housing on a lot to exceed 100 persons, the Planning Commission shall also consider:

- (i) Whether the farm labor housing facilities will be partially or fully screened from view by trees or topography from all adjoining or nearby public roads and houses on other lots.
 - (ii) Any recommendations made by the Casnovia Township Fire Chief or Fire Department.
 - (iii) Any potential noise that may be caused by the occupants of the farm labor housing facility or vehicles or equipment associated with such housing.
- (g) Minimum dwelling size requirements and density for farm labor dwellings shall fully comply with any applicable Federal and State of Michigan laws and requirements.
- (h) This Section 3.29 shall not apply to a situation involving a single family in one lawful single-family dwelling on a lot where one or more members of the family are farm or migrant laborers.
- (i) This Section 3.29 applies where two or more farm labor families reside (whether seasonally, temporarily or permanently) on the same lot. Where two or more farm labor families reside (whether seasonally, temporarily or permanently) on the same lot, it constitutes a multi-family use and activity.
- (j) If any farm labor housing is abandoned or is used for more than 60 months for housing other than farm labor, the housing or dwelling and related structures shall be fully removed. *[New section 3.29 Ord. # 2022-03, effective 06/13/2022]*