PLEASANTON TOWNSHIP

MANISTEE COUNTY

PLEASANTON TOWNSHIP ZONING ORDINANCE

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ARTICLE 1 – PREAMBLE

101. - TITLE:

This Ordinance shall be known as the "Pleasanton Township Permanent Zoning Ordinance".

102. - PURPOSE:

1. To promote public health, safety and general welfare.

2. To promote and encourage the preservation of farmland, forest and open space.

3. To promote sustainable development, "sustainable" is defined as meeting the needs of today's residents without compromising the needs of future generations.

4. To encourage the use of lands in accordance with their character and capabilities and to limit the improper use of the land.

5. To conserve natural resources and energy.

6. To assist residents needs for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land.

7. To ensure that uses of land shall be situated in appropriate locations and relationships.

8. To avoid overcrowding of population.

9. To provide adequate light and air.

10. To lessen congestion on the public roads and streets.

11. To reduce hazards to life and property.

12. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.

13. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous use of land, resources and property.

14. To reasonably consider the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

15. To prevent economic and ecological damages due to unwise development.

16. To prevent unwise patterns of development.

17. To assure proper reclamation of mining and industrial sites.

18. To create Land Use Districts, which conform to the development plan set forth in Pleasanton Township Land Use Plan.

103. - LEGAL BASIS:

This Ordinance is enacted pursuant to Michigan act 184 of the Public Acts of 1943, as amended, being the Township Rural Zoning Act, MCL 125.271 et. seq.

104. - EFFECTIVE DATE:

The Township Board of the Township of Pleasanton, Manistee County, Michigan, adopted this Ordinance at the meeting held on July 10,2003, and a notice of publication ordered published in a newspaper of general circulation in said Township, as required by Public Act 184 of 1943, as amended, being the Township Rural Zoning Act, MCL 125.271 et seq.

105. - SCOPE:

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules, ownership associations rules; ordinances, laws, regulations or any Federal, State or County Agency. When this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance shall control. The Zoning Administrator shall not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

DATE: July 10, 2003
Fred Alkire
Township Supervisor
Constance Ledford
Township Clerk

EFFECTIVE: July 18, 2003 at 12:01 a.m.

106. - AMENDMENT OF REFERENCES TO THE ZONING ENABLING ACT AND PLANNING ENABLING ACT:

All references to the Michigan Township Zoning Act, 1943 PA 184, as amended, throughout this Ordinance shall hereby be changed to the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended. All references to the Michigan Township Planning Act, 1959 PA 168, as amended, throughout this Ordinance shall hereby be changed to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended.

ARTICLE 5: DEFINITIONS

501. - INTRODUCTION:

For the purpose of this Ordinance certain terms and words are herein defined. Words used in the present tense include the future, words in the singular number include the plural number and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory. The word "person" shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meaning customarily assigned to them.

502. - STANDARD INDUSTRIAL CLASSIFICATION MANUAL:

A. For purposes of this Ordinance, where "uses" are listed for each land use district, those terms are defined in Section 501 et. seq. of this Ordinance.

B. Terms denoting "uses" which are not defined in this section 501 et. seq. of this Ordinance, but which are followed by a capital letter and or number or series of numbers enclosed in brackets ([ ]) shall be defined as found under the respective Standard Classification Code, as found in the Standard Industrial Classification Manual, 1987 published by the Executive Office of the United States President, Office of Management and Budget, and adopted by reference herein. Terms defined by use of the Standard Industrial Classification Code (SIC Code) shall be exclusive and shall include only those uses or activities found included in the respective SIC Code(s), Standard Industrial Classification Manual, 1987, notwithstanding.

503. - DEFINITIONS OF WORDS:

Access Property: Is a property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

Accessory Buildings: A supplementary building or structure on the same lot or parcel of land as the main building or buildings or part of the main building, the use of which is incidental or secondary to that of the main building or structure, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

Accessory Solar Energy System: An accessory structure using solar energy to generate electrical power or heat intended to primarily serve the needs of the premises on which the structure is located, rather than to generate power for a public utility grid serving other premises. This includes solar energy equipment and structural support components.

Accessory Use: A use naturally or normally incidental or subordinate to, and devoted exclusively to a permitted use of the land or buildings. An accessory use includes, but is not limited to, the following:
A. Domestic or agricultural storage in a barn, shed, stable, tool room, garage or similar accessory building or other structure.
B. Decks, whether attached or detached from a principal structure, porches, gazebos and playground equipment.

Adult Book and/or Video Store: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", hereinafter defined;

Adult Live Entertainment Establishments: (Regardless of whether alcoholic beverages may or may not be served): Establishments, which include a nightclub, bar, restaurant, or similar commercial establishment, which features:
A. Persons who appear nude or in a "state of nudity", or "semi-nude", and/or
B. Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Adult Motion Picture Theater: An enclosure which a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

Adult Mini Motion Picture Theater: An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

Adult Panoramas: An establishment, which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas".

Adult Paraphernalia/Novelty Store: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

Agricultural Tourism: Refers to the act of visiting a working Farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment; education, or active involvement in the activities of the farm or operation.

Agriculture: A use of land or structures, which entails the art and science of cultivating the ground for production of food and forage crops, including forestry, and livestock.

Alter: To change, add or modify the location, use or structure or the structural members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or in the size or location of the roof or exterior walls.

Animal, domesticated (pet): An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

Animal, non-domesticated, vicious or exotic: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

Animal Shelter: A facility operated by a licensed individual, humane society, a society for the prevention of cruelty to animals or any other similar institutions. A facility where animals are housed for an extended period of time and are available for adoption/placement.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signal.

Antenna, Attached: An antenna that is affixed to an existing structure; for example, an existing building, tower, water tank, flag pole, utility pole etc., which does not include an additional tower.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Apartments, Accessory: (i.e. "mother-in-law apartment) A single apartment unit contained within a single family home, intended as a temporary unit for a family member.

Automotive Repair Facility:
A building or structure where mechanical, electrical, or body repair, servicing, or maintenance of motor vehicles is conducted, including diagnostics, engine repair, brake service, and similar activities. This definition does not include automobile junkyards or salvage yards.

Basement or Cellar: A basement or cellar is that portion of a building partly below the average grade of the parcel. A basement is so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. A cellar is so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. "A basement shall not be counted as a story".

Bed and Breakfast Establishment: A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Buffer Zone: A strip of land with landscaping, berm, or walls, or fencing singularly or in combination required between certain zoning districts based on the landscaping standards of the zoning ordinance. The intent of the required buffer zones is to lessen visual and noise impacts.

Buildings: Any structure (excluding fences) either temporary or permanent, having a roof and used or capable of being used for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include mobile homes, manufactured housing, tents, storage, sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building envelope: The ground area of a lot, which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

Building Height: The vertical distance measured from the average of the highest and lowest finished grade surrounding the structure to the highest point of the roof, but not including chimneys, antennas, steeples or other uninhabitable structures.

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematories.

Child Care Center: Any facility in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child Care Center does not include a Family or Group Day Care Home, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operation during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a Child Care Center.

[Annotation; Adopted by Township Board September 26, 2026]

Church or temple: Any structure wherein persons regularly assemble for religious activity.

Clear Vision Area: An area of each lot near any street intersection or commercial driveway which shall remain clear of obstructions between a height of two (2) feet and six (6) feet to ensure safe sight distance for motorists.

Clinic Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

COMMERCIAL WIND ENERGY SYSTEMS DEFINITIONS

Adjoining Property: Parcels that share a common, bordering property line.

Aerodynamic Sound: A noise that is caused by the flow of air over and past the blades of a Wind Energy System (WES).

Ambient Sound: Encompasses all sound present in a given environment, being usually a composite of the sounds from many sources near and far. It includes intermittent noise events, such as, from aircraft flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient sound also includes insect and other nearby sounds from birds and animals or people. The near-by and transient events are part of the ambient sound environment but are not to be considered part of the long term background sound.

***American National Standards Institute (ANSI*):** Standardized acoustical instrumentation and sound measurement protocol shall meet all the requirements of the following ANSI Standards:

ANSI S1.43 Integrating Averaging Sound Level Meters: Type-1 (or IEC 61672-1)

ANSI S1.11 Specification for Octave and One-third Octave-Band Filters (or IEC 61260)

ANSI S1.40 Verification Procedures for Sound Calibrators

ANSI S12.9 Part 3 Procedures for Measurement of Environmental Sound

ANSI S12.18 Measurement of Outdoor Sound Pressure Level

IEC 61400-11 Wind Turbine Generator Systems-Part 11: Acoustic Noise Measurements

Anemometer: A device for measuring the speed and direction of the wind.

Applicant: The individual or other legal entity that seeks to secure any permit under the Pleasanton Township Zoning Ordinance.

A-Weighted Sound Level (dBA): A measure of over-all sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response. It reduces the effects of the lower frequencies on the measured sound levels with respect to the higher and mid-range frequencies centered around 1000 Hertz (Hz) or higher. The resultant sound level is said to be "A-weighted" and the units are "dBA." Sound level meters have an A-weighting network for measuring A-weighted sound levels (dBA) meeting the characteristics and weighting specified in ANSI Specifications for Integrating Averaging Sound Level Meters, S1.43-1997 for Type 1 instruments and be capable of accurate readings (corrections for internal noise and microphone response permitted) at 20 dBA or lower. In this document dBA means LAeq unless specified otherwise.

Background Sound (L90): The sound level present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment. That is, when transient sounds from flora, fauna and wind are not present. Background sound levels vary during different times of the day and night. Because WES operates 24/7, the background sound levels of interest are those during the quieter periods which are often the evening and night. Sounds from the WES of interest, near-by birds, insects and animals or people must be excluded from the background sound test data. Nearby electrical noise from streetlights, transformers, and cycling air conditioning (AC) units and pumps, etc. must also be excluded from the background sound test data. Background sound level (dBA and dBC (as L90)) is the sound level percent 90% of the time during a period of observation that is representative of the quiet time for the soundscape under evaluation and with duration of ten (10) continuous minutes. Several contiguous ten(10) minute tests may be performed in one hour to determine the statistical stability of the sound environment. Measurement periods such as at dusk when bird and insect activity is high or the early morning hours when the 'dawn chorus' is present are not acceptable measurement times. Longer term sound level averaging tests, such as 24 hours or multiple days are not at all approp0riate since the purpose is to define the quiet time background sound level. It is defined by the L90A and L90C descriptors. It may be considered as the quietest one (1) minute during a ten (10) minute test. L90A results are valid only when L10A results are no

more than 10 dBA above L90A for the same time period. L10C less L90C should not exceed 15dBC to be valid.

Background L90 sound levels documenting the pre-construction baseline conditions should be determined when the ten (10) minute maximum wind speed is less than 2 meters/second (m/s) (e.g. 4.5 miles per hour (mph)) near ground level/microphone location 1.5 meter (m) height.

Blade Glint: The intermittent reflection of the sun off the surface of the blades of a single or multiple wind energy system.

Blade Passage Frequency (BPF): The frequency at which the blades of a turbine pass a particular point during each revolution (e.g. lowest point or highest point in rotation) in terms of events per second. A three blade turbine rotating at 28 revolutions per minute (rpm) would have a BPF of 1.4 Hz [e.g. ((3 blades times 28 rpm)/60 seconds per minute = 1.4 Hz BPF)].

Commercial or Industrial Scale Wind Turbine: A Wind Turbine or Wind Energy System that exceeds the height restriction established for a Private Wind Turbine.

C Weighted Sound Level (dBC): similar in concept to the A-Weighted Sound Level (dBA) but C-Weighting does not de-emphasize the frequencies below 1 kilohertz (kHz) as A-weighting does. It is used for measurements that must include the contribution of low frequencies in a single number representing the entire frequency spectrum. Sound level meters having a C-weighting network for measuring C-weighted sound levels (dBC) meeting the characteristics and weighting specified in ANSI S1.43-1997 Specifications for Integrating Averaging Sound Level Meters for Type 1 instruments. In this document dBC means LCeq unless specified otherwise.

Decibel (dB): A dimensionless unit which denote the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level (Lp) in decibels in equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 MicroPascals.

Emission: Sound energy that is emitted by a noise source (wind farm) transmitted to a receiver (dwelling).

Emission spectra imbalance: The spectra are not in balance when the C-weighted sound level is more than 20 dB greater than the A-weighted sound level. For the purposes of this requirement, the A-weighted sound level is defined as the long-term background sound level (LA90) + 5 dBA. The C-weighted sound level is defined as the LCeq measured during the

operation of the wind turbine operated so as to result in its highest sound output. A Complaint test provided later in this document is based on the emission spectra imbalance criteria.

Frequency: The number of oscillations or cycles per unit of time. Acoustical frequency is usually expressed in units of Hertz (Hz) where one Hz is equal to one cycle per second.

Height of WES: The total distance measured from the grade of the property as existed prior to the construction of the wind energy system.

Hertz (Hz): Frequency of sounds expressed in cycles per second.

Infra-Sound: Sound with energy in the frequency range of 0-20 Hz is considered to be infra-sound. It is normally considered to not be audible for most people unless in a relatively high amplitude. However, there is a wide range between the most sensitive and least sensitive people to perception of sound and perception is not limited to stimulus of the auditory senses. The most significant exterior noise induced dwelling vibration occurs in the frequency range between 5 Hz and 50 Hz. Moreover, levels below the threshold of audibility can still cause measurable resonances inside dwelling interiors. Conditions that support or magnify resonance may also exist in human body cavities and organs under certain conditions. Although no specific test for infrasound is provided in this document, the test for emission spectra imbalance will limit low frequency sound and thus indirectly limit infrasound. See low-frequency noise (LFN) for more information.

Local Government Authority (LGA) The Pleasanton Township Planning Commission or Pleasanton Township Board, whichever is applicable.

Low Frequency Noise (LFN): Sounds with energy in the lower frequency range of 20 to 200 Hz. LFN is deemed to be excessive when the difference between a C-weighted sound level and an A-weighted sound level is greater than 20 decibels at any measurement point outside a residence or other occupied structure. The criterion for this condition is the "Emission Spectra Imbalance" entry in the Table of Not To Exceed Property Line Sound Emission Limits.

Measurement Point (MP): The location where sound measurements are taken such that no significant obstruction blocks sound from the site. The Measurement Point should be located so as not to be near large objects such as buildings and in the line-of-site to the nearest turbines. Proximity to large buildings or other structures should be twice the largest dimension of the structure, if possible. Measurement Points should be at quiet locations remote from street lights, transformers, street traffic, flowing water and other local noise sources.

Measurement Wind Speed: For measurements conducted to establish the background noise levels (LA90 10 min, LC90 10 min, and etc.) the maximum wind speed, sampled within 5 meters

of the microphone and at its height, shall be less than 2 meters per second (m/s) (4.5 mph) for valid background measurements. For valid wind farm noises measurements conducted to establish the post construction sound level, the maximum wind speed, sampled within 5m of the microphone and at its height, shall be less than 4m/s (9mph). The wind speed at the WES blade height shall be at or above the nominal rated wind speed and operating in its highest sound output mode. For purposes of enforcement, the wind speed and direction at the WES blade height shall be selected to reproduce the conditions leading to the enforcement action while also restricting the maximum wind speeds at the microphone to less than 4 m/s (9mph). For purposes of models used to predict the sound levels and sound pressure levels of the WES to be submitted with the Application, the wind speed shall be the speed that will result in the worst-case LAeq and LCeq sound levels at the nearest non-participating properties to the WES. If there may be more than one set of nearby sensitive receptors, models for each such condition shall be evaluated and the results shall be included in the Application.

Mechanical Noise: Sound produced as a byproduct of the operation of the mechanical components of a WES(s) such as the gearbox, generator and transformers.

Private or Small Wind Energy System: Wind energy system with a height of 100 feet or less that is used to generate electricity or produce mechanical energy for use on the property where located. See Section 1083 Small Wind Energy Systems.

Project Boundary: The external property boundaries of parcels owned or leased by the WES developers. It is represented on a plot plan view by a continuous line encompassing all WES(s) and related equipment associated with the WES project.

Property Line: The recognized and mapped property parcel boundary line.

Qualified Independent Acoustical Consultant: Qualifications for persons conducting baseline and other measurements and reviews related to the application for a WES or for enforcement actions against an operating WES include, at a minimum, demonstration of competence in the specialty of community noise testing. An example is a person with Full Membership in the Institute of Noise Control Engineers (INCE). Certifications such as Professional Engineer (P.E.) do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this document. The Independent Qualified Acoustical Consultant can have no financial or other connection to a WES developer or related company.

Sensitive Areas: Grand Traverse Regional Land Conservancy property, and the lakes and streams within the township boundaries, including those with important natural resources, as identified by Pleasanton Township, Manistee County, state or federal authorities:

1. Floodplains
2. Zoned residential areas
3. Environmental Areas
4. Wetlands
5. High risk erosion areas
6. Designated sand dunes
7. Priority Habitat areas
8. State/federal/county/township owned lands
9. Lands subject to a conservation easement with, or owned or managed by a land conservancy
10. Known water well location from District Health Department
11. Scenic resources
12. Historic and other cultural resources
13. Migration pathways and feeding areas for migratory waterfowl and birds.

Sensitive Receptor: Places or structures intended for human habitation, whether inhabited or not, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, camp grounds and other nonagricultural state or federal licensed businesses. These areas are more likely to be sensitive to the exposure of the noise, shadow or flicker, etc. generated by a WES or WES facility. These areas include, but are not limited to: schools, daycare centers, elder care facilities, hospitals, places of seated assemblage, non-agricultural businesses and residences.

Shadow Flicker: The effect produced when the blades of an operating wind energy system pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

Sound Power: The total sound energy radiated by a source per unit time. The unit of measurement is the watt. Abbreviated as Lw. This information is determined for the WES manufacturer under laboratory conditions specified by the IEC 61400-11 and provided to the local developer for use in computer model construction. There is known measurement error in this test procedure that must be disclosed and accounted for in the computer models. Even

with the measurement error correction it cannot be assumed that the reported Lw values represent the highest sound output for all operating conditions. They reflect the operating conditions required to meet the IEC 61400-11 requirements. The lowest frequency is 50 Hz for acoustic power (Lw) requirement (at present) in IEC 61400-11. This Ordinance requires wind turbine certified acoustic power (Lw) levels at rated load for the total frequency range from 6.3 Hz to 10k Hz in one-third octave frequency bands tabulated to the nearest 1dB. The frequency range of 6.3 Hz to 10k Hz shall be used throughout this Ordinance for all sound level modeling, measuring and reporting.

Sound Pressure: The instantaneous difference between the actual pressure produced by a sound wave and the average barometric pressure at a given point in space.

Sound Pressure Level (SPL): 20 times the logarithm, to the base 10, of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter. In equation form, sound pressure level in units of decibels is expressed as SPL (dB) = 20 log p/pr.

Spectrum: The description of a sound wave's resolution into its components of frequency and amplitude. The WES manufacturer is required to supply a one-third octave band frequency spectrum of the wind turbine sound emission at 90% or rated power. The published sound spectrum is often presented as A-weighted values but C-weighted values are preferred. This information is used to construct a model of the wind farm's sound emission levels at locations of interest in and around the WES. The frequency range of interest for wind turbine noise is approximately 6 Hz to 10k Hz.

Statistical Noise Levels: Sounds that vary in level over time, such as road traffic noise and most community noise, are commonly described in terms of the statistical exceedance levels LNA, where LNA is the A-weighted sound level exceeded for N% of a given measurement period. For example, L10 is the noise level exceeded for 10% of the time. Of particular relevance are: LA10 and LC10 the noise level exceed for 10% of the ten (10) minutes interval. This is commonly referred to as the average maximum noise level. LA90 and LC90 are the A-weighted and C-weighted sound levels exceeded for 90% of the ten (10) minute sample period. The L90 noise level is defined by ANSI as the long-term background sound level (i.e. the sounds one hears in the absence of the noise sources under consideration and without short term or near-by sounds from other sources), or simply the "background level." Leq is the A- or C-weighted equivalent noise level (the "average" noise level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

Tonal sound or tonality: Tonal audibility. A sound for which the sound pressure is a simple sinusoidal function of the time, characterized by its singleness of pitch. Tonal sound can be simple or complex.

Viewshed: The entire area that an individual can see from a given point.

Wind Energy System (WES): One wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower. One WES is equal to one Wind Turbine. This does not include wiring to connect the wind energy system to the grid.

"Wind Turbine" or Turbine (WT): A mechanical device which captures the kinetic energy of the wind electrical generator and tower.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. (from Michigan Natural Resources and Environmental Protection Act 451 of 1994(NREPA) Section 30301(p) of the Act, 1994 PA 451, MCL 324.30301(p).) Wetlands not protected by NREPA shall be regulated by Pleasanton Township and shall include isolated wetlands smaller than 5 acres that are not contiguous to the Great Lakes or an inland lake or pond.

Condominium Act: Michigan act 59 of 1978, as amended.

Conference Center: a multi-purpose facility whose primary purpose is to accommodate meetings, seminars, social and civic events, and conferences. Such a facility offers a total meeting environment, which typically consists of meeting rooms, conference rooms, and catering uses that comprise hotel/motel with at least 10,000 sq. ft. of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities, and specialty shops, which cater to conference center guests.

Contiguous: Contiguous means any of the following:

1. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream, including surface or ground water connections.

2. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream.

3. Being in actual contact, adjoining, next, or near in time or sequence.

4. Contiguity requires that the parcel must be immediately adjacent to each other, without intervening parcels. Contiguity is not broken by a road if the parcels are in the same property ownership.

Cul-de-sac: A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street, which allows for vehicle turnaround.

Deck: Above grade level structure of any material.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land.

Driveway: Means by which a vehicle can have access to a dwelling and/or other buildings on a single parcel of land from an adjacent road.

Dwelling: A use which is a structure, mobile home, pre-manufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, which complies with the standards given in this Ordinance.

Duplex: A two-family dwelling designed to provide for separate living, sleeping and kitchen facilities for two (2) families living independently of each other, which complies with the standards given in this Ordinance.

Apartment Building: A multifamily dwelling designed to provide for separate living, sleeping and kitchen facilities for more than two (2) families living independently of each other.

Temporary Dwelling: Cabins, tents, trailers, garages and basements, if used for human occupancy, which complies with the standards given in this Ordinance.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.

Erect: To build, construct, reconstruct, move upon or conduct any physical operations on the land required for the building, including excavations, fill, and drainage.

Essential Public Service: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, traffic signals, and other similar equipment and accessories in connection with, but not including, buildings. Non-governmental towers, radio and television towers, and cellular phone antennas are not considered to be essential public services.

Essential Public Service Building: A building or structure principal to an essential public service, such as drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, and cellular phone antennas.

Excavation: Any breaking of ground, except farming or common household gardening and ground care.

Existing Building: A building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

Fall Zone: A distance from the base of a tower, measured in all directions, where an unoccupied area shall be maintained, except for accessory structures related to the facility, in case of structural damage to the facility, falling debris, or catastrophic failure.

Family: An individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority, association, lodge, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

Family Day Care Home: A private home properly registered or licensed under 1973 Public Act 116, as amended (MSL 722.111 et. seq.) in which 1-6 minor children (or

such other increased capacity number of minor children permissible under State Law) are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
[Annotation; Adopted by Township Board September 26, 2026]

Farm: All of the contiguous neighboring or associated land, buildings, and machinery operated as a single unit on which the production of farm products is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that a farm operation shall follow generally accepted agricultural and management practices as defined by the Michigan Commission of Agriculture for farming activities which include:
1) tree fruit production, 2) small fruit production, 3) field crop production, 4) forage and sod production, 5) livestock and poultry production, 6) fiber crop production, 7) apiary production, 8) maple syrup production, 9) mushroom production and 10) greenhouse production; but unless otherwise permitted, the following shall not be considered a farm: establishments involved in industrial like processing of agricultural products, keeping fur-bearing animals or game or operating as fish hatcheries, dog kennels, stockyards, slaughter houses, stone quarries, gravel or sand pits or the removal and sale of topsoil, fertilizer works, bone yards or the reduction of animal matter, or for the disposal of garbage, sewage, rubbish junk or offal.

Fence: An accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use. A structure of definite height and location constructed of wood, masonry, stone, wire or metal serving as a physical barrier, marker, or enclosure, but excluding solid masonry walls and low rise (less than four-foot high) decorative fences or railings.

Filing Date: The date upon which any application pursuant to this Ordinance is submitted and the required filing fee is paid.

Filling: The permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care, or landscaping.

Flag Lots: A lot whose access to a public street or private road is by a narrow, private right of way that is part of the lot.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Forestry: The use of land for the management and harvesting of trees from their natural setting for purposes of producing lumber, pulp or firewood.

Frontage Road: A public or private drive, which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be on-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road, which parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage:

Private: Any building or part thereof, accessory or otherwise, for storage of motor vehicles, or trailer coaches, or recreational vehicles, where no servicing or storage for a fee is conducted.

Commercial: Any building, other than a private garage, or garage operated by a municipality, used for storage, repair, greasing, washing, rental, sales, servicing, adjusting or equipping of automobiles, cars, motor driven vehicles, trailers, trailer coaches, or recreational vehicles, for remuneration hire, or sale or where any such vehicle or engine may be fueled, repaired, rebuilt, or reconstructed, and including undercoating, or overall painting when conducted in an enclosed booth.

Grade, Average: The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Greenbelt: Special land areas bordering particularly bodies of water. These land areas are subject to special restrictions that apply to use, removal of trees and/or shrubs, location of buildings and structures. Land areas that have been so designated are identified on the Official Zoning Map. A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement.

Ground Mounted: Mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting a solar panel and placed directly on the ground at grade level.

Group Day Care Home: A private home properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 et. seq.) in which 7-12 minor children (or such other increased capacity number of minor children permissible under State Law) are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the resident of the home by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
[Annotation; Adopted by Township Board September 26, 2026]

Gross Site Area: The total area of a planned unit development site including flood plains and water bodies.

Hazardous Substances: Hazardous substances means one or more of the following:

1. A chemical or other material, which is or may become injurious to the public health, safety, or welfare or to the environment.

2. "Hazardous Substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and public law 96-501,94 Stat. 2767.

3. "Hazardous Waste" as defined in P.A 64 OF 1979 (being MCL 299.501 to 299.551 the Hazardous Waste Management Act).

4. "Petroleum" as defined in P.A. 478 of 1988 (being MCL 299.831 to 299.831 to 299.850, the Leaking Underground Storage Tank Act).

Hedge: A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.

Host or Hostess Establishments: Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

Home Occupation: A gainful occupation or service conducted by members of a family within its place of residence; provided, that the space used is incidental or secondary to residential use, and provided, that there be no external evidence of such occupation or service except a name plate not more than four (4) square feet in area, without illumination, and in character with the neighborhood; and providing further, that said occupation or service does not require nor effect any change in the external dimensions of the building. No service shall be rendered or articles displayed outside the dwelling.

Increased capacity: The addition of one (1) child in a family day care home and two (2) children in a group day care home when granted by the State of Michigan in accordance with Act 116 of 1973, as amended.
[Annotation; Adopted by Township Board September 26, 2026]

Kennel: Any lot or premises on which four (4) or more dogs, six months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

Keyhole/Funnel Development: Keyhole development (also called Funnel Development) is the development of a large parcel of property that has a relatively small, narrow frontage on an adjacent body of water. The access is intended for use by many more persons than a similar frontage from a typical lot would allow.

Land Use Permit: A standard form issued by the Pleasanton Township Zoning Administrator or his/her agent upon application by an owner or his agent, for the proposed construction of a building or structure and/or the use of land in compliance with the provisions of this Ordinance.

Large Scale Commercial Solar Energy System: An area of land containing energy facilities intended to be used to convert solar energy to electric or any other energy to be used off site, and includes all solar panels, arrays, mounting and tracking systems, inverters, transformers, batteries and related and appurtenant structures and facilities, such as access roads, driveways, and fencing. The term includes but is not limited to photovoltaic power systems, solar thermal systems, and solar hot water systems.

Livestock: Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

Lot: (See Figure 2-4): A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage and open space.

Lot, Corner: (See Figure 2-4) Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a comer lot if the arc has a radius less than one hundred and fifty (150) feet.

Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

Lot, Depth: (See Figure 2-5): The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

Lot, Interior: (See Figure 2-4): A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot, Nonconforming: A lot of record, which does not meet the dimensional requirements of this ordinance.

Lot, Through (also called double frontage): (See Figure 2-4) An interior lot having frontage on two (2) more or less parallel streets.

Lot Area, Gross: (See Figure 2-6) The area contained within the lot lines or property boundary including street right-of-way if so included.

Lot Area, Net Buildable:
***For Planned Unit Developments*:** The net lot area less area devoted to water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.
For Non-Planned Unit Developments: The net lot area less areas devoted to floodplains or water bodies; water bodies being defined as areas greater than one acre in size (either before or after project implementation) which are periodically or permanently covered with water.

Lot Frontage: The length of the front lot line except as provided for flag lots.

Lot Lines: (See Figure 2-7) The lines bounding a lot or parcel.

Lot Line, Front: (See Figure 2-7) The line(s) separating the lot from any street right-of-way, private road or other access easement.

Lot Lake Front: If a lot to the rear of a lake front lot is to be used for a primary residence the 50-foot setback applies.

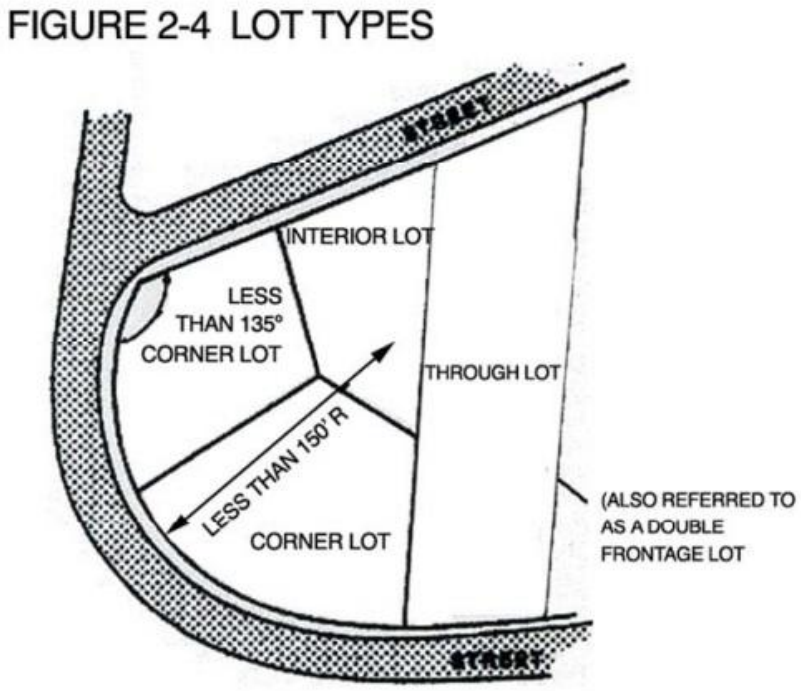


FIGURE 2-4 LOT TYPES
STREET
INTERIOR LOT
LESS
THAN 135°
CORNER LOT
THROUGH LOT
LESS THAN 150' R
CORNER LOT
(ALSO REFERRED TO
AS A DOUBLE
FRONTAGE LOT
STREET

Figure 2-4.

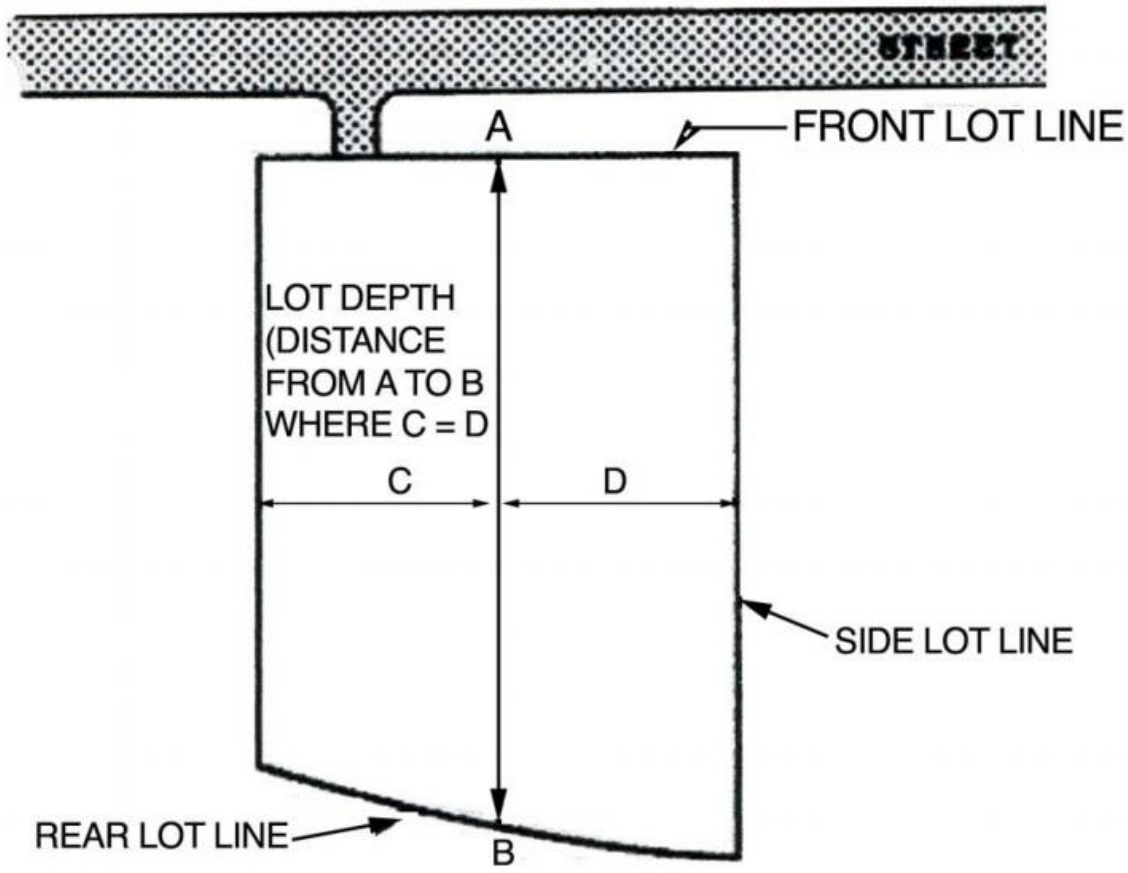

STREET
A
FRONT LOT LINE
LOT DEPTH
(DISTANCE
FROM A TO B
WHERE C = D
C
D
SIDE LOT LINE
REAR LOT LINE
B

Figure 2-5

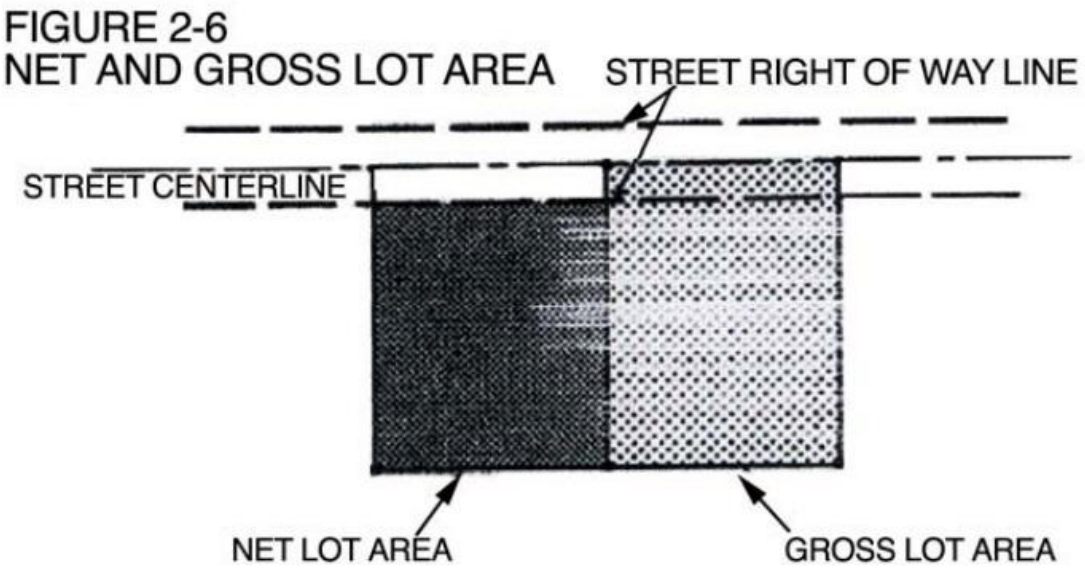


FIGURE 2-6
NET AND GROSS LOT AREA
STREET RIGHT OF WAY LINE
STREET CENTERLINE
NET LOT AREA
GROSS LOT AREA

Figure 2-6

FIGURE 2-7 LOT LINES AND YARDS

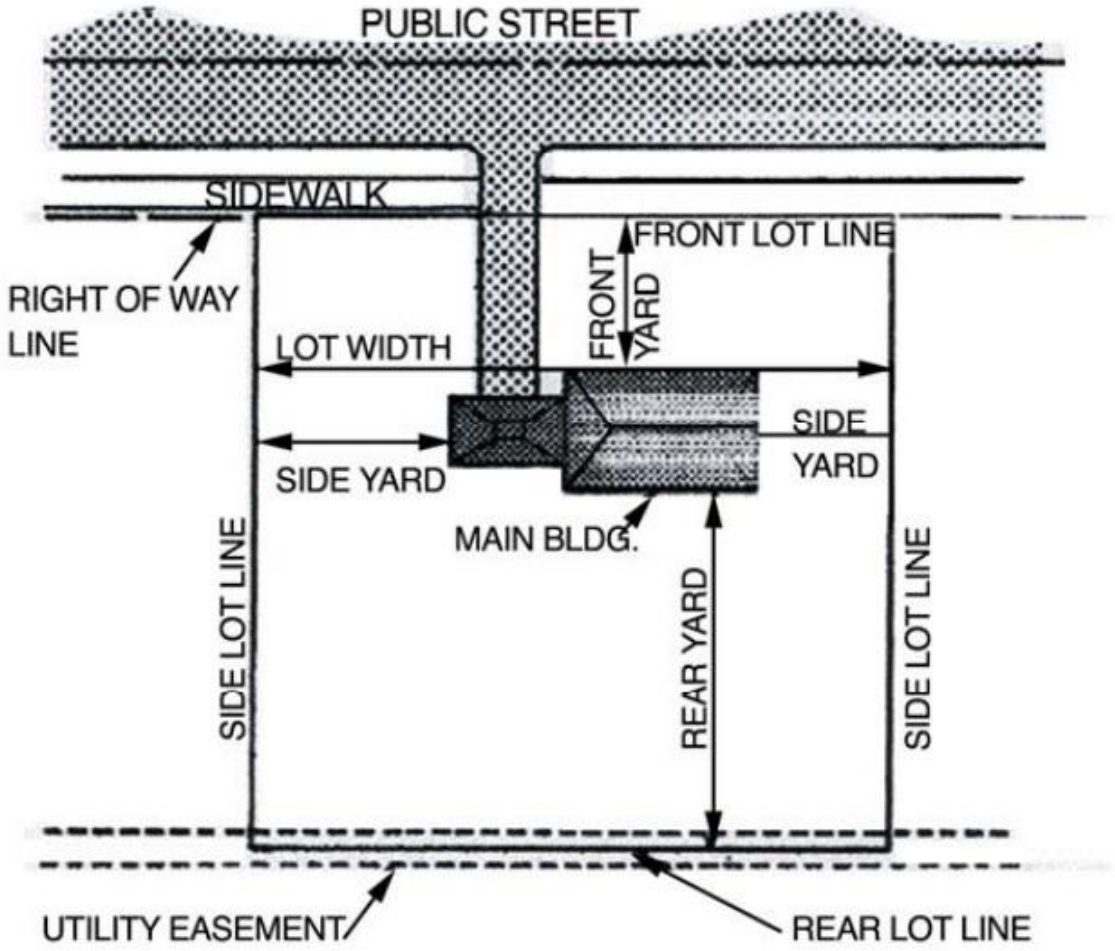


Figure 2-7

Lot Line, Rear: (See Figure 2-7) The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: (See Figure 2-7) Any lot line other than a front or rear lot line.

Lot of Record: A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Manistee County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

Lot Width: (See Figure 2-7) The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line, except as provided for flag lots.

Lot Width Flag Lot: The width of a flag lot is measured at the flag portion of the lot.

Manufactured Home: A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Massage Parlor: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, and medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shop or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulders.

Mineral: A naturally occurring element or combination of elements that occur in the earth in solid state, but shall not include soil.

Mining: All or part of the processes involved in the extraction and processing of mineral materials.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.

Mobile Home Park: (i.e. Manufactured Housing Park): A parcel or tract of land under the control of a person, group or firm upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of compensation, including any building,

structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the Michigan Mobile Home Commission.

Modular Home: A dwelling, which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

Motel: A series of attached, semidetached or detached rental units containing a bedroom, and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

Neighborhood: A number of persons forming a loosely cohesive community within a large community (as a town or village) and living close or fairly close together in more or less familiar association with each other.

Non-conforming Building or Structure: A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Non-conforming Lot: A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.

Non-conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nudity: For purposes of this Ordinance, nudity means exposure in a public place of male or female genitalia, female breasts. (Mothers breast-feeding in public are excluded from this definition and this Ordinance).

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises

including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruit, vegetables.

Nursing or Convalescent Home: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

Oil and Gas Processing or Sweetening Facilities: Any building, facility, machinery, equipment and/or structure used for or in connection with the production, processing or transmitting of natural gas, oil or allied products or substances and the injection of the same into the ground for storage or disposal not under the exclusive jurisdiction of the Supervisor of Wells, Department of Environment Quality and includes, but is not limited to, pipelines, storage and disposal wells sweetening plants, central processing facilities, compression facilities, C02 removal facilities, bulk storage plants and well site access roads.

Open Dance Hall: An establishment where open public dancing by patrons is available during at least 4 days per week with patrons furnished by the establishment.

Outdoor Recreation - Parks: Land uses which are public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but not including facilities designed for overnight or camping use.

Outdoor Sales: The display and sale of merchandise beyond the perimeter of a building, including autos, boats, farm equipment or other types of merchandise.

Parcel: A description of land, as identified by a property tax parcel number in the Manistee County tax roll and on which one (1) principal building and its accessory buildings may be placed, together with the open spaces required by this Ordinance.

Park: See Outdoors Recreation - Parks Patio: Grade level structure, stone, concrete, brick, block.

Photometric plan: (aka photometric analysis, photometric lighting study) is a digital survey of your site with a proposed lighting solution. This light study allows the Pleasanton Township Planning Commission to view the lighting level at the jobsite before construction begins.

Planned Unit Development: Means a land area which contains both individual building sites or multiple land use types together with common property, such as a park, and which is designed and developed under one owner or organized group as a separate cohesive neighborhood or community unit. Planned Unit Development includes such terms as site condominium project, cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Porch: Covered structure above grade at building entrance.

Private Road: A road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and business. Private Road shall not include driveways to dwelling or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a United States Forest service road; a county road as shown on maps certifying the same to the Michigan Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

Retail Establishments: A store, market, or shop in which commodities are sold, or offered for sale, in small or large quantities at retail.

Road: A roadway, street or thoroughfare, public or private, contained within the limits of a right-of-way dedicated or maintained for the operation of vehicular traffic and which affords a principal means of access to abutting property.

Roadside Stand: A structure used or intended to be used solely by the owner or resident tenant of the land on which it is located for the sale of seasonal products of the immediate locality.

Roof-Mounted: Mounted directly on the roof of any building or structure, above the eave line of such building or structure.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device

shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra-terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

Screen or screening: A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

Service Establishments: A store, market or shop in which services are sold or offered for sale to the public, including, but not limited to, gasoline stations, garages, repair shops, laundries, warehouses, printing houses, undertaking establishments, barber shops and beauty parlors.

Setback Lines: The minimum horizontal distance between one's buildings, including steps and unenclosed porches, and the boundary of one's parcel of land or in those cases where the parcel adjoins an established highway, then the minimum horizontal distance between the building and the closet highway right-of-way.

Sign: An inscribed board of space serving for advertisement and information.

Site Plan: A drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

Small Wind ENERGY System Tower Height: The height above grade measured to the top including the tower and blades when fully extended.

Solar Panel Glare: Occurs when an observer sees a direct reflection of the sun caused by a specular (mirror-like) reflection from the surface of one or more solar panels.

Solar Glare Hazard Analysis Tool: This tool determines when and where solar glare can occur throughout the year from a user-specified PV array as viewed from user-prescribed observation points.

Special Land Use: A use of land, which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special land use permit be obtained.

Specified Anatomical Areas: Means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the aureole; or human male genitals in discernible state of tumescence, even if opaquely covered.

Specified Sexual Activities: Means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. The display of human genitals in a state of sexual stimulation, arousal or tumescence;

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this section.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act 218 of the Public Acts of 1979, which provides services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of such supervision or care.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Structure: A structure is any production or pieces of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwelling, garages, buildings, decks, signs, sign boards and towers. Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

Substantial or Significant Portion: Means a business or establishment, which has:

1. Thirty five percent (35%) or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and or "specified anatomical areas"; and/or

2. Thirty five percent (35%) or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or

3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

Telecommunication, Co-location: Locating telecommunications equipment from more than one provider at a single facility.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereof. Not included within this definition are citizen band radio antennas, short wave antennas, ham and amateur radio antennas, satellite dishes and personal television receiving antennas.

Tower, Monopole: A freestanding structure composed of a single spire used to support communications equipment.

Trailer: A vehicle, which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms Motor Home, Pole-trailer, Trailer Coach, Trailer, Mobile Home, as defined in the Michigan Motor Vehicle Code (Public Act 300 of 1949, M.S.A.9.1801-9.1882) and including camping units, tents, or any other temporary dwellings.

Trailer Court or Park: Any site, lot, field, tract or parcel of land on which are situated two (2) or more inhabited trailer coaches, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure located therein, and used or intended for use as a part of the equipment of such park.

Transfer of Ownership or Control of a Sexually Oriented Business: Means and includes any of the following;

1. The sale, lease or sublease of the business or establishment;

2. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;

3. The establishment of trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possession the ownership or control.

Use: The purpose for which land or a building thereon is designed, arranged or intended to be occupied and used, or for which it is maintained. The use of land permitted in the several land use districts established by this Ordinance shall be further defined by the Standard Industrial Classification Manual of 1972, which is incorporated herein by reference.

Variance: An authorization by the Board of Appeals permitting modification to the regulations and standards of this Ordinance in situations where the literal enforcement would result in undue and unnecessary hardship not present on the other properties typical of the zoning district.

Waste Receptacle (i.e. dumpster): Any accessory exterior container used for the temporary storage of rubbish, pending collection, has capacity of at least one (1) cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Water's Edge: The surveyed property line along the shore of a body of water or the term "water's edge", in its usual and ordinary sense and usage being that area of the shoreline where land and water meet in the event there is no surveyed property line along the shore at the water's edge.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream;

2. Not contiguous to an inland lake or pond, or a river or stream; and more than five (5) acres in size;

3. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner. (Definition taken directly from the Goemaere-Anderson Wetland Protection Act. P.A. 203 1979).

Wireless Communication Facilities: Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, and paging. Also included are services that are not licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wire line local exchange providers.

Yard: A space open to the sky, and unoccupied or unobstructed except by permitted building or structure. Yard measurements shall be the minimum horizontal distances:

1. Front Yard; A yard extending across the full width of parcel between the front parcel lines and the nearest line of the main building.

2. Rear Yard: A yard extending across the full width of the parcel between the rear parcel line and the nearest line of the main building.

3. Side Yard: A yard extending from the front yard to the rear yard between the side parcel line and the nearest line of the main building or of accessory building attached thereto

Yard/Garage Sale: Personal property sales such as yard, garage, or any other sales of a similar nature of personal property, shall be allowed.

ARTICLE 10: GENERAL PROVISIONS

1001. - PURPOSE:

It is the purpose of this Article of the Ordinance to provide regulations for miscellaneous and other requirements that apply in all zoning districts to all permitted uses.

1002.-SCOPE:

Zoning applies to all parcels of land and to every building, structure or use. No parcel of land, no building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

1003. - MAINTENANCE OF SITE REGULATIONS:

A. The maintenance of setback, height, floor area ratio, coverage, open space greenbelt, mobile home site, transition strip, parcel area and parcel area per dwelling unit required for one (1) use. Any parcel, building or structure shall be continuing obligation of the owner of such building or structure or of the parcel on which such use, building or structure shall be located. Furthermore, no setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, greenbelt, parcel, use, building or structure may be allocated to any other parcel, use, building or structure.

B. Land, once designated as a single parcel and dedicated to a use or improved with a building or structure, shall not be eligible for meeting the minimum area and lot width requirements of the Land Use District in which it is located for another use, building or structure. If the original parcel is reduced in size or divided into two (2) or more parcels, by any method, unless each parcel, including the original parcel, resulting from such reduction in size or division, shall conform with the minimum area and lot width requirements of the Land Use District in which it is located and such reduction in size or division does not violate any other applicable laws or ordinances including, but not limited to, Manistee County and the State of Michigan Land Division Act.

C. Setbacks and Yard Requirements - The setback and yard requirements established by this Ordinance shall apply uniformly in each zoning district to every parcel, building or structure except, notwithstanding any other provision of this Ordinance that any of the following structures may be located anywhere on any parcel: Open and unroofed terraces, patios, flagpoles, hydrants, clothes lines,

arbors, trellises, recreation equipment, outdoor cooking equipment, sidewalks, private driveways, trees, plants and shrubs.

D. Stormwater Retention – When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other righs-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property, and in accordance with the requirement of the Soil Erosion/Sedimentation Control Act, PA 347 of 1972, as amended.

1. Special attention shall be given to proper site drainage so that runoff of stormwater will not adversely affect neighboring properties or the surface water quality of the Township's lakes and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff, after development, does not exceed the rate prior to development (For a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration.)

2. All developments shall be designed, constructed, and maintained to protect the water quality of the Township's lakes and streams.

1004. - GENERAL PROVISIONS:

No parcel, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

1. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved as is required by applicable provisions of the State Construction Code and rules promulgated there under and/or the State Fire Marshall.

2. Activity which emits radioactivity at any point, or electrical disturbance shall not be permitted in excess of the applicable Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health, Department of Radiology regulations rules promulgated by rule there under.

3. No vibration shall be permitted in excess of the applicable county noise ordinance or regulations promulgated by rule there under.

4. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule there under.

5. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule there under.

6. No direct light source, which is not defused or shaded shall be permitted which is visible from any property or from any public street, road or highway.

7. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution statutes or regulations promulgated by rules there under.

8. No audible noise shall be permitted in excess of the standards in the Manistee County Noise Ordinance, as amended. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for administration of the statutes, rules or ordinances cited above.

1005. - COMPLIANCE WITH COUNTY SANITARY CODE:

Every structure or device hereinafter erected or moved upon any premises and used, designed or intended for human habitation shall conform to the requirements of the Manistee-Mason County Sanitary Code.

1006. - YARD / GARAGE SALE

1) The sale has a duration of no longer than five (5) days and limited to three (3) events during a calendar year.

2) All articles or property that were offered for sale shall be removed after the sale from the display so that they cannot be seen.

3) Any sign(s) that may have been used to advertise the sale shall be removed within 24 hours of close of sale.

[Annotation; Adopted by Township Board November 14, 2023]

1010. - HAZARDOUS SUBSTANCE GROUNDWATER PROTECTION:

All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's engine) which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month, or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less, shall comply with the following groundwater protection requirements:

A. Groundwater protection generally:

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.

2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.

3. General purpose floor drains and storm drains shall be:
(1) Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
(2) Authorized through a state groundwater discharge permit or
(3) Connected to a public sewer system.

4. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to

groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

5. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment of Hazardous Substance and Polluting Materials" published by The Clinton River Watershed Council, May 1990, and other references.

6. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.

7. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.

B. Above-ground Storage:

1. Primary containment of hazardous substances shall be product tight containers, which are protected from weather, leakage, accidental damage, and vandalism.

2. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:

(a) Sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of and release substance, or

(b) shall be at least as great as volumes required by state or county regulations, or

(c) shall, if not protected from rainfall, contain a minimum of

(1) 110% of the volume of the largest storage container within the dike of the secondary containment area, plus

(2) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus

(3) the volume of a 6 inch rainfall.

Secondary containment structures such as our building, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

At a minimum. State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

C. Underground Storage:

1. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Fire Marshall Division and the Michigan Department of Environmental Quality.

2. Bulk storage facilities for pesticides and fertilizer shall be in compliance with requirements of the Michigan Department of Agriculture.

1011. - WATER PROTECTION (GREENBELT AREAS):

It is the policy of this Ordinance to preserve and maintain the natural quality of (flowing bodies of water) within the Township of Pleasanton by restricting the clearing of natural habitat away from and the construction of improvements upon land bordering upon such bodies of water.

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply in all those areas designated upon the Official Zoning Map as "Greenbelt Areas".

1. No dwelling or other structure shall be built, located or constructed closer than one hundred (100) feet, or the water front setback found in the respective zoning district in this Ordinance, whichever is greater, measured on a horizontal plane to the edge of flowing bodies of water in any land use district.

2. Within fifty (50) feet of the edge of flowing bodies of water only ten (10%) percent of the living trees, shrubs and other natural growth may be removed in a five (5) year period. Where the land concerned is to be used for growing

timber, the forgoing restriction does not apply to the removal of tag alder and/or sumac.

3. No building or structure shall be built, located or constructed within a flood plain of any flowing bodies of water in any land use district as may be determined by the Department of Environment Quality.

1040. - PARCEL, YARD AND AREA MEASUREMENTS:

More than one main building, with accessory structures and buildings, may be built on a parcel under single ownership, but the parcel shall have a minimum size equal to the number of main buildings times the minimum parcel size for the zoning district, and shall maintain twice the setback requirements as distance between structures.

1050. - ACCESS TO PUBLIC ROADS:

In any district every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public or private road or easement which provides access to a public road, such public or private road or easement being at least sixty-six (66) feet in width unless a lesser width was duly established for record prior to the effective date of this Ordinance, provided that private easements shall be at least twenty (20) feet wide.

1051. - PRIVATE ROADS:

1. ***Private Roads Permitted***:

A. Private Roads are permitted provided they conform to the requirements of this Article.

B. All private roads, which serve a subdivision, as defined by the Subdivision Control Act of 1967, and have received approval through the Manistee Count Subdivision and Condominium Act of 1986 shall be exempt from the requirements of this Article.

2. ***Private Roads Standards:***

A. The creation of a road that serves a division of land or a development, which consists of three or more principal buildings, shall meet or exceed the construction standards established by the Manistee County Road Commission for public roads.

B. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Manistee County Road Commission designated right-of-way width, whichever is greater.

C. No structure or development activity shall be established within the approved

rights-of-way or easements.
D. All private road easements shall contain provisions for the placement of public utilities, including but not limited to:
1. Telephone Lines.
2. Electrical Lines.
3. Cable Television Lines.
4. Natural Gas Lines.
5. Municipal Water Lines.
6. Municipal Sewer Lines.
E. Private Roads with only one connection to a county road or state highway or another approved private road meeting the requirements of this Article shall not be longer than two thousand (2,000) feet.
F. No more than twenty-five (25) principal buildings may gain access to a single private road where one (1) point of intersection is provided between a private road and public road.
G. No more than seventy-five (75) principal buildings may gain access to a single private road where two or more points of intersection are provided between a private road and a public road.

3. ***Maintenance Agreement***
A. Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the private roads.
B**.** Upon execution, the Private Road Maintenance Agreement shall be recorded with the Township Clerk and Manistee County Register of Deeds.
C. At a minimum, the Private Road Maintenance Agreement shall contain the following:
1. Maintenance Costs: The private Road Maintenance Agreement shall acknowledge that the road surface and easement area are privately owned, and therefore all construction, improvements, and maintenance within the easement will be contracted and paid for by the signatories to the Agreement. The Agreement shall set forth a workable method of apportioning maintenance costs.
2. Township and County Not Responsible: The provisions in the Private Road Maintenance Agreement shall be written so that no provision shall be construed to obligate the Township or the County to perform regular inspections of the easement area or to provide necessary repairs or maintenance and furthermore the Township shall be held harmless as to liability.
3. Maintenance Needs: The Private Road Maintenance Agreement shall acknowledge the responsibility of the signatories to the Agreement to maintain the following:

a. Surface grading and resurfacing at regular intervals
b .Snow and ice removal
c. Repair of potholes
d. Maintenance of road drainage systems
e. Regular cutting of weeds and grass within the easement
f. Replacement or reconstruction of the roadway and all related improvements, such as road base, road surface, culverts, bridges, catch basins, drains, and traffic signs.

4. Continuing Obligation: The Private Road Maintenance Agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.

5.Township Intercession: The Private Road Maintenance Agreement shall permit the Township to maintain, repair, and take possession of the private road if, in the sole opinion of the Township Board:

a. a health or safety hazard exists,
b. or if the Township determines that no other feasible means of maintenance is likely to exist.
c. The Township may charge the property owners with all costs associated with such maintenance according to the apportionment sections of the Private Road Maintenance Agreement.

d. Designated Contact: The Private Road Maintenance Agreement shall specify an individual to serve as the property owner(s) contact with the Township.

1052. - TRAFFIC VISIBILITY AT CORNERS:

No vehicle shall be parked, nor fence, hedge, planting of shrubs, signs or any similar structures shall be located, erected or maintained, within a distance of forty (40) feet from the point of intersection of the front parcel line and the side parcel line adjacent to the road which obstructs safe vision at a road.

1053. - VEHICULAR PARKING SPACE, ACCESS AND LIGHTING:

1. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown as follows. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance and in the case of more than one use on a parcel, the minimum shall be the sum of the

required parking for each use:

A. Dwellings, Duplexes and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.

B. Hotels and other Lodging Places [70]: One (1) parking space for every spaces of legal sleeping capacity.

C. Nursing and Personal Care Facilities [805], Hospitals [806]; Institutions of similar
nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.

D. Motion Picture Theaters [783]; Amusement and Recreation Services [79]; Membership Organization's [86] halls; Public Administration [J] halls/meeting centers; Theaters; auditoriums and nay other places of public assembly: One (1) parking space for each four (4) seats of legal capacity.

E. Office; Finance, Insurance, and Real Estate [H]; Offices of Physicians, Dentist, Osteopathic Physicians and other health practitioners [801-804]; Legal Services [81]; Social Services [83], excluding Group Day Care Centers (Child); Miscellaneous Services [89]; Public Administration [J]: One (1) parking space for every two hundred (200) square feet of floor area; provided however, that doctor's offices and clinics shall be provided with three (3) spaces for doctors.

F. Eating and Drinking Places [58]: One (1) parking space for each three (3) seats of legal capacity.

G. Any other Retail Trade [G]: One (1) parking space for each one hundred (100) square feet of floor area.

H. Any other service [I]: One (1) parking space for each two hundred (200) square feet of floor area.

2. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space, which is adequate shall be provided. Adequacy of parking shall be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in Paragraph A. the Zoning Administrator shall establish the number of parking spaces required in the Land Use Permit.

3. A parking space shall be a minimum area often (10) feet by twenty (20) feet, with center and cross aisles being a minimum of twenty (20) feet wide.

4. All parking space required in this Section, except that required for a dwelling, shall be provided with adequate artificial lighting between the time from one-half (1/2) hour after sunset, to one-half (1/2) hour after closing of business or visiting hours, when the use of such space is open to the public.

5. Approval for location of all exits and entrances shall be obtained from the State Highway Department for all state trunk line highways and from the County Road Commission for all other roads, streets or highways in the Township. Such approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.

1060. - ADVERTISING SIGNS:

A. Advertising signs, billboards, and other advertising media shall be permitted only in those districts authorizing the same within a setback area provided that they comply with the following conditions:

1. The advertising sign complies with all statutes and regulations of the State of Michigan.

2. The advertising sign shall not be more than twenty-four (24) square feet in area and shall not be erected within five hundred (500) feet of any dwelling existing at the time said sign is erected or moved to such location, provided such dwelling is used exclusively for residential purposes.

3. The advertising sign, except directional signs within one hundred (100) feet of intersections, shall not be erected within three hundred (300) feet of an existing sign.

4. The advertising sign shall not be less than fifty (50) feet from the road right-of-way line measured by a line perpendicular to the road right-of-way line.

5. Advertising signs of a commercial enterprise, business, industry or professional person provided:

a. Such sign is located on the premises or premises rented or leased for such purpose.

b. Such sign is limited to the products or services of the enterprise.

c. Such sign does not obstruct the view of traffic from the sidewalks, roads, driveways or exits and adjoining property.

d. The operation of such sign does not constitute a nuisance to an adjacent residential district or residential neighborhood, by reason of glare, intermittent action, or other action.

6. Signs that flash or move are prohibited.

7. Sign Approval: Advertising signs, billboards, and other advertising may be erected and maintained within the Township by first obtaining the approval of the Zoning Administrator who shall, pursuant to Section 8401. et seq.of this Ordinance, grant approval for any advertising media which conforms to the provisions of this Section. The fee for the permits shall be set by resolution of the Township Board. Any state or federal regulations to the contrary shall supersede any determination or rules of the Zoning Administrator concerning signs, and any contrary provision of the Ordinance.

B. The provisions of Section 1060 A of this Ordinance shall not apply to:

1. Temporary sale, lease or rent signs, provided:
   a. No more than two (2) signs are displayed.
   b. Such signs are located on the lot or structure for sale, lease or rent.
   c. Such sign does not contain an area of more than ten (10) square feet.
   d. Such sign is removed following the sale, renting or leasing of the property.

~~2.~~ Temporary signs on residential premises may be located in any district, provided:
   a. Such temporary signs (non-illuminated) shall be limited to the lease, hire, or sale of the building or premises, and provided further that such signs shall be removed as soon as the premises are leased, hired or sold.
   b. Such signs shall not exceed ten (10) square feet in area and shall not be located on the front half of the required front yard as measured from the front lot line or right-of-way.
   c. That such sign is a specific information panel for the direction of motorists, which may be located, under authority of any statute, on any county, state and federal highway.

3. Bulletin boards of churches, schools, libraries, and public buildings, provided:
   a. Such bulletin board is located on the premises thereof.

b. Such board is not located as to obstruct the view of traffic from the sidewalks, driveways, roads and adjoining property.

4. Roadside stands, agricultural and other sales stands, provided:
   a. Such stand is located on a farm and limited to the sale of the products thereof.
   b. Such stand is temporary and will not be located for more than six (6) consecutive months of any one (1) year.
   c. Such stand is located at least twenty-five (25) feet from the road right-of-way.
   d. A parking area is available for prospective customers off the road right-of-way line.

[Annotation; Adopted by Township Board December 9, 2025]

1061. – OUTDOOR SALES:

a. The outdoor display and sale of merchandise shall be accessory to a principal use on the same lot.

b. The outdoor display of merchandise for sale shall not be located in any required setback area.

c. Not more than ten (10) percent of the outdoor lot area, excluding required setbacks, shall be used for the sales and display of merchandise.

1062. – USED MERCHANDISE:

a. The display and sale of merchandise shall be accessory to a principal use on the same lot.

b. The sale of used merchandise shall be within a building.

c. Not more than ten (10) percent of the outdoor lot area, excluding required setbacks, shall be used for the sale or display of merchandise.

d. Merchandise shall not be stored outdoors overnight. All outdoor displays shall be moved indoors or to a fenced or screened area so that merchandise is not visible from adjoining properties or a street.

1063. – OUTDOOR DISPLAY:

a. The outdoor display and sale of merchandise shall be accessory to a principal use on the same lot.

b. The outdoor display of merchandise for sale shall not be located in any required setback area.

c. With the exception of automobile and recreation vehicle sales, not more than ten (10) percent of the outdoor lot area, excluding required setbacks, shall be used for the sales and display of merchandise.

[Annotation; Adopted by Township Board December 9, 2025]

1070.- HEIGHT:
No building or structure or part thereof shall be erected or altered to a height exceeding two and one-half (2-1/2) stories, or thirty-five (35) feet, except that non-dwelling buildings or structures other than accessory buildings or structures, may be erected or altered to a height not exceeding fifty (50) feet if approved by the Zoning Board of Appeals, pursuant to its power to grant variances.

1070.1 - WIRELESS COMMUNICATION FACILITIES:
Wireless communication facilities may be located in any zoning district if located on an existing building or structure or is otherwise hidden from view by being incorporated in an existing building or if it co-locates on an existing tower and the proposed height does not require lighting by FCC and/or FAA regulations.

1071. - TEMPORARY DWELLINGS:
No person shall use or permit the use of any temporary dwelling or trailer as defined in this Ordinance as a principal or seasonal dwelling except after full compliance with Section 1005 of this Ordinance, and further except:

1. As a temporary dwelling quarters during the construction and installation of any dwelling with the provisions of this Ordinance, when the following conditions are met:
A. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
B. The physical condition of the temporary dwelling or trailer shall not deteriorate to the extent that its continued use threatens the public health, safety or welfare.
C. The use of the temporary dwelling or trailer shall be limited to eight (8) months, beginning with the issuance of a land use permit in accordance with

Section 8401of this Ordinance. The permit may be renewed for not more than four (4) months upon approval of the Zoning Administrator for good cause shown.
D. As part of a campground licensed and operated in accordance with the rules and regulations of the Michigan Department of Public Health and the Michigan Mobile Home Commission.

2. As temporary recreation on a noncommercial/no-rental basis by tourist, campers and sportsmen on land owned by the user and for a period not to exceed eight (8) weeks in a calendar year.

1080.- DWELLINGS:

No person shall use, occupy, or permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and the United States Department of Housing and Urban Development, whichever applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards:

A. No dwelling shall hereinafter be erected which shall have less than the minimum square footage and minimum width required in each respective Land Use District, and shall have a minimum width across any front, side or rear elevation of fourteen (14) feet. [Annotation; Adopted by Township Board 08/11/2014]

B. It shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Acts 230, 1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Building Code, then and in that event such federal or state standard or regulation shall apply.

Foundations where it shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the State Construction Code for dwellings, or in the case of mobile homes, that dwelling shall be secured to the foundation by an anchoring

system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis. Framing, structural, insulation shall comply with the said State Construction Code or, in the case of mobile homes, shall comply with the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development (HUD) pursuant to 24 CFR Section 3280, as amended, which compliance shall be shown prior to the issuance of a Land Use Permit or Special Use Permit, as the case may be, by the seal of the Department of Housing and Urban Development permanently affixed to the mobile home in question in accordance with the Mobile Home Construction and Safety Standards. Any mobile home not displaying the permanent (HUD) seal shall be deemed to be not in compliance with the terms and conditions of this Ordinance. Final finished; shall comply with the said State Construction Code.

It shall be connected to a public sewer and water supply or to such private facilities in compliance with the Manistee County Sanitary Code.

The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24CFR3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. It shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home and construction of a foundation as required herein.

C. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling, or 100 square feet, whichever shall be less.

D. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or

Federal law or otherwise specifically required in this ordinance pertaining to such parks.

E. All construction required by this section shall be commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

1081. - HOME OCCUPATIONS:

Home occupations shall not be allowed in any zoning district except as hereinafter provided:

1. The home occupations takes place at a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full time basis.

2. The home occupations shall be accessory to the principal use (residential) of the property.

3. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.

4. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for an non-illuminated sign that shall not exceed four (4) square feet in size. 2'x 2'.

5. The home occupations shall not involve the use of any toxic, or dangerous materials or hazardous equipment.

6. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.

1082. - KEYHOLE OR FUNNEL WATERFRONT ACCESS:

It is the intent of this section to promote the integrity of the lakes within Pleasanton Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by

minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of public park or public access site provided or maintained by any unit of state, county or local government.

A**.** In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront, only if the following conditions are met:

1. That said parcel of land contain a minimum of 7,000 square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line, which intersects each side lot line at the water's edge.

2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.

3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

4. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

5. That piers or docks on such access property shall not be closer than fifty (50) feet from another pier or dock, nor longer than 120% of the average of the four (4) adjacent residential lot piers or docks on either side of the access property to a maximum length of fifty (50) feet of lot frontage. In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

1083.- SMALL WIND ENERGY SYSTEMS:

1083 a .- INTENT

The intent of this section is to recognize the concern for the conservation of energy resources and the desire of residents of Pleasanton Township to contribute to such conservation with the installation of privately owned devices for the generation of electricity or mechanical energy for their own use. It is the purpose of this Section to promote the safe, effective and efficient use of small wind energy systems.

1083 b.- PERMITTED USE

Small Wind Energy Systems are permitted by right in all districts, provided the Zoning Administrator finds that all of the requirements of this section are met.

This Section of the Ordinance allows for private wind turbine generators and is not intended to allow for the leasing of private lands for energy production intended for use on other properties. The language in this Section is solely to allow for and to regulate the production of energy for consumption on the property in which the system is located. Small wind energy systems require a Land Use Permit and are subject to certain requirements as set forth below:

1. Small Wind Energy System Tower Height**:** Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System tower can extend to no more than one-hundred (100) feet.

2. Clearance of Blade: The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy System shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, driveways, sidewalks, decks or required setback areas.

3. Setback/Fall Zone: Towers shall be setback one and one half times the tower height from any property line plus the setback in the zoning district.

4. Appearance: Towers and/or small wind energy systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted

5. Safety: Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than eight (8) feet in height.

6. Noise: When operating, small wind energy systems shall not generate more than 60 decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. The applicant shall provide a signed statement from an independent professional establishing compliance with the 60 decibel maximum sound regulation to the zoning administrator at the time of inspection.

7. Code Compliance: Small wind energy systems shall comply with all applicable federal, state, and local construction and electrical codes and local building permit requirements.

8. Utility Connection: All utility lines leading to or from the wind energy generating device shall be underground.

9. Non-use: Towers must be maintained in a safe condition or be removed at the property owner's expense. Towers that are in non-use for more than 6 months shall be removed at the WECS owner's expense.

10. Requirements for Land Use Permit: A Land Use Permit application shall include a plot plan including existing structures, lot lines, roads, overhead utility lines, and the small wind energy system itself. The manufacturer's cross section drawing of the structure, base and footings must also accompany the application.

1084. – ACCESSORY SOLAR ENERGY SYSTEMS:

Intent: To allow for the use of accessory solar energy systems to generate electrical power for residential use.

An accessory solar energy system may be sited as an accessory use on any premises in any district (roof-mounted only in LS-1 and Little Bay), after issuance of a Land Use Permit from the Zoning Administrator, and subject to the following requirements and limitations:

A. **Maximum Height.** The system may be mounted on a building and/or may be ground mounted.

1. The height of a roof-mounted system on a principle building or accessory building shall not exceed the applicable roof height limit for the district, as specified in the applicable chapter of this Ordinance. A wall-mounted system on a principle building or accessory building shall not exceed the applicable roof height limit for the district, as specified in the applicable chapter of this Ordinance.

a. Roof-mounted panels must be mounted at the same angle as that of the existing roof pitch and shall not extend above the roof surface more than the height of the typical panel mounting bracket.

b. Placement of ground mounted solar energy equipment is not permitted within the required front yard setback or the area between the front property line and the front of the principal structure. (Not permitted within the required setback)

2. The height of a ground-mounted system shall not exceed 15 feet.

B. **Roof Placement**. A roof-mounted system shall be placed on the roof so as to facilitate firefighter and service contractor access. Roof-mounted solar panels may be located on front, rear, or side facing roofs as viewed from any adjacent street.

C. **Setbacks and Location**.

1. The collector array and all other apparatus associated with the system shall comply with the otherwise applicable building setback requirements if mounted on a building, and with the otherwise applicable setback requirements if ground-mounted and shall comply with any other applicable location requirements.

2. There is a required 10-foot setback from any structure on all ground mounted structures.

D. **Off-site Impacts**. The collector panels and all other components of the system not within a fully enclosed building shall comply with all of the following requirements:

1. All components of the system shall be designed and maintained with an anti-reflective surface material.

2. All components shall be designed and operated to not direct glare onto any adjoining property or any public road or other public way.

3. The system shall not be illuminated or have any lighting of any kind.

4. Lettering, company insignia, advertising, or graphics of any kind shall not be displayed on any part of the system, except such non-obtrusive lettering and/or insignia intended to identify the manufacturer and not visible from any adjoining property or adjoining public road or other public way.

5. The area within which a ground-mounted system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water; and all surface water runoff from the site shall be effectively managed on-site and not diverted to a public roadway or other public way, or to any adjoining premises not in the same ownership as the subject premises.

6. There is a required 10-foot setback from any structure.

E. **Installation and Operational Safety**. The system shall be installed, maintained, and used in accordance with all applicable provisions of the Construction Code and manufacturer's directions. The system shall not be made operational until a final inspection and approval certification for the system has been issued by the Building Official and Electrical Inspector, as applicable.

F. **Removal**. The system, including all structural support components, shall be dismantled, and removed when the system is no longer functional due to age, abandonment, or other cause, at homeowners' expense. Any solar energy system that is not in operation or is damaged or inoperable for a continuous period of 12 months is considered abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Township. Any abandoned solar energy system that is not removed within 90 days of said notification from the Township may be removed by the Township at the owner's expense. This includes solar energy equipment and structural support components.

[Annotation: Amended by Township Board on July 11, 2023]

1085.- ACCESSORY USES OR STRUCTURES:

A. Accessory Uses or Structures customarily accessory, secondary, and clearly incidental to permitted uses as allowed in all zoning districts:

There shall be an established permitted main building on the parcel before a land use permit may be issued for an accessory use or structure. When an accessory structure is permitted at the same time as a main building, the accessory structure may be constructed first, however, at least 50% of the main building shall be constructed before the expiration date of the land use permit.

B. Accessory Buildings in the Residential -1 (R-1) Zoning District:

If a property owner has one or more parcels that are contiguous but are in different subdivisions with different tax identification numbers, and has a residence on one of the parcels, an accessory building may be permitted on the contiguous parcel. The structure shall comply with all setback requirements. All property shall be in the same property owners name as the property owner on the residence.

C. Unpermitted Accessory Structures:

No permit is necessary for accessory structures less than 100 square feet. All unpermitted accessory structures shall comply with setback requirements in their respective zoning districts. Only one (1) unpermitted accessory structure shall be allowed in the Lakeshore Residential District and the Little Bay Resort Residential District. Two (2) shall be permitted in the Residential-Agriculture 1 (RA-1) and Residential-Agriculture 2 (RA-2) zoning districts. These structures shall have a minimum height of eight (8) feet. Unpermitted accessory structures shall be subject to all other county, State and Federal permits.
[Annotation: Amended by Township Board on March 9, 2017]

1087.- ACCESSORY APARTMENTS:

A. **Intent.** It is the intent of this section to permit the establishment of detached accessory apartments associated with occupied single family dwellings to provide homeowners with a means of obtaining, through tenants in accessory apartments, companionship, security and services; provide a means for homeowners to care for elderly or ailing relatives and still allow them to maintain the independence and comfort of separate living quarters; and add inexpensive rental units to the housing stock to meet the smaller household needs of both young and old persons.

These regulations are also designed to protect the stability, property values, and single-family residential character of a neighborhood by ensuring that accessory apartments are accessory to owner occupied houses in such a manner that the appearance of the building remains that of a single-family residence.

B. **Authorization and Development Standards.** The Zoning Administrator shall only issue a permit for an accessory apartment in those zoning districts which permit single family dwellings and when the following development standards have been met:

1. The accessory apartment shall be a complete housekeeping unit, containing kitchen and bathroom facilities, designed for and occupied by one family and detached from the principal single-family dwelling to which it is accessory.

2. Only one accessory apartment shall be allowed for each principal single-family dwelling.

3. The Accessory apartment shall be located on the same lot as the principal single-family dwelling to which it is accessory. An accessory apartment may also be located on an adjacent lot, if both lots are in common ownership, and if both such lots are tied-together by deed restriction prohibiting the sale of one lot separately from the other.

4. The owner of the lot(s) shall occupy either the principal single-family dwelling or the accessory apartment.

5. Th accessory apartment shall comply with all applicable requirements of the State Construction Code and comply with District 10 Health Department Sanitation Code.

6. The entire accessory apartment shall consist of a minimum of 450 square feet of floor area or no more than 35% of the total square footage of the principal single-family dwelling, whichever is greater.

7. A minimum of three parking spaces shall be provided on the premises for use by occupants of the accessory apartment and the principal single-family dwelling.

8. The accessory apartment shall be constructed so that the appearance of the building remains that of a single-family residence.

9. An accessory apartment shall be constructed in compliance with all applicable Zoning Ordinance regulations as contained herein.

10. A site plan shall accompany a permit application for an accessory apartment. For purposes of this section, the site plan shall illustrate, at a minimum, the following:

(i) Dimensions of the site.

(ii) Dimensions of the principal dwelling and accessory apartment.

(III) Existing and proposed building setback distances.

(iv) Floor plan of the accessory apartment illustrating room dimensions and location of the accessory apartment relative to the principal single-family dwelling.

(v) Dimensions and location of existing and proposed off-street parking area.

C. **General Regulations.** Accessory apartments shall also comply with the following general regulations:

1. The establishment of an accessory apartment shall not result in any building site or use situation which is nonconforming.

2. Dwelling units designed for or occupied by transient or migrant workers shall not be considered accessory apartments.

3. Accessory apartments can be a rental property.

4. Architecture of accessory apartment must continue characters of the principal residence and be two (2) feet less in height than the principal dwelling.

[Annotation: Amended by Township Board on 7/14/2020]

1088. Group Day Care Home

The intent of this section is to establish standards for the location and operation of Group Day Care Homes in order to support access to safe and reliable childcare within the community. The purpose of these regulations is to ensure that Group Day Care Homes are compatible with surrounding land uses, maintain the residential character of the area, and provide a safe environment for children, neighbors, and staff. These standards are designed to balance the need for childcare services with the responsibility to protect public health, safety, and welfare while minimizing potential impacts on nearby properties.

A. Group Day Care Homes are allowable as a use subject to Section 125.3206, a-f of Michigan Zoning Enabling Act, as amended and;
B. The permitted and special use sections of the individual land use districts.

[Annotation; Adopted by Township Board September 26, 2026]

ARTICLE 16: SPECIAL USE PERMIT STANDARDS

1601. PURPOSE:

Specific Special Use Standards for particular prospective special uses follow:

1602. CAMPGROUNDS:

1. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, existing primary road or the developer shall agree to provide the funds to upgrade or will upgrade and existing public or private road to a road which is paved, blacktop, or to a primary road.

2. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities or the developer shall agree to extend public sewer and water lines from the existing lines to the campground facilities. If no public water and sewer exists, and acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department Health, as shown by an issued permit.

3. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq.

4. The application for a zoning special use permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being MCL 333.12501 et.seq.. in addition to the special use permit application requirements presented in this Zoning Ordinance.

5. The minimum parcel area shall not be less than x square feet, where x equals 2,000 times the number of proposed campsites.

6. Spaces in the campground shall be only rented on a daily, weekly, or monthly basis.

7. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory use provided:

    a. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.

    b. Such establishments shall be restricted in their use to occupants of the campground.

    c. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground.

    d. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

1603. MOBILE HOME PARKS:

1. The location of a mobile home park shall front or have public access to an existing paved or blacktop surfaced county road, existing state trunk line, existing county primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing county or private road to a county road which is paved, blacktop, or to a county primary road.

2. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of. Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, MCL 125.1101 et seq.,

and thus mobile homes which locate within said mobile home park shall be exempt from Dwelling Regulations, above.

3. The mobile home park shall provide at least two (2) entrances/exits to a state trunk line or county road.

4. The application for a zoning special use permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to Public Act 419 of 1976, as amended, being the Mobile Home Commission Act. 125.1101 et. seq.. for an application for license to operate a mobile home park in addition to the special use permit application requirements presented in this Zoning Ordinance.

1604. - MINING OPERATION OF A DURATION OF MORE THAN TWO (2) YEARS:

1. A map and/or aerial photograph of the property which shall indicate:
   A. Proposed location, area extent, and depth of intended mine excavation.
   B. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining.
   C. Estimated depth to groundwater.

2. A description of the mining and processing equipment to be used.

3. A description of measures to be taken to control noise and vibration from the operation.

4. A description of measures to be taken to screen the operation from view.

5. Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property.

6. A description of the plans for topsoil storage.

7. A reclamation plan which shall include:
   A. A map or plan and description of the proposed reclamation including grading, final slope angles, high-wall reduction, benching and terracing of

slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land uses.

B. Description of topsoil stripping and conservation during storage and replacement.

C. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.

D. Description of plans for disposition of surface structures, roads and related
facilities after cessation of mining.

E. A plan for disposal of treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations.

F. The estimated cost of reclamation for the total project.

G. A statement in writing and adequate evidence to indicate the duration of the lease in years.

H. A timetable of the commencement, duration and cessation of mining operation.

I. Any and all mining permits held by the applicant within the state.

1605. - MINING ON A TEMPORARY TWO (2) OR FEWER YEARS BASIS:

1. As may be required by the Commission, a map and/or aerial photograph of the land with any or all of the information as listed in section 1604 of this Ordinance, relating to requirements for maps and/or aerial photographs for regular mining special use permits.

2. As may be required by the Commission, any or all of the information listed in section 1604 of this Ordinance, relating to requirements for information for regular mining special use permits.

1606.- MANUFACTURING [D] AND TRUCKING AND WAREHOUSEING [42]:

1. The use and associated activity is carried on entirely within an enclosed building, and if there is a yard work area and storage area, it shall be enclosed as specified below. Whenever the Manufacturing [D] and Trucking Warehousing [42] property boundary is contiguous to a street, a water body, and another type of land use, then along that property boundary there shall be:

A. A solid wall six (6) feet, or more, high or

B. A berm six (6) feet, or more, high or

C. A buffer area of fifty (50) feet back, or
D. A proportionately adjusted combination of the above.

2. Odor shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the Manufacturing [D] and Trucking Warehousing [42] establishment.

3. Noise shall not be over 60 decibels at the parcel boundary.

4. A pollution incident prevention plan, if required by State or Federal regulation, and fiscal impact study may be required by the Commission to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of the Ordinance.

5. Upon review of the special use permit application, the Commission may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Commission and applicant, upgrading or road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant. Township Board and Manistee County Road Commission.

1607. - JUNKYARDS:

1. Has a Michigan Sales Tax license.

2. Has a record of sales and other transactions which are required by, and whose business falls under the jurisdiction of Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 et seq.

3. Shall be designed to comply with one of the following:
A. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater.
B. Shall have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above.
C. Shall not be visible from a road or from adjacent parcels.

4. Shall be set back from parcel boundaries at least 100 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road whichever is greater.

5. Shall be designed and operated so noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.

6. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 et. seq.): Public Act 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 et. seq.): Public Act 641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.) and, if applicable Township licensing of junk yards.

7. Shall not operate a landfill, as defined in Public Act 641 of 1978, as amended, (the Solid Waste Management Act, MCL 299.401 et. seq.). as an accessory function to a junkyard.

8. Shall be more than 1,000 feet from a school, campground, or park.

1608. - INDUSTRIAL ACTIVITIES - INFORMATION AND SECURITY REQUIREMENTS:
A. In addition to the information required by section 1604 of the Ordinance, an applicant for an industrial activity, including but not limited to mining operations of more than two (2) years, and oil and gas processing or sweetening facilities shall submit the following as part of its application for a special use permit:

1. A map and/or aerial photograph of the proposed project site and surrounding area which indicates:
   a. Boundaries of the proposed project site.
   b. Surface drainage of the project site.
   c. Location and names of all streams, roads, railroads, utility lines, and pipe lines on or immediately adjacent to the project site.
   d. Location of all buildings and structures within 2,640 feet of the boundary of the project site.

2. Estimated depth to groundwater.

3. A description of the production, sweetening, processing or other machinery and equipment to be located on the project site.

4. A description of the measures to be taken to control noise, vibrations, light and odors from the operations.

5. A description of the measures to be taken to screen the project from view.

6. Proposed primary travel or transmission routes to be used to transport the raw materials to the project site and the processed materials away from the project site, including the proposed location of all pipelines.

7. A description of the plans for topsoil storage if the project will disturb the topsoil.

8. A Pollution Incident Prevention Plan approved by the Michigan Department of Environmental Quality, the Fire Chief of the Bear Lake Township Fire Department, or the municipal fire department having primary responsibility for responding to fires at the project site, and the Manistee County Emergency Service Director and which sets forth in reasonable detail the applicant's contingency plans in the event of fire, plans for the evacuation of surrounding areas and neighborhoods, the communication and warnings to be given in the event of a fire or pollution incident, and the procedure to be followed for periodic updating of such plan in consultation with the appropriate fire department and the Manistee County Emergency Services Department. In addition, such plan shall include all other information required by the
Department of Environmental Quality or other governmental agencies having jurisdiction over the project.

9. A letter showing approval, tentative approval, or an understanding for concurrent approval of the project by the Department of Environmental Quality, the Manistee County Soil Erosion and Sedimentation Control Department, and all other governmental agencies whose approval is required.

10. A statement of any changes or modifications in the project required for approval by any other governmental agency whose approval is required.

11. A Reclamation Plan which shall include the following information:
    a. A statement of the maximum life expectancy of the project and all plant, machinery and equipment associated with the project.
    b. Plans for the disassembly, removal or other disposition of all plant, machinery and equipment, including pipelines at the project site at the expiration of operations.
    c. Plans for the replacement of topsoil and restoration of the property or project site to its original grade and contours.
    d. Plans for the restoration of all access roads to original condition unless at the time of reclamation an agreement is reached among the Planning Commission, the owner/operator of the project, and the effected landowners), for some other disposition.
    e. Plans for the identification, disposal or treatment for all harmful or toxic materials found on the property or project site, including any contaminated soils.
    f. The estimated cost of completing the Reclamation Plan within one year of cessation of operations based on the anticipated costs for the year in which the reclamation would take place.
    g. A statement of the proposed form of a performance guaranty equal to two (2) times the estimated cost of the Reclamation Plan, which may be required by the Planning Commission.

12. Copies of all applications for drilling permits, granted drilling permits, survey records of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources in connection with its permit process for an oil and gas processing or sweetening facility.

B. Prior to the issuance of the special use permit, the owner/applicant shall deliver to the Township:

1. Security for required improvements, if any, required pursuant to Section's of this Ordinance.

2. A bond or other security pursuant to Section's of this Ordinance in an amount equal to twice the estimated cost of completing the Reclamation Plan.

3. The owner/applicant agreement providing the Township with the right to inspect the industrial facility from time to time.

4. The owner/applicant agreement to provide the Township Supervisor with a copy of all Pollution Incident Reports within ten (10) days of the report being prepared for other agencies.

5. All additional costs incurred in processing the special use application, as required by Section's of this Ordinance.

1609. - OIL AND GAS PROCESSING OR SWEETENING FACILITIES:

1. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located within 1,300 feet of an existing dwelling, commercial or other nonresidential building or structure, wetlands or surface water; access roads and pipelines shall be located not closer than 650 feet to an existing dwelling, commercial or closer than 650 feet to an existing dwelling, commercial or other nonresidential building or structures, wetlands or surface water.

2. No oil and gas processing or sweetening facility, except access roads and pipelines, shall be located less than 2,600 feet from an existing subdivision, apartment buildings, residential developments, mobile home parks, residential uses whose occupants are relatively immobile and which are hard to quickly and efficiently evacuate such as hospitals, nursing homes, residential care facilities, or other land uses that result in a dense population; access roads and pipelines shall be located not closer than 650 feet to such uses and structures.

3. The maximum density of oil and gas processing or sweetening facilities shall not be more than one (1) square mile section of land and shall not be located within four (4) miles of another oil and gas processing or sweetening facility.

4. An oil and gas processing or sweetening facility shall be designed to a capacity to service all oil and gas wells that are anticipated to need such service over the maximum life expectancy of the project, within a two (2) mile radius of the proposed project site, except that upon a showing by the applicant that:

   A. An existing oil and gas processing or sweetening facility within the same section of land or within a two (2) mile radius is being operated at capacity and cannot be feasibly expanded; or

   B. The existing facility cannot be expanded or modified to accept oil or

gas from the applicant(s) well(s); or

C. The owners of the existing facility, after reasonable offers and negotiations of terms, refuse to share their facility to service the applicant(s) oil or gas. Then the Planning Commission may act to waive the density standards of this subsection provided the Planning Commission, in deciding whether to waive the density standards herein, may also consider whether there are suitable sites for the proposed oil and gas processing or sweetening facilities or other existing oil and gas processing or sweetening facilities having excess capacity which are more closely situated to the wells which will be serviced by the proposed oil and gas processing or sweetening facility, it being the policy of the Township that, subject to the density objectives set forth herein, and subject to the need to avoid areas of relatively greater population density, the hazards and inconvenience to neighboring properties of necessary oil and gas processing or sweetening facility operations shall, whenever possible, be associated with the areas where the wells being serviced are located, or with properly zoned industrial districts located inside or outside the Township.

5. Sweetening plants shall be located on a parcel not less than ten (10) acres in size and all other oil and gas processing facilities, except sweetening plants, shall be located on a parcel not less then four (4) acres in size, provided, however, that in all cases the minimum parcel size shall not be less then the minimum parcel size established for the land use district in which the project is proposed to be located.

6. All oil and gas processing or sweetening facilities having buildings, plant equipment, and/or machinery located above ground, will be screened from view from all nearby roads, dwellings and commercial uses by vegetation or berm, or a combination of both, placed near or at the perimeter boundary of the project site.

7. In the case of a bulk storage facility, all tanks or other storage facilities, pumps and other equipment are completely enclosed in a berm.

8. All lights or other illumination devices shall be shaded and/or screened by the vegetation, berm and/or by other apparatus such that direct blare is not visible beyond the perimeter boundary of the property.

9. The project site shall be secure to prevent pedestrians and other unauthorized persons from gaining access to the project site.

10. All emissions and/or effluent from the oil and gas processing or sweetening facility shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. A Michigan licensed industrial waste hauler to a licensed Type I or Type II landfill shall transport all solid waste from the site. Steel, or other approved material; tanks shall be used for storage of all liquid materials, including brine, except that earthen pits may be allowed for emergency backup purposes. Sulfur, once separated from natural gas, shall not be incinerated and technology, which chemically changes the sulfur to its elemental form, or other form suitable for resale, or more advanced technology approved by the Planning Commission, shall be used.

11. Sweetening plants shall be fitted with a warning siren audible for one (1) mile in all directions on a calm (no wind) day, which is triggered to sound when concentrations of hydrogen sulfide exceeds 200 parts per million within the project site. The siren shall be periodically tested on a regular basis during the life of the plant operation.

12. Odors shall not be detectable by normal human senses under normal operating conditions at a distance of 1,300 feet from oil and gas processing or sweetening facility.

13. Noise shall not exceed fifty (50) decibels at a distance of 1,300 feet from oil and gas processing or sweetening facility.

14. The applicants) reclamation plan shall be capable of being completed within one year of the cessation of operations of the project.

1610. - WIRELESS COMMUNICATION FACILITIES:

1. Commercial Television, Radio Towers, Public Utility Microwaves, Public Utility T.V. transmitting towers and Personal Wireless Communication Facilities. Not included within this definition are: Citizen Band radio facilities; short wave

receiving facilities. Radio and Television Broadcast reception facilities; federally licensed amateur (Ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt township regulatory authority. Radio and Television towers, public utility microwaves and public utility T.V. transmitting towers, may be permitted by the Planning Commission after a hearing, in RA-1, RA-2, and WR-1 Districts, provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on the property line. The setback standard may be reduced by up to fifty percent (50%) if the construction plan, the tower, and its guying/ anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback standards of the district. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.

2. The following standards will be required for all Wireless Communication Facilities:

A. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or it if co-locates on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations.

B. The Planning Commission may permit wireless Communication Facilities after a public hearing, if it is found that there is no reasonable opportunity to locate per item 1610-B 1. Information must be submitted to show efforts will be made to screen, co-locate or place such facilities on an existing structure. A detailed site plan should accompany the application. If possible, the applicant should submit "point of view" renderings or computer generated images of how the proposed structure and support buildings will appear from the surrounding area. The proposed tower must also meet the following conditions and standards:

1. The proposed height meets FCC and/or FAA regulations.

2. Towers must be equipped with devices to prevent unauthorized climbing.

3. The best available practices for screening must be taken to blend the

tower into the landscape, including, but not limited to, greenbelt planting and painting. Visual beauty areas and public rights-of-way should be avoided. Further, as few structures as possible should be established by the use of existing structures and the avoidance of new freestanding structures.

4. New towers should be engineered as appropriate for co-location of a minimum of five (5) other wireless communication facilities on a common structure, tower or building.

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

Towers engineered for co-location of antennae should design a ground equipment building that will be adequate to hold the equipment of all anticipated co-locators. The wireless communication provider seeking to use an established co-location site will undertake to pay a market rent or other market compensation for co-location. Co-location providers may not charge fees designed to discourage co-location at their sites by other entities. The Township of Pleasanton reserves the right to complete, at the applicant's expense, an independent engineering review.

C. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned. In the case of hardship, the ninety (90) day requirement may be extended by the permitting body to a maximum of an additional thirty (30) days.

1611.- MINI-WAREHOUSE/SELF STORAGE FACILITIES:

1. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24') feet or equal to the building height, whichever is greater.

2. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.

3. A ten (10') foot landscaped greenbelt shall be provided between the property line or wall required along all street frontages. A five (5') foot landscaped greenbelt shall be provided between the property line or wall where the site abuts any residential district. All materials shall be planted in conformance with the General Provisions Article 10 of this Zoning Ordinance.

4. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.

5. Internal driveway aisles shall be a minimum of twenty-four (24') feet in width.

6. All off-street parking areas and driveways shall be hard surfaced. - And drained so as to preclude drainage onto adjacent property

7. All ingress and egress to the site shall be directly from a hard surfaced street. – or from an approved shared access drive to such road.

8. Building height shall not exceed one (1) story or fourteen (14') feet.

9. No single storage building shall exceed seven thousand five hundred (7,500) square feet.

10. All storage on the property, with the exception of item 11 below, shall be kept within an enclosed building.

11. The outdoor storage of recreational vehicles, motorized homes, boats and trailers, motor vehicles, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

12. The use of the premises shall be limited to storage only, and shall not be used for any auction (A), or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

    A. With the exception of owner auctioning off contents of unpaid rental units. Not to exceed three (3) times per year.

[Annotation; Adopted by Township Board December 9, 2025]

1612.- APPROVAL FOR WIND ENERGY SYSTEMS: (CONDITIONS OF APPROVAL)

The Pleasanton Township Planning Commission shall not approve a Special Land Use Permit unless it finds that:

The applicant/owner has demonstrated compliance with the Purpose and Intent, General Provisions, Performance and Regulatory Standards, Application Requirements and Standards for Granting Site Plan Review of the *Pleasanton Township Zoning Ordinance* and other conditions imposed by the Township, and that the applicant shall also comply with the following:

1. Certification of Insurance:

A. Applicant/owner/operator shall indemnify and hold harmless Pleasanton Township, the Township residents, and the landowner, all as additional named insured's, against any and all claims arising out of the existence and operation of the wind energy system.

B. Applicant/owner/operator shall procure comprehensive general liability, casualty, wrongful acts insurance policies, and any other policies customary to the wind energy system industry. This insurance shall be in the amount of $5 million per wind energy system but not to exceed $100 million in the aggregate if the applicant/owner/operator owns more than one energy system in Pleasanton Township. The Planning Commission may adjust these amounts periodically to reflect inflation.

C. The applicant/owner/operator shall maintain these insurances for the duration for the construction, operation, decommissioning, removal and site restoration of the wind energy system. The insurance carrier shall be instructed to provide Pleasanton Township with certificates of the existence of such insurances (annually), and shall be instructed to notify the Township if such insurances expire for any reason. The applicant/owner/operator shall continuously meet the conditions of the insurance policy to ensure that any future claims on the insurance policy will be paid in full.

D. Failure of the applicant/owner/operator to maintain these insurances at all times and to meet the conditions to ensure full reimbursement of a claim shall result in termination of the permit.

E. A copy of the full insurance policy including all attachments, waivers, or other special conditions associated with the policy (policies) shall be provided to the Pleasanton Township Zoning Administrator (or other Township designee) upon request.

2. Road Repair Costs

A. Any damage to a public road within Pleasanton Township resulting from the construction, maintenance or operation of a wind energy system shall be repaired at the applicant/owner/operators expense.
B. For each wind energy system, the applicant/owner/operator, and Pleasanton Township shall agree upon and document construction routes and public road conditions before construction begins. The Manistee County Road Commission shall be consulted for guidance in establishing routes for construction vehicles.
C. The applicant/owner/operator shall provide security in an amount to be agreed upon by the applicant/owner/operator and Pleasanton Township with guidance from applicable experts, to pay for repair of damage to public roads.
D. Failure of the applicant/owner/operator to provide these funds shall result in the termination of the Permit.

3. Post Construction Noise Measurement Requirements

A. Sound Regulations Compliance: A WES shall be considered in violation of the conditional use permit unless the applicant demonstrates that the project complies with all the sound level limits using the procedures specified in this ordinance. Sound levels in excess of the limits established in this ordinance shall be grounds for Pleasanton Township to order immediate shut down of all noncompliant wind turbine units.
B. Post-Construction Sound Measurements: Within twelve (12) months of the date when the project is fully operational, and within four (4) weeks of the anniversary date of the pre-construction background noise measurements, repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WES's running and with all WES's off. At the discretion of Pleasanton Township, the preconstruction background sound levels (L_{A90} and L_{C90}) can be substituted for the "all WES off" tests if a random sampling of 10% of the pre-construction study sites shows that background L_{A90} and L_{C90} conditions have increased less than 3dB from those measured under the pre-construction nighttime conditions. The post-construction measurements will be reported to Pleasanton Township (available for public review) using the same format as used for the pre-construction sound studies. Post-construction noise studies shall be conducted by a firm chosen and hired by Pleasanton Township. Costs of these studies are to be reimbursed by the Applicant/Owner/Operator in a similar manner to that described above. The wind farm developer may ask to have its own consultant observe the publicly retained consultant at the convenience of the latter. The WES applicant/owner/operator shall

provide all technical information and wind farm data required by the qualified independent acoustical consultant before, during, and/or after any acoustical studies required by this ordinance and for acoustical measurements.

4. Height Limit:

The maximum permitted height of an anemometer tower or a horizontal axis wind energy system shall be no greater than one hundred and ninety nine (199) feet in height to the topmost arc of the of the rotating blade system.

5. Setbacks:

The setbacks set forth herein are minimum setbacks for Commercial Wind Turbines. These setbacks may be greater based upon the noise regulatory standards set forth within this ordinance, but in no case may they be any less than set forth herein:

A. Property line and private road setback for adjoining properties**:** The setback of an anemometer tower or a wind energy system from any public or private road and property line shall be no less than eighteen hundred (1,800) feet.

B. Inhabited structure setback and water wells: The setback of an anemometer tower or a wind energy system from any inhabited structure shall be no less than eighteen hundred (1,800) feet except that this requirement shall not apply if:

1. The owner/operator owns the adjoining property or

2. The owner/operator has recorded lease agreements or easements with adjoining property owners.

6. **Wetland Setbacks:** The setback of an anemometer tower or a wind energy system from the delineated boundary of wetlands shall be one thousand eight hundred (1,800) feet or ten (10) times the diameter of the rotor, whichever is greater.

7. **Setbacks to Other Sensitive Areas:** The set back of an anemometer tower or a wind energy system from other sensitive areas, except as specified herein, including lands subject to a conservation easement with, or owned or managed by a land conservancy, no less than one thousand eight hundred (1,800) feet or ten (10) times the diameter of the rotor, whichever is greater.

8. **R1 Residential Zoning District Setback:** The setback of a wind energy system from the boundary of the Pleasanton R1 Residential Zoning District shall be a minimum of two miles.

9. **Active Eagles Nest(s) Setback:** The setback of an anemometer tower or wind energy system from a known active eagle nest should be in accordance with the recommendations of the U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines and the Draft Eagle Conservation Plan Guidance.

10. **Great Lakes Shoreline Setback:** Although Pleasanton Township is not located directly on Lake Michigan, its proximity to a wind energy system shall require the setback be in accordance with the recommendations of the U.S. Fish & Wildlife Service of the U.S. Department of Interior.

11. **Spacing:** Adjacent wind energy systems must be spaced at least one-fourth (1/4) mile apart.

12. **Tower and Turbine Design:** The wind energy system tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) with no guy wires, exterior ladders or platforms.

13. **Color and Finish:** Wind energy systems shall have a non-reflective finish and shall be non-obtrusive, neutral color that is compatible with the natural environment, such as white, gray, or beige. Wind energy systems shall not display logos, advertising or promotional materials.

14. **Lighting:**

The Pleasanton Township Planning Commission shall not permit any wind energy system that requires Federal Aviation Administration-mandated lighting. Continuous nighttime lighting onsite shall not be permitted. Lighting shall be used only as needed for maintenance and inspection. Lighting shall be shielded to minimize glare, visibility and impact on wildlife.

15. **Construction Codes, Towers and Interconnection Standards**:

Wind energy systems together with all related components, including but not limited to transmission lines and transformers, shall comply with all federal, state and county requirements and standards, including applicable construction and electrical codes, local permit requirements, and applicable utility, Michigan Public Service Commission, and Federal Energy

Regulatory Commission Interconnection standards. Wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, as amended, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.

16. **Interconnection and Electrical Distribution Facilities:**

All electrical transmission lines including those from the wind energy system to the electrical grid connection shall be located and maintained underground, in accordance with best practice guidelines, both on the property where the wind energy system is located and off-site.

17. **Safety:**

A. All utility grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

B. Signs no more than four (4) square feet in area and without advertising or promotional materials shall be posted at the wind energy system tower and at the wind energy system service drive entrance at the minimum setback distance. Signs shall display:

(1) Address and telephone numbers that allow a caller to directly contact a responsible individual to deal with emergencies at any time during or after business hours and on weekends and holidays.

(2) A warning about the dangers of falling ice.

C. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system, and properly disposed of in accordance with applicable state and federal law.

D. The minimum vertical blade tip clearance from grade shall be twenty-five (25') feet for a wind energy system employing a horizontal axis rotor.

18. **Impacts on Wildlife Species and Habitat:**

A. Site Selection: Applicants shall follow as closely as deemed possible the U.S. Fish & Wildlife Service *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines (2003)* for selecting appropriate wind energy system site(s).

B. Endangered or Threatened Species: Development and operation of a wind energy system shall not have a significant adverse impact on endangered or threatened fish, wildlife, or plant species as defined by *Michigan Endangered Species Protection, Part 365 of the Natural Resources and Environmental Protection Act (Act 451 of 1994, as amended)* and identified in the Michigan Natural Features Inventory, the Federal Endangered Species Act, Bald and Golden Eagle Protection Act, and the Fish and Wildlife Act of 1956, as amended, or other critical habitats, or other significant habitats identified in studies and plans of local, regional, and federal governmental bodies. The setback of an anemometer tower or a wind energy system from designated critical habitat for any endangered species shall be five (5) miles.

C. Migratory Birds: Development and operation of a wind energy system shall not have an adverse impact on migratory bird species. The wind energy system shall not result in the taking of migratory birds in violation of the Migratory Bird Treaty Act, 16 USC 703-712, as amended.

D. Eagles: Development and operation of a wind energy system shall not have an adverse impact on eagles. The setback of an anemometer tower of a wind energy system from any known eagle's next shall take into consideration the recommendations of the U.S. Fish & Wildlife Service.

E. Imposed Conditions for Monitoring and Operation**:** The Pleasanton Township Planning Commission may impose special conditions for monitoring and operation during seasonal bird and bat migrations. Conditions for operation may include:

(1) Shut-down during and bats and/or low visibility weather conditions periods of high seasonal concentrations of migrating birds

(2) Limits on rotational speed to less than ten (10) revolutions per minute (rpm) during periods of high seasonal concentrations of bats accompanied by low wind and/or low visibility weather conditions.

F. Monitoring:

(1) Avian and bat impact reporting: The owner/operator shall submit a quarterly report to the Pleasanton Township Zoning Administrator or the Township's designee that identifies all dead birds and bats found within five hundred (500') feet of the wind turbine generator. Reporting shall continue for at least two years after turbine operations begin, or longer if required by the Pleasanton Township Planning Commission. Monitoring shall follow protocols referenced in this Ordinance under "Application Requirement: Avian, Bat and Wildlife Impact Analysis and Plan," and results shall be adjusted for predation and observer bias. These

reports shall be prepared by a third-party qualified professional approved by the Pleasanton Township Planning Commission.

(2) Notification and mitigation: In the event of extraordinary mortality of threatened or endangered species, or discovery of an unexpected large number of dead birds and/or bats of any variety on site, the Michigan Department of Natural Resources and Environment and the Pleasanton Township Zoning Administrator or the Township's designee shall be notified within twenty-four (24) hours. The owner/operator shall, within thirty (30) days, submit a report to the Pleasanton Township Zoning Administrator describing the cause of the occurrence and the steps taken to avoid future occurrences.

19. **Noise Regulatory Standards. Establishing Long-Term Background Noise Level:**

A. Instrumentation: ANSI or IEC Type 1 Precision Integrating Sound Level Meter plus meteorological instruments to measure wind velocity, temperature and humidity near the sound measuring microphone. Measurement procedures must meet ANSI S12.9, Part 3 with required Amendments (See note at bottom of Table of Immission Limits below)

B. Measurement location(s): Nearest property line(s) from proposed wind turbines representative of all non-participating residential property within 2.0 miles.

C. Time of measurements and prevailing weather: the atmosphere must be classified as stable with no vertical heat flow to cause air mixing. Stable conditions occur in the evening and middle of the night with a clear sky and very little wind near the surface. Sound measurements are only valid when the measured wind speed at the microphone is less than 2 m/s (4.5 mph).

D. Long-Term Background sound measurements: All data recording shall be a series of contiguous ten (10) minute measurements. The measurement objective is to determine the quietest ten minute period at each location of interest. Nighttime test periods are preferred unless daytime conditions are quieter. The following data shall be recorded simultaneously for each ten (10) minute measurement period: dBA data includes L_{A90}, L_{A10}, L_{Aeq}, and dBC data includes L_{C90}, L_{C10}, and L_{Ceq}. Record the maximum wind speed at the microphone during the ten minutes, a single measurement of temperature and humidity at the microphone for each new location or each hour whichever is oftener shall also be recorded. A ten (10) minute measurement contains valid data provided: Both L_{A10} minus L_{A90} and L_{C10} minus L_{C90} are not greater than 10 dB and the maximum wind speed at the microphone was less than 2 m/s during the same ten (10) minute period as the acoustic data.

20. **Wind Turbine Sound Emission Limits:**

No wind turbine or group of turbines shall be located so as to cause wind turbine sound emission at any location on non-participating property in excess of the limits in the following table:

Table of Not-To-Exceed Property Line Sound Immission Limits[1]			
Criteria	*Definition*	*dBA*	*dBC*
A	Immission above preconstruction background:	$L_{Aeq} = L_{A90} + 5$	$L_{Ceq} = L_{C90} + 5$
B	Maximum immission:	35 L_{Aeq}	55 L_{Ceq} for quiet[2] rural environment 60 L_{Ceq} for rural-suburban environment
C	Immission spectra imbalance	L_{Ceq} (immission) minus (L_{A90}(background)+ 5dBA)	20 dB
D	Prominent tone penalty	5 dB	5 dB
Notes:			

1. *Each Test is independent and an exceedance of any test establishes non-compliance.*
2. *Sound "immission" is the wind turbine noise emission as received at a property*
3. *Prominent tone as defined in IEC 61400-11. This Standard is not to be used for any other purpose.*

Required Procedures are provided in the Section titled "Wind Turbine Siting Acoustical Measurements" in this ordinance.
A "Quiet rural environment" is a location 2 miles from a state road or other major transportation artery without high traffic volume during otherwise quiet periods of the day or night.

21. **Wind Farm Noise Compliance Testing:**

All of the measurements outlined above in 1. Establishing Long-term Background Noise Level must be repeated to determine compliance with 2. Wind Turbine Sound Emission Limits. The compliance test location is to be the pre-turbine background noise measurement location nearest to the home of the complainant in line with the wind farm and nearer to the wind farm. The time of day for the testing and the wind farm operation conditions plus wind speed and direction must replicate the conditions that generated the complaint as closely as possible. Procedures of ANSI S12.9-Part 3 apply.

The effect of instrumentation limits for wind and other factors must be recognized and followed.

22. **Operations:**

The Wind Energy System/Wind Turbine (WES/WT) is noncompliant and must be shut down immediately if it exceeds any of the limits in the Table of Not-To-Exceed Property Line Sound Emission Limits.

23. **Shadow Flicker and Blade Glint:**

The wind energy system shall be designed and operated so that shadow flicker from moving blades or reflected blade glint will not occur off the site on which the facility is located. Shadow flicker or blade glint expected to fall on a roadway or a portion of an off-site property may be acceptable under the following conditions:

A. The flicker or glint will not exceed thirty (30) hours per year; and

B. the flicker or glint will fall more than five hundred (500') feet from an existing residence; or

C. the affected property owner has signed a written agreement with the owner/operator.

D. The traffic volumes are less than one hundred (100) vehicles per day on the roadway.

If shadow flicker or blade glint violate any of these conditions, the problem should be reported to Pleasanton Township who shall be required to contact the owner/operator of the wind energy system. The owner/operator of the wind energy system shall institute abatement of this problem by shutting down the turbine/turbines causing the flicker during the times of the day that generates the flicker.

24. **Groundwater Protection:**

A wind energy system shall be designed and operated so as not to cause groundwater contamination in violation of applicable law. Nothing contained in the special use permit is intended to authorize or permit any degradation of the quantity or quality of the groundwater in

connection with the WES. Furthermore, no wells may be drilled within 1.1 times the height of the wind energy system tower or the safe clearance, whichever is greater. In addition, owner/operator of the WES shall complete a plan for managing surface water runoff to prevent pollution of groundwater through sinkholes and infiltration through the soil and underlying bedrock in the vicinity of each Wind Turbine site.

25. **Blasting:**

Applicant/owner/operator of a WES shall not undertake any blasting in connection with the construction of a Wind Energy System unless applicant shall have notified the Pleasanton Township Planning Commission and submitted a blasting plan consistent with applicable laws and regulations. The blasting plan must be reviewed and approved by the Pleasanton Township Planning commission before any blasting may take place. The plan shall provide, at a minimum, (1) all blasts must comply with the State ground vibration limitations; (2) flyrock traveling in the air or along the ground must remain in the controlled blasting area site owned or controlled by the applicant; (3) all blasting must be performed by or under the direct supervision of a State-licensed blaster; (4) a blasting log for each blast will be maintained by the applicant/owner/operator with copies of said log provided to Pleasanton Township; (5) a resident call list must be established for the purpose of notifying neighbors at homes in the vicinity of the WES of eminent blasting activity. This call list must be maintained and utilized on a "request basis only" for all residents in the vicinity of the WES who asked to be notified prior to any blast; and (6) the storage of explosives will be in accordance with applicable Michigan law.

26. Electromagnetic Interference:

A wind energy system shall be located so that it is not within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

A wind energy system shall be located, constructed and operated so that the system together with all related components, including but not limited to transmission lines and transformers, does not produce electromagnetic interference which would diminish quality or reception with television, telephone (including cellular and land line), wireless and/or broadband internet, microwave, navigational, or radio signal transmission or reception to the neighboring area. The applicant and/or owner/operator of the WES shall be responsible for the full cost of the remediation necessary to correct any problems caused or exacerbated by the operation of the wind energy system and related components. Complaints shall be reported to the Pleasanton Township Zoning Administrator or the Township's designee by the affected party and shall be

investigated and resolved within thirty (30) days in a manner that is acceptable to the affected resident and/or part 97 of the FCC rule and regulations.

27. **Ice Throw:**

The potential ice throw or ice shedding zone for the proposed wind energy system shall not cross the property lines of the site on which the facility is located and shall not impinge on any public right-of-way or overhead utility line. Violations shall be reported to the Pleasanton Township Zoning Administrator or the Township's designee.

28. **Maintenance and Compliance: In order to ensure safety and compliance with the Ordinance:**

A. The owner/operator shall conduct regular monitoring, physical inspections and maintenance of the wind energy system. Copies of monitoring and inspection reports and maintenance logs shall be submitted to the Pleasanton Township Zoning Administrator or the Townships' designee at least once a year or more often if requested in writing by the Pleasanton Township Zoning Administrator or the Township's designee.

B. Pleasanton Township or the Township's designee shall have the right to inspect the premises on which the wind energy system is located and to hire a consultant to assist with any such inspection at the owner/operator's expense.

29. **Abandoned, Inoperable and Unsafe Wind Energy Systems and Adverse Impacts:**

A. Abandoned: Any wind energy system or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and subject to removal.

B. Inoperable: Any wind energy system that cannot meet at least 90 percent of available run time to generate power within the preceding twelve (12) months shall be deemed inoperable and subject for removal if the owner/operator cannot demonstrate to the Township that modernization or repair will be completed within six (6) months.

C. Unsafe: Any wind energy system or anemometer tower that is found to present an imminent physical threat of danger to life or a significant threat of damage to property shall be shut down immediately and removed or repaired or otherwise made safe. A Michigan professional engineer shall certify its safety prior to resumption of operation. The owner/operator shall notify the Pleasanton Township Zoning Administrator or the Township's

designee within twenty-four (24) hours of an occurrence of tower collapse, turbine failure, fire, thrown blade or hub, collector or feeder line failure, or injury. If a serious adverse impact develops due to the operation of any wind energy system or associated equipment that has a detrimental effect on property or resident(s), the affected property owner)s) or resident(s) has a right to request the Pleasanton Township Planning Commission to order repair or shut down the wind energy system(s) in question until the situation has been corrected.

30. **Removal and Site Restoration:**

Within one calendar year of receipt of written notification from the owner/operator, the owner/operator shall remove any wind energy system or anemometer tower:

A. If the owner/operator determines the system is at the end of its useful life, or
B. If the Township determines the system is subject for removal because it is unsafe, abandoned or inoperable, or
C. If the Township determines the special use permit is expired or has been revoked.

Failure to remove a wind energy system or anemometer tower within the twelve month period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner/operator's expense.

All equipment associated with the wind energy system or anemometer tower including all materials above and below the ground shall be removed, and the site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, drainage, and any unique environmental features. The restoration shall include: road repair, if any, and all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the wind energy system. The restoration process shall comply with all state, county or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one year.

31. **Construction Activities:**

Construction activities shall be organized and timed to minimize impacts on township residents and wildlife from noise, disruption (including disruption of wildlife habitat), and the presence of vehicles and people. Construction activities shall occur only during daylight hours.

1613. – AUTOMOTIVE REPAIR FACILITY/SHOPS

A. Purpose and Intent

The purpose of this section is to allow limited automotive repair services in rural areas while ensuring compatibility with surrounding agricultural and residential uses, protecting environmental quality, and minimizing visual and noise impacts.

B. Site Development Standards

1. Minimum Parcel Size
    - Minimum lot area: 10 acres
2. Building Size
    - Maximum building size: 3,000 square feet unless otherwise approved by the Planning Commission.
3. Buffering
    - A landscaped buffer of at least 25 feet in width shall be provided when adjacent to residentially used property.
4. Screening
    - Outdoor storage areas shall be screened with:
        - fencing, berms, or landscaping
        - minimum height 6 feet

C. Operational Standards

1. Indoor Work Requirement
   All repair work shall occur within an enclosed building, except for temporary vehicle staging.
2. Outdoor Storage
    - No more than 10 (ten) vehicles awaiting repair may be stored outdoors.
    - No inoperable vehicles may remain longer than 30 days.
3. Prohibited Activities
    - Junkyards or salvage operations
    - Long-term vehicle storage
    - Dismantling of vehicles for scrap
4. Hours of Operation
    - Monday–Saturday: 7:00 AM – 7:00 PM
    - No Sunday operations unless approved.
5. Noise
    - All operations shall comply with township noise standards.

D. Environmental Protection

1. Fluid Storage
    - All petroleum products, antifreeze, and hazardous materials shall be stored in compliance with regulations of the **Michigan Department of Environment, Great Lakes, and Energy.
2. Waste Disposal

- Used oil, tires, and automotive fluids shall be disposed of through licensed waste handlers.

3. Stormwater Protection
    - Outdoor work areas shall be paved or otherwise treated to prevent contamination of groundwater.

E. Site Plan Review

All automotive repair facilities shall require site plan approval demonstrating compliance with:

- Access management
- Parking and circulation
- Lighting
- Landscaping
- Drainage
- Medium Site Plan required in the RA-1 District
- Detailed Site Plan required in the RA-2 District

[Annotation: Amended by Township Board on May 21, 2026]

1614. Child Care Center

The intent of this section is to provide standards for the placement and operation of Child Care Centers to help meet community needs for accessible and high-quality childcare. The purpose of these regulations is to ensure that Child Care Centers are located and designed in a way that supports safe circulation, protects public health and safety, and limits adverse impacts on surrounding properties. These standards aim to maintain compatibility with neighboring land uses while allowing Child Care Centers to function effectively as essential community services.

A. A safe means of drop-off and pick-up of children shall be provided on site, separated from public streets and an internal parking access lane, and shall be of sufficient size as to not create congestion on the site or within a public roadway.

B. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children based upon enrollment in the facility;

C. The outdoor play area shall not be located within the required front setback area. This requirement may be waived by the Planning Commission if public open space is available five hundred (500) feet from the subject parcel;

D. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing;

E. Appropriate licenses with the state shall be maintained.

F. [Annotation; Adopted by Township Board September 26, 2026]

ARTICLE 18: LAND USE DISTRICT

1801. - LAND USE DISTRICT:

The unincorporated portion of the Township of Pleasanton is hereby divided into five (5) land use districts, as follows:

A. Preserve/State Land WR-1 (Article 34)
B. Residential – Agricultural RA-1 (Article 35)
C. Residential – Agricultural – Commercial by Special Use Permit RA-2 (Article 36)
D. Lakeshore Residential LS-1 (Article 45)
E. Little Bay Resort LBR (Article 46
F. Residential – Agricultural RA-3 (Article 47)

[Annotation; Adopted by Township Board June 14, 2018]

1802. - IDENTIFICATION OF OFFICIAL ZONING MAP:

The land use districts are bounded on a map entitled "Official Zoning Map", which zoning map and the contents thereof are incorporated herein by reference. The Official zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the "Pleasanton Township Permanent Zoning Ordinance", together with the effective date of this Ordinance.

1803. - AUTHORITY OF OFFICIAL ZONING MAP:

Regardless of the existence of copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the Pleasanton Township Hall, shall be the final authority as to the location of all land use district boundaries.

1804. - CHANGES TO OFFICIAL ZONING MAP:

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, the Zoning Administrator shall make such change promptly after the amendment authorizing such change shall have been adopted and published.

Section 1. Amendment to Section 104.

The zoning map incorporated into Section 1804 of the Pleasanton Township Zoning ordinance is hereby amended to rezone the following property situated in the Township of Pleasanton, County of Manistee, State of Michigan and described as the 1921 plat of the Little Bay Resort Subdivision from the Residential 1 Zoning District, to the Little Bay Resort Residential Zoning District, as authorized by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006.

[Annotation; Adopted by Township Board 8/11/2014]

1805. - REPLACEMENT OF OFFICIAL ZONING MAP:

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or the prior Official Zoning Map, unless it shall have been adopted in accordance with Act 184 of the Public Acts of 1943, as amended. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Pleasanton Twp. Zoning Ordinance Article 18, adopted on June 14th, 2018, which replaces and supersedes the Official Zoning Map which was adopted on July 10th, 1995."

1806. - RULES OF INTERPRETATION:

1. The Zoning Board of Appeals, consistent with the purposes of this Ordinance and the following rules of interpretation, shall determine all questions concerning the exact location of boundary lines of any land use district not clearly shown on the Official Zoning Map.

2. Unless otherwise indicated, the boundary lines of land use districts shall be interpreted in accordance with the following rules of interpretation:

   A. A boundary indicated as approximately following the centerline of a highway, road, alley or easement should be construed as following such centerline as it existed on the date of enactment of this Ordinance.

B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line as it existed on the date of enactment of this Ordinance

D. A boundary indicated, as approximately following the corporate boundary line of a city, village or township shall be construed as following such line as it existed on the date of enactment of this Ordinance.

E. A boundary indicated as following the water's edge shall be construed as following such water's edge, and in the event of change in the location of the water's edge, shall be construed as following the actual water's edge at the time of interpretation.

F. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water should be construed as following such centerline as it exists at the time of interpretation.

G. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs (A) through (E) above should be so construed.

ARTICLE 34: DISTRICT WR-1 PRESERVE / STATE LAND

[Annotation: Zoning District Classification: 3468]

3401.-PURPOSE:

It is the intent of this district to provide for safe, wholesome public use of public lands under the jurisdiction of Pleasanton Township.

3402. - USES PERMITTED:

Permitted uses by permit authorized pursuant to Section 8401 et.seq. of this Ordinance.

A. Picnic grounds
B. Public lookouts
C. Forest preserves
D. Public recreation areas
E. Dwellings
F. Agricultural establishments
G. Forestry
H. Accessory Solar Energy Systems
I. Family Day Care Home

[Annotation; Adopted by Township Board September 26, 2026]

3403. - SPECIAL USES:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this ordinance:

1. Communication facilities [48]
2. Public camping grounds.
3. Bed and Breakfast
4. Low impact professional office/by appointment only, requires a land use permit and it shall be permitted in all districts except under Article 46 in Pleasanton Township. If the permit shall be issued, all non-conforming parcels must become conforming to the current requirements in the Township.
5. Large Scale Commercial Solar Energy Systems

[Annotation; Adopted by Township Board July 11, 2023]

3404. - MINIMUMS:

1. Minimum parcel area: 10 acres with minimum road frontage of 200 feet.

2. Minimum setbacks, including all accessory buildings:

A. Front: 83 feet, measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.

B. Rear: 20 feet.

C. Side: 10 feet.

D. From the water's edge of any lake, stream, creek, river or wetland area: 300 feet.

[Annotation; Adopted by Township Board June 14, 2018]

3. Minimum floor area: 840 square feet.

ARTICLE 35: DISTRICT RA-1 RESIDENTIAL - AGRICULTURAL

[Annotation: Zoning District Classification: 3465]

3501. - PURPOSE:

It is the intent of this district to provide for neighborhoods of a rural character with a mix of forestry practices, agricultural practices, residential use, resort-residential uses, small retail and service businesses in a homogeneous manner while at the same time discouraging manufacturing, wholesale, major retail.

3502. - USE REGULATION:

Permitted uses by permit authorized pursuant to Section 8401 et-seq of this Ordinance:

A. Dwellings and Duplexes. Home occupations: see Section 503 of this Ordinance.
B. State licensed residential facilities. See Section 503 of this Ordinance.
C. Parks.
D. Agricultural establishments [01 and 02].
E. Educational services [82].
F. Churches [8661].
G. Fire Protection [9224].
H. Signs.
I. Accessory buildings, structures and uses to the above.
J. Bed and Breakfast.
K. Accessory Solar Energy Systems
L. Family Day Care

[Annotation; Adopted by Township Board September 26, 2026]

3503.-SPECIAL USE:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance:

A. Mobile home parks.
B. Sand, gravel and mineral extraction [14].
C. Electrical, gas and sanitary services [49].
D. Farm machinery and equipment sales establishments [5083].
E. Farm supply establishments [5191].
F. Group Day Care home [835], See Section 503 of this Ordinance.
G. Campgrounds, trailer parks [703].
H. Oil and Gas processing or sweetening facilities.
I. Communication facilities [48, except 489].

J. Golf Courses.
K. Planned Unit Developments.
L. Commercial Wind Energy Systems.
M. Low impact professional office/by appointment only, requires a land use permit and it shall be permitted in all districts except under Article 46 in Pleasanton Township. If the permit shall be issued, all non-conforming parcels must become conforming to the current requirements in the Township.
N. Large Scale Commercial Solar Energy Systems
O. Automotive Repair Facility

[Annotation; Adopted by Township Board September 26, 2026]

3504.-MINIMUMS:

A. Minimum parcel area: 10 acres with minimum road frontage of 200 feet, except for flag lots (see D).
B. Minimum setback, including all accessory buildings:
1. Front - 83 feet. Measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
2. Rear: 20 feet.
3. Side: 10 feet.
4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area: 100 feet.
C. Minimum floor area: 840 square feet.
D. Flag Lot Minimums: A flag lot must have a minimum of 66 feet of road frontage with no structure over 50 square feet allowed in the pole area of the parcel. The pole area of a parcel may only access one parcel of land, unless a private road and proper land division is approved by the township.

3505. - SPECIAL CRITERIA:.

[Annotation; Adopted by Township Board June 14, 2018]

ARTICLE 36: DISTRICT RA-2 RESIDENTIAL - AGRICULTURAL - COMMERCIAL BY SPECIAL USE PERMIT

[Annotation: Zoning District Classification: 3465]

3601.-PURPOSE:

It is the intent of this district to allow, by special use permit, commercial area (s) in Pleasanton Township along certified county roads and State or Federal highways which will promote the wellbeing of the residents and encourage the growth.

3602. - USE REGULATIONS:

Permitted uses by permit authorized pursuant to Section 8401 et. seq. of this Ordinance. And any use permitted in any other Zoning District:

A. Dwellings and Duplexes.
B. Home occupations (see section 503 of this Ordinance).
C. State licensed residential facilities (see section 503 of this Ordinance).
D. Apartment Buildings.
E. Parks.
F. Agricultural establishments [01 and 02].
G. Forestry [08].
H. Construction establishments [C: 15-17].
I. Logging [241].
J. Accessory buildings, structures and uses to the above.
K. Accessory Solar Energy Systems.
L. Family Day Care Home

[Annotation; Adopted by Township Board September 26, 2026]

3603. - SPECIAL USES:

Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance:

A. Residential Trailer Parks [6515]
B. Sand, gravel and mineral extraction [14].
C. Furniture and fixtures manufacturing [25].
D. Miscellaneous converted paper products manufacturing [267].
E. Oil and Gas processing or sweetening facilities.
F. Local and interurban passenger transit [41].

G. Trucking and warehousing [42].
H. Transportation services [47].
I. Communication facilities [48].
J. Electrical, gas and sanitary services [49].
K. Wholesale trade establishments [F: 50-51].
L. Retail establishments [G: 52-59].
M. Drinking places [5812].
N. Liquor stores [592].
O. Golf Courses.
P. Planned Unit Developments.
Q. Service establishments [H: 70-89] except:
(1). Campgrounds, trailer parks [703].
(2). Automotive repair shops [7538].
(3). Producers, Orchestras, Entertainers [792] which take place outside a building.
R. Fire protection [9224].
S. Campgrounds, trailer parks [703].
T. Signs.
U. Miscellaneous general merchandise stores [539]
V. Auction rooms [5999]
W. Automotive repair shops [7538]
X. Adult book and/or video store
Y. Adult motion picture theater
Z. Adult mini-motion picture theater
AA. Adult paraphernalia / novelty store
AB. Massage parlor
AC. Host or hostess establishments:

1. Open dance hall
2. Adult live entertainment establishments regardless of whether alcohol beverages may or may not be served.
3. Adult panoramas
4. Any combination of the forgoing (U-Z)

AD. Commercial Wind Energy Systems.
AE. Accessory buildings, structures and uses to the above
AF. Low impact professional office/by appointment only, requires a land use permit and it shall be permitted in all districts except under Article 46 in Pleasanton Township. If the

permit shall be issued, all non-conforming parcels must become conforming to the current requirements in the Township.

AG. Group Day Care Home
AH. Child Care Center
[Annotation; Adopted by Township Board September 26, 2026]

3604.-MINIMUMS:

A. Minimum parcel area – 2 acres
B. Minimum parcel width throughout – 200 feet
C. Minimum highway frontage – 200 feet
D. Minimum setbacks, including all accessory buildings:
1. Front – 83 feet. Measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
2. Rear-20 feet.
3. Side-20 feet.
4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area – 300 feet.
E. Minimum Floor area – 840 square feet.

3605. – ADDITIONAL SPECIAL USE CRITERIA:

1. No storage of any goods, supplies, merchandise or returnable containers shall occur outside the confines of a building or structure, unless there shall be provided an enclosure, by solid fence or its equivalent, not less than six (6) feet in height and complying with the setback minimums stated in Section 3604 D of this Ordinance around such yard storage area. Fences shall be constructed and maintained of materials consisting of solid wood, lumber or chain link fence with metal strip. Information concerning yard storage and fence material shall be included in the site plan required by Section 8402 B-l of this Ordinance.

2. Manufacturing establishments applying for special use permits shall be strictly limited to the fabrication and assembling of component parts and materials. Manufacturing operation entailing the production of metals, chemicals, or plastics from raw materials shall not be permitted.

3. Sexually oriented businesses:

A. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, and chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

B. In order to obtain and retain a special use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:

(1) A special use permit must be acquired through the special use procedures as described in this section.

(2) In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this section shall not be located within 500 feet of two (2) other such regulated uses as defined by this section, nor within 500 feet of any residentially zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property lines.

(3) The regulated uses, as defined by this section, shall only operate between the hours of 8:00 am and 10:00 pm.

(4) There shall be a manager on the premises at all times.

(5) The onsite manager of the regulated use shall allow no one under the age of 18 onto the premises.

(6) No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building on the regulated use.

(7) Once a special use permit has been issued, the regulated use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance.

(8) If a regulated use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance.

(9) The designated parking area for the sexually oriented business shall be lighted from dusk till dawn.

(10) A secure and well-lighted entrance, separate from that provided for patrons, will be provided for all employees, regardless of their job descriptions.

[Annotation; Adopted by Township Board June 14, 2018]

4. The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:

A. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulation will still be observed.

B. The proposed use will not enhance or promote a deleterious effect upon adjacent area through causing or encouraging blight, a chilling effect upon other businesses and residents or a disruption in neighborhood development.

C. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation.

D. Where all other applicable regulation within the Pleasanton Township Zoning Ordinance or other pertinent zoning ordinances will be observed. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

This Ordinance shall be effective at 12:01 am on the day following its publication as required by law.

ARTICLE 45: DISTRICT LS-1 LAKESHORE RESIDENTIAL
[Annotation: Zoning District Classification: 4517]

4501.- PURPOSE:
It is the intent of this district to preserve and provide for the rural and lakeshore character of the district.

4502. - USE REGULATIONS:
Permitted uses by permit authorized pursuant to Section 8401 et. seq of this Ordinance:
A. Dwelling and Duplexes.
1. Home occupations (see section 503 of this Ordinance).
B. State licensed residential facilities (see section 503 of this Ordinance).
C. Educational services [82].
D. Family Day Care Home and Group Day Care Home [8351] (see section 503 of this Ordinance).
E. Religious Assembly [8661].
F. Fire protection [9224].
G. Accessory buildings, structures and uses for the above.
H. Bed and Breakfast
I. Public Park
J. Accessory Solar Energy Systems
[Annotation: Amended by Township Board on July 11, 2023]

4503. - SPECIAL USES:
Special use by permit authorized pursuant to Section 8601 et. seq. of this Ordinance:

A. Planned Unit Developments.

B. Low impact professional office/by appointment only, requires a land use permit and it shall be permitted in all districts except under Article 46 in Pleasanton Township. If the permit shall be issued, all non-conforming parcels must become conforming to the current requirements in the Township.

[Annotation; Adopted by Township Board June 14, 2018]

4504.- MINIMUMS:

A. Minimum parcel area - 20,000 square feet.

B. Minimum parcel width throughout - 100 feet.

C. Minimum road frontage - 100 feet.

D. Minimum setback, including all accessory buildings:

1. Front - 57 feet from the centerline of the road.
2. Rear - 20 feet (Also see 4505, B-4).
3. Side - 10 feet.
4. On riparian or littoral lots, or lots contiguous to that part of a road that is riparian or littoral, no structure shall be more than five (5) feet in height between the waters' edge and a line which is the average setback line of the two (2) principle residential structures on either side of the property.
   [Annotation: Amended by Township Board on April 11, 2016]
5. Minimum setback from wetland: 25 feet.

E. Minimum floor area: 840 square feet for a dwelling.

F. Minimum floor area for a duplex: 840 square feet for each family unit.

G. Minimum width of dwellings or duplexes: 20 feet, excluding attached garages, greenhouses, or other areas not designed or intended for human habitation.

4505. - HEIGHT

Maximum height: 28 feet from grade. Section 1070 Height does not pertain to this district.

4506. - OTHER REGULATIONS:

A. Driveways: All buildings and structures shall provide access to an adjoining road by means of a driveway not less than ten (10) feet in width and unobstructed by bordering trees or other natural growth.

B. Fences:

1. A fence, which does not exceed six (6) feet in height, may be constructed on any portion of a lot except the front yard. In case of lake front parcels, the "front yard" is defined as the area between the dwelling and the lake shore.

2. A fence more than six (6) feet tall shall be set back from the property line a distance equal to the applicable setback requirements.

3. A fence located in the front yard portion of a lot shall not be more than four (4) feet high and shall be a see through, decorative type or an open chain link fence. In case of lake front parcels, the "front yard" is defined as the area between the dwelling and the lakeshore.

4. In lake front areas where property is owned by one owner on both sides of the road (see illustration) garages and other accessory buildings must be set back a minimum of forty-five (45) feet from the center of the road, as determined by the Manistee County Road Commission or Zoning Administrator. The Zoning Administrator will have the right to determine up to three (3) feet exception to that rule upon site inspection. If a lot to the rear of a lake front lot is to be used for a primary residence, the fifty (50) foot setback applies.

4507. - ACCESSORY BUILDINGS:
A detached utility building or garage for use for the storage of automobiles and, or boats and/or miscellaneous storage shall be permitted, however, that all such structures shall comply with the setback restrictions and side yard requirements of dwellings and duplexes. An accessory building or structure shall be on the same parcel of land as the dwelling as it is the intent of this district and ordinance not to allow storage buildings in this district unless a primary dwelling is located on the same lot of land. In cases where there are contiguous properties in separate subdivisions, the primary dwelling shall be contiguous and owned by the same property owner in order to receive a permit for an accessory building.

4508. - NONCOMMERCIAL RECREATIONAL FACILITIES:
No recreational facilities of a noncommercial nature permitted in the district shall be so located or operated as to create a nuisance to a neighboring dwelling or duplex.

[Annotation; Adopted ty Township Board 04/13/2015]

4508. - TRAILER STORAGE:

The outdoor storage of trailers of any kind is entirely prohibited in the Lakeshore Residential District, unless there is an existing principal dwelling and the trailers being stored are owned by the individual occupying the property or the property owner. Outdoor trailer storage, where permitted, shall not be located in the front yard or anywhere inside of the setback limits along the side yard or rear yard.
[Annotation; Adopted ty Township Board 10/12/2017]

[Annotation; Adopted by Township Board June 14, 2018]

ARTICLE 46: DISTRICT LBR - LITTLE BAY RESORT RESIDENTIAL ZONING

4601.- PURPOSE:

It is the intent of this district to accommodate the 1921 plat of the Little Bay Resort Subdivision. The Township does not intend nor does it have the authority to enforce the Dayton Outing Club by-laws and regulations. However, in an effort to better serve property owners, this zoning district is written to work in concert with the associations by-laws and established land use regulations.

4602. - USE REGULATIONS:

Permitted uses by permit authorized *pursuant to Section 8401 et. seq of this Ordinance:*

A. Dwelling and Duplexes.

B. Home occupations (see section 503 of this Ordinance).

C. Family Day Care Home and Group Day Care Home [8351] (see section 503 of this Ordinance).

D. Religious Assembly.

E. Fire protection [9224].

F. Accessory buildings, structures and uses for the above.

G. Bed and Breakfast.

4603.-MINIMUMS:

A. Minimum parcel area: 3,600 square feet.

B. Minimum parcel width throughout: 40 feet.

C. Minimum road frontage: 40 feet.

D. Minimum setback, including all accessory buildings:

1. Front – 15 feet.

2. Rear – No minimum setback. No part of the structure shall exceed the lot line including water control devices such as gutters.

3. Side – 2 feet from the wall to the lot line with a maximum of 18-inch overhang (eve) including water control devices (gutters). Minimum of 6 inches from the overhang (eve) to the lot line that includes water control devices such as gutters.

4. Minimum setback from the water's edge of any stream, creek, river or wetland area- 100 feet.

5. Minimum setback from water's edge of any lake - 25 feet.

6. Minimum Floor area – 840 square feet for a dwelling.

7. Maximum height – 25 feet

4605. - ACCESSORY BUILDINGS:
A detached utility building or garage for use for the storage of automobiles and, or boats and/or miscellaneous storage shall be permitted, however, that all such structures shall comply with the setback restrictions and side yard requirements of dwellings and duplexes.

ACCESSORY SOLAR ENERGY SYSTEMS - ground-mounted only, as permitted use.

[Annotation: Amended by Township Board on July 11, 2023]

ARTICLE 47: DISTRICT RA-3 RESIDENTIAL - AGRICULTURAL
[Annotation: Zoning District Classification: 3465]

4701. - PURPOSE:
It is the intent of this district to provide for neighborhoods of a rural character with a mix of forestry practices, agricultural practices, residential use, resort-residential uses, small retail and service businesses in a homogeneous manner while at the same time discouraging manufacturing, wholesale, major retail.

4702. - USE REGULATION:
Permitted uses by permit authorized pursuant to Section 8401 et-seq of this Ordinance:
A. Dwellings and Duplexes. Home occupations: see Section 503 of this Ordinance.
B. State licensed residential facilities. See Section 503 of this Ordinance.
C. Parks.
D. Agricultural establishments [01 and 02].
E. Educational services [82].
F. Churches [8661].
G. Fire Protection [9224].
H. Signs.
I. Accessory buildings, structures and uses to the above.
J. Bed and Breakfast.
K. Accessory Solar Energy Systems
L. Family Day Care Home
[Annotation; Adopted by Township Board September 26, 2026]

4703.-SPECIAL USE:
Special uses by permit authorized pursuant to Section 8601 et. seq. of this Ordinance:
A. Mobile home parks.
B. Sand, gravel and mineral extraction [14].
C. Electrical, gas and sanitary services [49].
D. Farm machinery and equipment sales establishments [5083].
E. Farm supply establishments [5191].
F. Group Day Care home [835], See Section 503 of this Ordinance.
G. Campgrounds, trailer parks [703].
H. Oil and Gas processing or sweetening facilities.
I. Communication facilities [48, except 489].

J. Golf Courses.
K. Planned Unit Developments.
L. Commercial Wind Energy Systems.
M. Low impact professional office/by appointment only, requires a land use permit and it shall be permitted in all districts except under Article 46 in Pleasanton Township. If the permit shall be issued, all non-conforming parcels must become conforming to the current requirements in the Township.
N. Child Care Center
[Annotation; Adopted by Township Board September 26, 2026]

4704.-MINIMUMS:
A. Minimum parcel area: 5 acres with minimum road frontage of 200 feet, except for flag lot (see D).

B. Minimum setback, including all accessory buildings:
1. Front - 83 feet. Measured from centerline of road, as determined by the Manistee County Road Commission or Zoning Administrator.
2. Rear: 20 feet.
3. Side: 10 feet.
4. Minimum setback from the water's edge of any lake, stream, creek, river or wetland area: 100 feet.

C. Minimum floor area: 840 square feet.

D. Flag Lot Minimums: A flag lot must have a minimum of 66 feet of road frontage with no structure over 50 square feet allowed in the pole area of the parcel. The pole area of a parcel may only access one parcel of land, unless a private road and proper land division is approved by the township.

4705. - SPECIAL CRITERIA:

[Annotation; Adopted by Township Board June 14, 2018]

ARTICLE 73: WETLAND OVERLAY DISTRICT
[Annotation: Zoning District Classification: 7200]

7301.-PURPOSE:
This overlay district is to protect various wetlands in Pleasanton Township from filling, prevention of runoff-laden pollutants, preservation of plant materials, preserving the aesthetics while at the same time providing for development when possible.

7302. - AREA AFFECTED:
This overlay district shall include all lands shown as the Wetland Overlay District on the Official Zoning Map. Such lines are intended to meander one-hundred (100) feet landward (upland) from the edge of the wetland. If there is a dispute where the edge of the wetland is, the edge shall be as marked on the ground by the Michigan Department of Natural Resources.

7303. - PERMITTED USES:
All uses permitted by right or potential special uses listed in the respective underlying district shall be permitted except as otherwise noted here in this article.

7304. - CONFLICTS WITH THE OVERLAY DISTRICT:
Whenever other provisions of this Ordinance conflict with provisions of this Article, the provisions of this Article shall apply. Whenever other provisions of this Ordinance and provisions of this Article have similar regulations but which differ in how restrictive they are, the more restrictive of the two (2) shall apply.

7305. - REGULATIONS:
No building or structure shall hereafter be erected or enlarged unless both of the following are obtained:
A. An onsite sewage disposal permit from the Manistee-Mason District Health Department prior to obtaining a zoning permit under this Ordinance, to be on an upland site which meet the requirements of the Manistee County Health Code.
B. A wetlands permit from the Michigan Department of Natural Resources prior to obtaining a zoning permit under this Ordinance, to be in compliance with the Michigan Wetland Protection Act, PA 203 of 1979, as amended, being MCL281.701 et. seq.

ARTICLE 80: NONCONFORMITIES

8001.- PURPOSE:

Within the district established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures, which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged or removed but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.

8002. - EXTENSIONS:

A nonconforming structure, use, and parcel may not be added to, extended, reconstructed or structurally altered, expanded during its life except for any one or combination of the following and subject to the respective one or combination of the following restrictions:

A. If the nonconformity is a use, which is not otherwise allowed in the zoning district; then the use and structures upon which the use is associated shall not be expanded. Hours of operation or level of service, or any other extension than what exists at the time of adoption of this ordinance or the effective date of any amendments. Under no condition shall the parcel be expanded or the use be expanded to a contiguous parcel.

B. If the nonconformity of the parcel is too small, then the structures shall not be expanded.

8003. - REPAIRS AND MAINTENANCE:

Nothing in this Ordinance shall prevent the repair, reinforcements, improvement or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance or the effective date of any amendments, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the Building Code of Michigan, relative to the maintenance of buildings or structures,

8004. - BUILDING DAMAGE:

A. No building damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt, except in conformity with the provisions of this Ordinance. Such reconstruction, repair or restoration shall be completed within one (1) year following the damage and resumption of use takes place within ninety (90) days of completion. The one (1) year may be extended by the Appeals Board if it finds one of the following conditions to exist:

1. The delay was unavoidable due to weather.
2. The delay was a result of a criminal investigation.
3. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance.

8005. - COMPLETION:

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption or amendment.

8006.-NON-USE:

Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. The Appeals Board for the following reasons may grant an extension:

A. Property held in Probate;
B. Insurance settlement in dispute or
C. Criminal investigation.

8007. - SUBSTITUTION:

A. For the purpose of this section, the permitted uses in the land use districts listed shall be considered in ascending order, as higher uses with District R-l containing the highest uses and District RA-2 containing the least highest uses:

1. Residential.
2. Wilderness.
3. Residential Agricultural 1.
4. Residential Agricultural 2.

B. With the approval of the Zoning Administrator, a nonconforming use, building or structure may be replaced by or substituted with a higher use even though such

replacement or substitution does not change the nonconforming status of such use, building or structure in the land use district in which it is located.

8008. - CHANGE OF TENANCY OR OWNERSHIP:
There may be changes of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

8009. - NOTIFICATION:
Within thirty (30) days after the effective date of the adoption of this Ordinance of any amendment thereto, any nonconforming user shall file with the Zoning Administrator a written statement of the nature and extent of his/her or its nonconforming use.

8010. - NONCONFORMING SPECIAL USES:
A. There are uses which were permitted by right under the Pleasanton Township Zoning Ordinance in effect immediately prior to this Ordinance which are not permitted uses under this Ordinance. Of those uses, there are some, which are listed as potential special uses in this Ordinance. Those existing uses, which were permitted uses, and are listed as special uses in this Ordinance, shall not be considered nonconforming uses.

B. Those uses, or parts of uses, which exist as a permitted use immediately prior to this Ordinance, and are listed, as special uses in this Ordinance shall be considered to be an approved existing special use with the configuration shown on a site plan drawn to reflect how the use exists at the time of adoption of this Ordinance. Parts of uses, which are nonconforming immediately prior to the adoption of this Ordinance, shall continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection shall be known as an unwritten special use permit.

C. An owner of an unwritten special use permit may, at no charge to the owner, obtain from the Commission a certification of a site plan reflecting how the use exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, aerial photographs, flown to the same or greater standards for mapping the county's photos, taken after the County photos but before the adoption of this Ordinance, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above-

mentioned photo(s) may be accepted as the site plan for the unwritten special use permit.

D. When a special use owner applies to amend the unwritten special use permit for expansion or change, a written special use permit amendment application for expansion or change, the commission shall only review and act on the expansion or change portion of the special use permit. If the application for amendment of the special use permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the unwritten special use permit.

ARTICLE 82: ADMINISTRATION

8201.-PURPOSE:

The administration of this Ordinance shall be conducted by the Zoning Administrator whose means of appointment and duties are set forth in the following sections of this Article. Appeals of action(s) taken by the Zoning Administrator may be made to the Zoning Board of Appeals (see Section et. seq. 9604 of this Ordinance).

8202. - PLEASANTON TOWNSHIP ZONING ADMINISTRATOR:

1. The Pleasanton Township Zoning Administrator shall administer the provisions of this Ordinance. The Pleasanton Township Board shall appoint a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Board shall determine, and the duty of the enforcement of this Ordinance shall rest with the Township Zoning Administrator as shall be authorized by law. The Township Zoning Administrator shall, for the purpose of this Ordinance, have the power of a police officer.

2. Members of the Pleasanton Township Planning Commission and Zoning Board of Appeals shall be ineligible for appointment to the office of Township Zoning Administrator. [Annotation; Adopted by Township Board 07/08/2013]

3. Interim Zoning Administrator. In the event of the resignation, death, disability or disqualification of the Pleasanton Township Zoning Administrator, the Secretary of the Pleasanton Township Planning commission shall serve as interim Zoning Administrator until the Pleasanton Township Board shall appoint a new Zoning Administrator. Should the Secretary not be available to serve as Zoning Administrator, any other member of the Planning Commission/Zoning Board may be appointed by the Chairman of the Planning Commission to serve as interim Zoning Administrator.

4. In issuing an order, requirement, decision or determination on any discretionary matter referred to him/her or upon which he/she is required to pass under this Ordinance, it shall be sufficient for the Zoning Administrator to reasonably conclude that the purposed use, building, or structure is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the

natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination, protects the public health, safety and welfare, and is consistent with constitutional requirements of due process and equal protection.

8203. - NOTICES

A. Public Notification: All applications requiring a public hearing or public notice shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) and the other provisions of this Section with regard to public notification.

B. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Pleasanton Township and deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service, or personally delivered.

C. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

D. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Pleasanton Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice shall be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c. Other persons which have requested to receive notice.

2. Notice by Mail/Affidavit: Notice shall be deemed given by its deposit with the U.S. Postal Service, or other public or private delivery service, or personally delivered during normal business hours.

3. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

E. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows: For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

ARTICLE 84: PERMITS

8401. - LAND USE PERMITS:

No land shall be occupied or used and no building or structure shall hereafter be erected, altered or relocated under the provisions of this Ordinance until the Zoning Administrator shall issue a permit authorizing the same.

8402. - LAND USE APPLICATIONS:

1. If a use is listed in a respective land use district as a permitted use, anyone with an interest in a parcel may apply for a zoning permit under this section. Zoning permit applications are made on a form prepared by the Zoning Administrator and presented to the Zoning Administrator.

2. The Zoning Administrator shall require that copies of plans, specifications and such other information as he/she may deem necessary shall be filed with the application for permit. Such other information shall include, but not be limited to:
   A. A site plan, drawn to the specifications of section 9404 of this Ordinance.
   B. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
   C. A concise statement of all operations and uses, which will be conducted on the land and buildings.
   D. A concise statement of the services, if any, to be offered to the public, if applicable.
   E. Any other information required by this Ordinance.
   F. A nonrefundable fee. The Township Board shall establish the fee from time to time.
   G. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.

3. The application and site plan, if applicable, shall show the proposed use and structures, which will be developed in compliance with all aspects of this Ordinance. No permit shall be issued by the Administrator under this section for any use, which fails to conform to any relevant provision of this Ordinance or which fails to conform to any minimum requirement established for the land use district in which the proposed use is to be located, or which fails to conform to any standard set forth in the definition

of the proposed use, or which fails to conform to the general regulations set forth in this Ordinance.

4. Upon receipt of a zoning permit application, the Zoning Administrator shall review the application to insure it is complete, to coordinate its review with other agencies, if required.
   A. If the application is not complete, the administrator shall return the application with a letter that specifies the additional material required.
   B. If the application is complete, but is found not to conform with this Ordinance, a permit denial shall be sent to the applicant, in writing, listing the violations of the Ordinance, and what changes would be necessary to obtain a permit, if any changes made would make it possible for a permit to be issued.
   C. If the application is complete and the proposed land use and structures are found to comply with this Ordinance, a zoning permit shall be issued.
   D. A zoning permit issued under this Ordinance shall be considered one of the "other applicable laws and ordinances" referenced in Section 11 (1) of Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1511(1). Thus, a zoning permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et. seq.

8403. - PERMIT EXEMPTIONS:

Sections 8401 and 8402 of this Ordinance notwithstanding, a zoning permit or fee is not needed under this section for the following uses. Nothing in this section exempts or requires construction permits, other than required by Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et. seq.

1. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.

2. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with said relocation or

replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.

3. Remodeling, repair of an existing structure, which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.

4. Open Space; i.e., the removal of trees, shrubs, buildings or structures to create open space devoid of these features, except where the land area involved is in a "Greenbelt area".

5. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.

6. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.

7. Harvesting of timber as part of a forest management activity and as part of a forest management plan, except when such activity takes place within a "Wetland Conservation District".

8. Hedges, arbors, trees, gardens, plants, shrubs.

9. Sidewalks, driveways to dwellings.

10. Domestic animal shelters.

11. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to playhouses, dollhouses, tree houses, forts, hideouts and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.

12. Personal property sales.

13. Essential public services such as the erection, construction, alteration or maintenance by public utilities or commissions of aboveground or

underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customer/clients, but not including regional, long distance, interstate distribution or collection systems.

14. Buildings or additions to a building and not for a new type of land use and not exceeding 100 square feet as long as setback minimums are maintained.

8404. - START WORK DEADLINE:

A permit issued under this Section is void if the use is not commenced within one (1) year. The Administrator may grant a renewal after a restudy of the permit at no cost to the applicant, and the applicant continues to meet all requirements for a permit.

8405. - VOID PERMITS:

A. A violation of any condition or specification in a permit issued under this Section shall void the permit.

B. Any improper or incorrect information contained in the application for permit issued under this Section shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

8406. - DISTRIBUTION OF LAND USE PERMITS:

Each land use permit shall be issued in four (4) copies and the copies shall be distributed as follows:

A. One to the applicant, which he/she is to retain until construction is completed.

B. One to the Township Supervisor.

C. One to the Planning/Zoning Board, and

D. One to be retained by the Zoning Administrator as part of the permanent records of Pleasanton Township.

ARTICLE 86: SPECIAL USES

8601.-PURPOSE:

This Ordinance divides Pleasanton Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses, which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

8602. - AUTHORITY TO GRANT PERMITS:

The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Commission, the Administrator shall issue these permits.

8603. - APPLICATION FEE:

If a use is listed as a possible Special Use in any district, anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application will be made on a form provided by the Administrator and submitted to the Administrator along with required information and the required fee. The Township Board will establish the fee from time to time. The applicant shall pay any additional costs incurred in processing the application, beyond that covered by the fee, before the permit is issued. No portion of the fee shall be refundable.

8604. - INFORMATION REQUIRED IN APPLICATION:

A. An application for Special Use Permit shall include:

1. The applicant's name and address

2. A signed affidavit stating the applicant is the owner, or is acting on the owner's behalf.

3. The address and legal description of the property.

4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 0608 of this Ordinance.

5. A detailed site plan as specified in section 9406 of this Ordinance.

6. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related material as applicable.

7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.

8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Construction Code Permit.

B. In addition, the applicant may be required to furnish**:**

1. Elevations on all buildings, including accessory buildings.

2. An environmental assessment.

3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

C. The applicant shall certify the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

8605. - REVIEW FOR COMPLETENESS:
Upon receipt of the Special Use Permit application, the Administrator will review the application to insure it is complete.

A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
B. If the application is complete, the Administrator and chairperson of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit application.

8606. - NOTICE OF PUBLIC HEARING:

A. The Administrator shall notify the following persons of the public hearing not less than five (5) nor more than fifteen (15) days prior to the date that the application will be considered:
1. The applicant.
2. The owner of the property, if different
3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll.
4. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested.
5. The general public by publication in a newspaper, which circulates in the township.

B. The notice shall include:
1.The nature of the Special Use Permit being requested.
2.The property for which the request has been made.
3. The date, time and location of the public hearing.
4. The address at which written comments should be directed prior to the hearing.

8607. - HEARING AND DECISION:
A. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application.
B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum, the record of the decision shall include:
1. A summary of public comments made at the hearing.
2. Formal determination of the facts.
3. The conclusions derived from the facts (reasons for the decision).
4. The decision.

5. A listing of any conditions upon which issuing a permit is issued or occupancy is allowed.

8608. - SPECIAL USE PERMIT STANDARDS:

A. The standards for determining if a Special Use Permit is to be granted or not are:

1. Is the use reasonable and designed to protect the health, safety and welfare of the community?
2. Is the use consistent with the intent and purpose of the district?
3. Is the use compatible with adjacent land uses?
4. Is the use designed to ensure that public services and facilities are capable of accommodating increased loads caused by the land use or activity?
5. Does the use comply with other general and specific standards of this Ordinance?

B. Additional Special Use Permit Standards As Applied to Wind Energy Systems:

1. The wind energy system will not pose a risk to the health, safety and welfare of the Township residents.
2. The wind energy system will not pollute, impair, or destroy the Township's natural resources.
3. The wind energy system will not cause damage or harm to sensitive area within Pleasanton Township as defined and set forth herein based upon recommendations of the U.S. Fish & Wildlife Service.
4. The wind energy system will not destroy or impair the aesthetics of the community.
5. The wind energy system will not destroy or impair the current and future tourism-based economy.

[Annotation; Adopted by Township Board 07/08/2013]

8609. - SPECIAL USE PERMIT CONDITIONS:

A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:

1. Reasonable and designed to protect natural resources, the health, safety and

welfare of the public;

2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;

3. A valid exercise of the police power;

4. Related to the purposes which are affected by the proposed use or activity;

5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective district;

6. Designed to insure compatibility with adjacent uses of land and the natural environment, or

7. Designed to ensure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facilitate loads caused by the land use or activity.

B. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is for mining, and sweetening plant operation and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

8610. - SECURITY REQUIREMENTS:

A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator, upon advice and consent of the Commission, may require:

1. A cash deposit;
2. Certified check;
3. Irrevocable bond, letter of credit or
4. Surety bond, in an amount and under the conditions permitted by law.

B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

8611. - AMENDMENT OF SPECIAL USE PERMITS:
Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Township and applicant, if done prior to the issuance of an occupancy permit.

8612. - TRANSFER OF SPECIAL USE PERMIT:
A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for affecting the transfer shall be the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc... required by the Special Use Permit. The original owner, upon transferring the Special Use Permit shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security and other conditions.

8613. - CONSTRUCTION CODE PERMIT:
A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et seq.

8614. - EXPIRATION OF SPECIAL USE PERMITS:
A Special Use Permit shall be valid for as long as the approved Special Use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:
A. If replaced or superseded by a subsequent Special Use Permit.
B. If replaced or superseded by a permitted use.
C. If the applicant requests the rescinding of the Special Use Permit.
D. If the use is not used, moved or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

8615. - VIOLATION OF PERMIT:
Any violation of the terms, conditions of limitations of a Special Use Permit shall be cause for revocation or suspension of the Permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Permit shall occur after giving notice to the permit holder, specifying the violations alleged to exist and when a hearing will be hold on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to

revoke or suspend the Permit shall occur after or at the hearing on the matter. Before revoking or suspending the Permit the Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violations.

ARTICLE 88: PLANNED UNIT DEVELOPMENT

8801.-PURPOSE

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned unit development- The rationale for this departure from normal policy is that virtually the entire Ordinance is drafted in contemplation of regulating separate, individually proposed uses. Whenever it can be demonstrated the needs of the community will be better served by a private plan which combines multiple structures or uses on a single area and maintains in so far as possible, our rural atmosphere, it may be possible to modify some of the regulations which inhibit such a plan without formal amendment of this Ordinance by issuing a Special Use Permit for a Planned Unit Development. The Commission in determining a Planned Unit Development may use the following:

1. To permit flexibility in the regulation of land development;

2. To encourage innovation in land use variety in design, layout, and type of structures constructed;

3. To achieve economy and efficiencies in the use of land, natural resources, energy, and the provision of public services and utilities;

4. To encourage useful open space.

8802. - ELIGIBILITY

No use shall be eligible for special treatment under this section unless all of the following conditions are found to be met by the Planning Commission:

1. The application proposes a planned residential development as defined by this Ordinance;

2. Planned Unit Development of the type contemplated is authorized by Special Use Permit in the relevant District;

3. Every use contemplated in the Planned Unit Development in the respective Districts are:
   a. Listed as permitted uses in that District,
   b. Listed as Special Uses in that District.

4. If a proposed use in a Planned Unit Development is a service establishment, and is not listed as a permitted use or Special Use in the respective district in which a Planned Unit Developments proposed; the use may still be part of the Planned Unit Development if the following conditions are met:
   a. The use is clearly an accessory use to the principle functions) in the Planned Unit Development.
   b. The use is conducted entirely within an enclosed building except for parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature;
   c. The use has all outside accessory and work areas enclosed by a solid wall;
   d. The minimum size of the structure is six hundred (600) square feet in building area; and
   e. The maximum size of all structures (building areas and total interior floor areas), whichever is less is three thousand (3,000) square feet in area.

5. The open space preserved from development (by preservation easement to the township, county or land conservancy) shall be at least seventy (70) percent of the gross acreage of the parcel. Open space will be defined as a space that is functional for wildlife habitat, resource preservation, agricultural use, or recreation. Land in streets, sidewalks, parking areas, and yards shall not be considered as an open space. Natural bodies of water shall not be considered as open space.

6. The proposed Planned Unit Development is on a parcel which is:
   1. Twenty (20) times the size of the minimum (or 2 acres) parcel size in a district where the minimum parcel size is one acre or less, or
   2. Five (5) times the size of the minimum parcel size in a district where the minimum parcel size is one (1) acre to fifteen (15) acres, or
   3. Planned Unit Developments spanning two (2) or more Districts shall meet the minimum land area requirements of each district.

7. The resulting detached single family developmental sites created within the property proposed for the PUD shall each contain a minimum of fifteen thousand (15,000) square foot lot area (or its equivalent in the case of site condominium), which shall not include:
   a. Sand dune with slopes greater than eighteen (18) percent
   b. Beach contiguous to a lake or stream
   c. Wetland
   d. Area that is not accepted by District #10 Health Department for on-site

sewage disposal unless an alternate system of sewage disposal is approved by the District #10 Health Department.
e. High risk erosion area
f. That part of a floodplain where flood waters is expected to have a destructive current.
g. Existing public utility easements.
h. Existing public rights-of-way.
i. Waterfront setback areas, and
j. Slopes over twenty-five (25) percent.

8. The application is otherwise consistent with the legislative policy expressed in Section 8801.

8803. - PROCEDURE:

Prior to submitting a completed formal application for a Planned Unit Development Special Use Permit, the applicant shall request a pre-application conference. A representative(s) of the Planning Commission, the Zoning Administrator, Township Supervisor and others as the Township Planning Commission shall attend this pre-application conference and/or Township Board deemed appropriate to discuss the project and review procedures to ensure the applicant has a clear understanding of the process that is to be followed and the goals and objectives of the township. Upon submitting a request for a preliminary meeting, the applicant shall remit to the Zoning Administrator funds in an amount as specified in the Township Fee Schedule that shall be placed in escrow account used to offset the costs incurred by the Township in the considering of the proposed development. The township retains the right to obtain appropriate consultants at the applicant's expense with funds being drawn from the escrow account to cover these costs. The applicant or their representative shall present at such conference or conferences. The applicant at this meeting shall present the following information:

1. Legal description of the property in question

2. Total number of acres to be included in the project.

3. A statement of the approximate number of residential units and/or the approximate number, type and square footage of nonresidential units,

4. Approximate number of acres to be occupied/or devoted to each type of use.

5. Departures from the regulation of the ordinance that may be requested.

6. A scale drawing of the property depicting:
   a. The approximate number of acres to be preserved as open space.
   b. All known and discernible natural resource and/or natural feature areas of the property including areas of steep slopes, wetlands, sand dunes, water bodies, significant vegetation and other information that will assist the township in gaining a better understanding of the property. Applications for Planned Unit Development are essentially Special Use Permit applications, which request a waiver of basic dimensional restrictions. Submittal of the formal application shall contain that information as required on the application form and as specified in section 8604, 9404, 9405 and 9406.

Accordingly, the Planning Commission under section 8601 et seq shall process them. Except that:

1. The specific procedures of State Zoning enabling statute shall be followed whenever they are inconsistent with section 8601 et. seq's procedures; and

2. Any basic restriction relating to minimum lot size, minimum usable floor area, maximum height or setbacks may be modified in accordance with section 8804. In addition to the procedure for reviewing site plans and Special Use Permits, when the application is for a Planned Unit Development the Planning Commission shall also consult with the following agencies prior to issuing a Planned Unit Development site plan:
   A. The Pleasanton Township Water Department, if applicable.
   B. The Bear Lake Township Fire Department.
   C. The District # 10 Health District Sanitarian or DEQ, whichever is applicable, concerning onsite sewage disposal.
   D. The Manistee County Planning Department.
   E. The Manistee County Conservation District, P.A. 451 Erosion Specialist.
   F. Manistee County Road Commission and/or the Michigan Department of Transportation, as appropriate.

8804. - BASIC RESTRICTIONS AND MODIFICATIONS PROCEDURE:

The Planning Commission shall calculate the number of units permitted for a Planned Unit Development by dividing the gross acreage of the development by the density of principal structures allowed in the District:

A. When calculating available land area, all the land involved in the proposed Planned Unit Development may be used for gross acreage, regardless if the land is all in one (1) zoning district or not. The density obtained represents the maximum number of dwellings or principal structures, which may be permitted for development.

B. If the gross acreage is located in more than one (1) district, then the density shall be calculated separately for each area in each respective zoning district. The district in which most of the land is located shall be used to determine which district regulations shall apply in determining requirements for parking, setbacks, building height, maximum percentage of lot coverage, minimum square feet of building area and signage. The number of units determined to be allowable shall represent the maximum number of dwelling or principle structures, which may be permitted within the Planned Unit Development. The following equivalents shall be used for the purpose of calculating density:

1. One (1) living unit equals one (1) dwelling unit (single family dwelling)
2. Two (2) living units equals one (1), two (2) family dwelling (duplex)
3. One (1) living unit equals one (1) dwelling unit in a multiple family dwelling (an apartment).
4. Each one thousand (1,000) square feet (or fraction thereof) of service establishment space shall be equal to one (1) dwelling unit. Plus 0.25 living units for each additional one thousand (1,000) square feet. Following these calculations, the Planning Commission then may:

a. Permit clustering of development and/or allow a reduction in the size of individual lots within the Planned Unit Development below the minimum area required so long as the density for the entire available land area is not exceeded; and/or

b. Waive, wholly or in part, any minimum usable floor area requirement, set back, or maximum height of fifty (50) feet, in the District if doing so results in:

    1. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township and/or

    2. Lower costs for installation and/or maintenance of public utilities to be owned and operated by the Township, and or

    3. Public Park land developed in or near the development, and/or

    4. Preservation of open space and environmental (sand dune, beach, contiguous to a lake or stream, wetland, high risk erosion area, floodplain,

water setback areas, areas not suitable for on-site sewage disposal, slopes over 25 percent) or visual benefits to the Township, and or

5. Enhanced recreation opportunities, and/or

6. Provide a particular image or appearance at the entrance way, and/or

7. The perimeter setback for the entire parcel(s) is double that which would otherwise be required in the District in which the property is located.

Changes to an approved Planned Unit Development:

A. An approved final development plan and any conditions imposed upon final Planned Unit Development approval shall not be changed except upon mutual consent of the Pleasanton Township Planning Commission and the applicant, and as otherwise provided by this Section.

B. Except for changes determined to be minor changes as provided by the following section (3), changes to an approved Final Site Plan or any conditions imposed on final Planned Unit Development approval shall be reviewed and approved, approved with conditions, or denied by the Planning commission pursuant to the procedures provided by this Ordinance for an original request for Planned Unit Development approval.

C. The Zoning Administrator, without review and approval by the Planning Commission, may approve minor changes to a Final Development Plan. For purposes of the Section, "Minor Changes" means changes which meet the following requirements:

1. For residential buildings, a onetime change of no more than five (5) % in the size of each structure, and provided there is no change in the number of dwelling units.
2. For non-residential buildings, a change of no more than five (5)% in gross floor area.
3. The alteration of vertical elevations by no more than five (5) %.
4. The relocation of building footprints by no more than five (5) feet, unless a specific setback or separation distance was imposed as a condition of the Planned Unit Development approval.
5. An increase in area or areas designated on the Final Plan as open space.
6. The substitution of plant materials included in the Final Development Plan, provided they are substituted by similar types of landscaping on a 1 to 1 or greater basis.
7. Improvements made to access and circulation systems, such as the addition of pedestrian/bicycle paths.
8. A reduction in the size of signs, or an increase in sign setbacks.

9. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces provided is not reduced and circulation hazards or congestion are not created.
10. A change in the name of the Planned Unit Development or in the names of streets within the Planned Unit Development.
11. Other similar changes of a minor nature proposed to be made to configuration, design, layout or topography of the Planned Unit Development which are deemed by the Zoning Administrator to be not material or significant in relation to the entire Planned Unit Development and which the Zoning Administrator determines would not have significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Pleasanton Township Planning Commission for its records. A decision of the Zoning Administrator shall be appealable to the Zoning Board of Appeals. The Zoning Administrator may refer any decision regarding a minor change to a Final Development Plan to the Pleasanton Township Planning Commission for review and approval. The Zoning Administrator shall refer major change to the Final Development Plan to the Planning Commission for approval. In making a determination as whether a change is a minor change, or whether to refer a change to the Pleasanton Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

ARTICLE 94: SITE PLAN

9401.-PURPOSE:

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the Administrator.

9402. - SITE PLAN REVIEW:

1. Every application for a zoning permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Appeals Board shall include a site plan drawn according to the specifications of this article.) The Administrator shall review the site plan prior to issuing a zoning permit, or the Administrator shall transmit the site plan to the Commission for their review.

2. There shall be three (3) levels of site plans, for different complexities of proposed land uses.
   A. A Basic Site Plan (Section 9404), for dwellings additions to dwellings and construction of accessory structures to dwellings. These site plans shall only be subject to review by the Administrator.
   B. A Medium Site Plan (Section 9405), for any permitted use, which is not a dwelling, addition to a dwelling, construction of accessory structures to dwellings and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan, not drawn for purposes of an Appeal, shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.
   C. A Detailed Site Plan (Section 9406), for any Special Use, Planned Unit Development. These site plans shall only be subject to review by the Commission.

3. Whenever possible site plan review by the Administrator and Commission shall be coordinated and done simultaneously with other reviews by the Administrator and Commission on the same application.

9403. - OPTIONAL SKETCH PLAN REVIEW:

Prior to submitting an application, or site plan, for a Zoning Permit an applicant may choose to submit a sketch plan for review by the Administrator and/or Commission. The sketch plan shall be superimposed on an air photo or the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed parcel, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

9404. - REQUIRED DATA FOR A BASIC SITE PLAN:

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or

superimposed on a survey of the parcel. The following shall be shown on the Basic Site Plan:

1. The property, identified by parcel lines and location and size.

2. Name and address of property owner(s), developers), and designers) and their interest in said properties.

3. The scale, north point.

4. Natural features such as woodlots, water bodies, wetlands, high-risk erosion areas, slopes over 25% beach, sand dunes drainage and similar features.

5. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.

6. The proposed driveway, if any.

7. Show any changes or modifications required for any applicable regulatory agency's approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits).

8. Setbacks from all property boundaries.

9405. - REQUIRED DATA FOR A MEDIUM SITE PLAN:

The site plan shall be drawn to scale and shall be on paper, which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

1. All the data required for Basic Site Plan, spelled out in Section 9404 of this Ordinance.

2. The parcel's legal description.

3. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.

4. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.

5. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking areas and the identification of service lines, service parking and snow storage areas.

6. Any proposed alterations to the topography and other natural features shall be indicated.

7. Any proposed location of connections to existing utilities and proposed extensions thereof.

8. A description of the proposed development.

9. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. - REQUIRED DATA FOR A DETAILED SITE PLAN:

A site plan which shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the commission can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Commission, upon initial review of the site plan, may act to require any information specifically waived by the administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the Commission, owner or other qualified individual).

Unless so waived, all site plans shall include the following information:

1. All the data required for a Basic Site Plan, set forth in section 9404 of this Ordinance and for Medium Site Plan, set for the in section 9405 of the Ordinance.

2. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

3. The location, proposed finished floor and grade line elevations.

4. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.

5. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site.

6. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.

7. Generalizes soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.

8. Soil erosion and sediment control measures that shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. - REQUIRED DATA FOR A SITE PLAN INVOLVING SPECIAL GROUNDWATER PROTECTION PROVISIONS.

1. Applicability of this additional site plans content for groundwater protection. Facilities which use or generate hazardous substances:
. In quantities, greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety-five (95) liters (approximately twenty-five (25) gallons), per month, whichever is less or
2. Stores greater than one hundred (100) kilograms (approximately two

hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less shall be subject to site plan review requirements.

2. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or Detailed Site plan set forth in Section 9406 of the Ordinance whichever is applicable, the following shall also be shown in the site plan:
   A. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
   B. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wastewater, and all similar uses.
   C. Location of exterior and interior drains, on-site sewage system, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
   D. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
   E. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
   F. Submission of the "Hazardous Substances Report Form for Site Plan Review".
   G. Submission of the "State/County Environmental Permits Checklist"
   H. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Commission or Administrator, whichever is applicable.

9408. - SUBMISSION OF A SITE PLAN:

Three (3) copies of a site plan shall be submitted with a zoning permit application to

the
Administrator. In the case where a committee of the Commission or the Commission is reviewing the site plan, eight (8) copies of the site plan shall be submitted to the Administrator.

9409. - REVIEW FOR COMPLETENESS:
The Administrator shall review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding shall be done concurrently with similar required findings that a zoning application is complete.

1. If the site plan is not found to be complete, the Administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.

2. If the site plan is found to be complete, the Administrator shall:
   A. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
   B. Determine if the site plan is to be reviewed and acted upon by him/her, and then do so, or
   C. Determine if the site plan is to be reviewed and acted upon by the Appeals Board, and then forward the copies of the site plan to each member of the Appeals Board a week prior to their meeting, or
   D. Determine if the site plan is to be reviewed and acted upon by the Commission or a committee of the Commission, and then set up a site plan review meeting and forward the copies of the site plans to each member of the Commission (or a committee of the Commission) a week or more prior to the commission's meeting.

9410. - STANDARDS FOR SITE PLAN REVIEW:
The Commission and Administrator to review site plans shall use the following standards:

1. All applicable regulations of this Ordinance, which apply generally to all districts, and all applicable regulations of this Ordinance, which apply to the specific zoning district, and any conditions imposed with the granting of a

Special Use Permit or Variance, shall be shown on the site plan as being complied with.

2. All utility easements shall be distributed on site in a manner, which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the Administrator, Commission or Appeals board upon review of the site plan.

3. Water lines, sewer lines: All provisions of surface water drainage shall be approved by the Township and designed in compliance with any applicable federal and state statute, township and county ordinance.

9411. - APPROVAL AND COMPLIANCE:

1. In cases where the Administrator reviews the site plan pursuant to Section 9402, within seven (7) days of the site plan being found complete, as specified in Section 9409, the Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.

2. In cases where the Commission, or a committee of the Commission, reviews the site plan, within sixty (60) days of the site plan being found complete, as specified in Section 9409, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.

3. The action shall be recorded in a record of the zoning application and shall be filed with the Administrator. The Administrator or Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the Administrator or Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and Administrator or Commission mutually agrees, the time limit may be extended.

9412. - CONDITIONS OF SITE PLAN APPROVAL:

1. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown of the approved site plan and/or shall be in writing.

2. Reasonable conditions may include conditions necessary to:
   A. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facilitate loads caused by the land use or activity,
   B. Protect the natural environment and conserve natural resources and energy,
   C. Insure compatibility with adjacent uses of land, and
   D. Promote the use of land in a socially and economically desirable manner.

3. Conditions imposed shall meet all of the following requirements:
   A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land-use or activity under consideration, the residents and landowners immediately adjacent to the proposed land-use or activity, and the community as a whole.
   B. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
   C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9413. - SECURITY REQUIREMENT:

1. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator or the Commission may require:
   A. A cash deposit.
   B. Certified check.
   C. Irrevocable bank letter of credit or
   D. Surety bond in an amount and under the conditions permitted by law.

2. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in

reasonable proportion to the ratio of the work completed as the work progresses.

3. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9414.-FILE COPIES:
At least two (2) copies of the site plan, all-accompanying documents, record of approval, list of conditions, security shall be kept by the Township for its records.

9415. - ZONING PERMITS:
No zoning permit or Michigan Construction Code, building permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et. seq., shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9416. - AMENDMENT OF SITE PLAN:
An application may be considered to amend an existing site plan, and shall be handled in the same manner as the initial site plan review prescribed by Section 9401 of this Ordinance. By mutual agreement between the Township and applicant, minor non-substantive changes may be made to an existing approved site plan is such changes are sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

9417. ADDITIONAL SITE PLAN REVIEW REQUIREMENTS FOR WIND ENERGY SYSTEMS

A. Vicinity Maps: The applicant shall submit vicinity maps and site plans showing the physical features and land uses of the project area. The vicinity maps and site plan drawings shall meet requirements listed in the *Pleasanton Township Ordinance* Article 86 Special Use Permits. The vicinity maps and site plans shall also include maps, plans, section and elevation drawings and written specifications in sufficient detail to clearly describe the following:

1. Existing zoning districts, land uses, including all dwellings, public and private airstrips within two (2) miles of the boundary of the property upon which the commercial wind energy facility is to be located.

2. Planned land uses (based on *Pleasanton Township Master Plan*) within two (2) miles of the boundary of the property upon which the commercial wind turbine generator facility is to be located.

3. Location of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.

4. Location of existing and proposed electrical lines and facilities.

5. Proposed setbacks.

6. Location of all active or abandoned wells within the proposed project boundary and a one (1) mile radius beyond the project boundary.

7. Identification and location of sensitive areas and sensitive environmental resources that are in the vicinity of the proposed wind turbine, including but not limited to endangered or threatened fish, wildlife, or plant species or their critical habitats, and other significant habitats identified by government and other authoritative sources. The vicinity map and site plan shall include all sensitive areas within the project boundary and a five (5) mile radius beyond the project boundary.

8. Ingress and egress information including:

a. Location, grades, dimensions and surfacing materials of all temporary and permanent onsite and access roads.

b. Distances from the nearest county or state maintained road.

c. Evidence of compliance with standards required for year-round emergency access.

9. Project area boundaries and physical dimensions of the proposed project area.

10. Soils on site delineated and described in a soil survey map accompanied by a report of the soil conditions based on soil borings prepared by a firm that specializes in soil borings and is approved to perform such work for the Michigan Department of Transportation. The report shall include soil and geologic characteristics of the site based upon on-site sampling and testing. The soil boring reports and the proposed plans for the foundation shall be certified by a registered Professional Engineer licensed in the State of Michigan, who is practicing in his or her area of competency.

11. Location, height, and dimensions of all existing and proposed structures and fencing.

12. Drawings and specifications, bearing the seal of a professional engineer licensed in Michigan, of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.

13. Lighting on site described with a lighting plan and specifications that show location, color, type, intensity, directions, shielding and control of all on-site lighting.

B. Cost of Application:

The cost for an application for a special use permit for a commercial wind energy system an anemometer tower, or substation shall be 3% of the total cost of each system to be installed and shall meet all requirements of Article 94 Site Plan, Pleasanton Township Zoning Ordinance and shall also include all of the following information, unless expressly stated otherwise:

C. Registered in Michigan:

The applicant shall provide evidence of being registered to do business in Michigan.

D. Wind Resources:

The applicant shall submit information showing adequate wind resources and summarizing site wind characteristics, including minimum, maximum and average wind speeds, directions, seasonal variations and dominant wind direction from which 50 percent or more of the energy contained in the wind flows.

E. Wind Energy System Information:

The applicant shall supply the following information pertaining to the wind energy system: type, manufacturer and model, total installed height, rotor material, rated power output, performance history, safety history, electrical system, and rotor over-speed control system(s). The Township may require, at its discretion, complete wind energy system specifications and drawings and professional certification of these data. Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants. The applicant shall supply the name, address and resume' or other written summary of the education, experience, and other qualifications of each expert providing information concerning the wind energy system or anemometer tower project.

F. Certification of Compliance:

The applicant shall provide certification that the applicant has complied or will comply with all applicable county, state and federal laws and regulations including but not limited to:

1. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
2. Written documentation that the applicant has notified the Federal Aviation Administration and any other applicable state and federal regulatory agencies for the proposed wind energy system or anemometer tower.

G. Copies of Leases, Agreements and Recorded Easements:

The applicant shall provide written permission from the property owner(s) or from multiple property owners if that is necessary, to meet setback requirements. Before a special use permit shall be granted by the Planning Commission, the applicant shall submit copies of leases and all recorded agreements and easements, such as non-development agreements within a specified setback and/or easements for rights-of-way, from all affected landowners and governmental units. Easements shall be recorded prior to a special land use permit being issued.

H. Electrical Interconnection Plan:

The applicant shall provide a plan for electrical interconnection showing methods and standards for interconnection and copies of contracts or letters of intent with the electric utility and the electric transmission service provider.

I. Visual Simulations and Drawings and Viewshed Analysis:

The applicant shall provide elevation drawings, detailed computer and/or photographic simulations, photo montage, and other models and visual aids showing the wind energy system with all related facilities as they will appear on the proposed site from vantage points north, south, east and west of the project. The applicant also shall provide a viewshed analysis plan of the project showing locations from which the wind energy system will be visible, such as the viewpoint looking across Bear Lake from US 31.

J. Hazard Plan:

An application for a wind turbine shall be accompanied by a hazard prevention plan. At a minimum, such a plan shall include the following:

1. Certification by an engineer licensed in the State of Michigan that the electrical wiring between turbines and the utility right-of-way does not pose a fire or stray voltage hazard.
2. A landscape plan designed to avoid spread of fire from any source on the turbine.
3. A listing of any hazardous fluids that may be used on site and manufacturers' material safety data sheet(s) as specified herein.

4. Certification by an engineer licensed in the State of Michigan that the turbine has been designed to contain any hazardous fluids and a statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released or leaked from the turbine or any other equipment or on the site.

5. A Hazardous Materials Waste Plan complying with all federal, state and county laws and regulations. Further, approvals or waivers, by the State Department of Natural Resources and Environment, and/or the Corp of Army Engineers shall also be submitted prior to the issuance of any permit.

K. Environmental Impact Analysis and Plan:

The applicant shall submit a report demonstrating compliance with development, design and operation recommendations contained in the current version of the U.S. Fish & Wildlife Service *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines.* The applicant shall have a third party, qualified professional, approved by the Pleasanton Township Planning Commission, conduct a site characterization and evaluation study and an analysis following accepted scientific procedures to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The site characterization report shall include:

1. A description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.
2. Natural features that will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. A description of the areas to be changes shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.

3. The applicant shall provide a plan and take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and to demonstrate compliance with applicable parts of the *Michigan Natural Resources and Environmental Protection Act* (Act 451 or 1994, as amended, MCL 324.101 et seq.). The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

L. Avian, Bat and Wildlife Impact Analysis and Plan:

The applicant shall have a third-party, qualified professional, approved by the Pleasanton Township Planning Commission, conduct a site wildlife characterization and evaluation study

and an analysis to identify and assess any potential impacts on wildlife, especially birds, bats and endangered species, following accepted scientific procedures. Avian studies shall follow protocols described in the National Wind Coordinating Committee, *Studying Wind/Energy Interactions: A Guidance Document, 1999* and the U.S Fish & Wildlife Service *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines*, Federal Register: July 10, 2003 (Volume 68, Number 132). The applicant shall submit this study and shall provide a plan and take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and to demonstrate compliance with *Michigan Endangered Species Protection, Part 365 of the Natural Resources and Environmental Protection Act* (Act 451 of 1994, as amended). The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

M. Erosion Control, Site Restoration and Road Maintenance Plan:

Before the issuance of a Special Land Use Permit for Construction of a Wind Energy System the applicant shall submit a copy of a Manistee County Soil Erosion Permit and an erosion control plan including a grading plan, a plan for site restoration after construction and a road maintenance plan. The plan shall:

1. Show the integration of the overall construction design and activities to fit the physical features of the site.
2. Describe the staging of construction and stabilization activities to minimize the area and duration of the disturbance.
3. Identify control measures that will minimize erosion, including a description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established.
4. Identify controls that will prevent off-site sedimentation.
5. Identify methods to control drainage on the site and from the site.
6. Establish an inspection and maintenance schedule.

N. Noise Report:

Information to be submitted with Application:

1. Sound Power Levels (Lw) for each 1/3 octave band from 6.3 Hz to 10,000 Hz.
2. A sound propagation model predicting the sound levels emitted into the community computed using at minimum 1/1 octave bands.

3. Sound power levels to compute the L_{Ceq} and L_{Aeq} levels to generate L_{Aeq} and L_{Ceq} contours in 5 dB increments overlaying an aerial view and property survey map from the WES property out to a distance to include all residential property within two (2) miles of the WES property.

4. Appropriate corrections for model algorithm error, IEC61400-11 test measurement accuracy, and directivity patterns for each model of Wind Turbine shall be disclosed and accounted for in the model(s).
5. Predictions shall be made at all property lines within and outward for two (2) miles from the project boundary for the wind speed, direction and operating mode that would result in the worst-case Wind Turbine nighttime sound emissions.

6. The prediction model shall assume that the winds at hub height are sufficient for the highest sound emission operating mode.

7. The projection shall include a description of all assumptions made in the mode's construction and algorithms. If the model does not consider the effects of wind direction, geography of the terrain and/or the effects of reinforcement from coherent sounds or tones from the turbines, all these items should be identified and all other means used to adjust the model's output to account for these factors. The results shall be displayed as a contour map of the predicted levels as over-all L_{Aeq} and L_{Ceq} contours out to two (2) miles from the WES property, and shall also include a table showing the 1/3 or 1/1 octave band sound pressure as L_{ceq} levels for the nearest property line(s) for sensitive receptor sites (including residences) within the model's boundaries. The predicted values must include the over-all sound levels and 1/1 or 1/3 octave band sound pressure levels from 6Hz to 10,000 Hz in data tables that include the location of each receiving point by GPS location or other repeatable means.

O. Preconstruction Background Noise Survey:

1. Pleasanton Township reserves the right to require the preparation of a preconstruction noise survey for each proposed Wind Turbine location conducted per procedures provided in the section on Measurement Procedures showing long-term background L_{A90} and L_{C90} sound levels. This must be completed and accepted prior to approval of the final layout and issuance of project permits.
2. If any proposed wind farm project locates a WES within two (2) miles of a sensitive receptor, these studies are mandatory. The preconstruction baseline

studies shall be conducted by an Independent Qualified Acoustical Consultant selected and hired by Pleasanton Township.

3. The applicant shall be responsible for paying the consultant's fees and costs associated with conducting the study. These fees and costs shall be negotiated with the consultant and determined prior to any work being done on the study. The applicant shall be required to set aside 100% of these fees in an escrow account managed by Pleasanton Township before the study is commenced by the consultant. Payment for this study does not require the WES developer's acceptance of the study's results.

4. If the review shows that the predicted L_{Aeq} and L_{Ceq} sound levels exceed any of the criteria in the Table of Not To Exceed Property Line Sound Emission Limits then the application cannot be approved.

Pleasanton Township will refer the application to an independent qualified acoustical consultant for further review and comparison of the long-term background sound levels against the predicted L_{Aeq} and L_{Ceq} sound levels reported for the model using the criteria in the Table Not To Exceed Property Line Sound Immission Limits. The reasonably necessary costs associated with such a review shall be the responsibility of the applicant, in accordance with the terms of this ordinance.

P. Shadow Flicker and Blade Glint.

The Applicant shall submit:

1. A shadow flicker and blade glint analysis and computer simulation or model including topography and structures. The analysis and model shall identify the locations of shadow flicker and blade glint caused by the wind energy system and the expected durations of the shadow flicker and blade glint at these locations from sunrise to sunset over the course of a year. The analysis and model shall identify problem areas where shadow flicker or blade glint may affect parcels of land, roadways, existing or future structures. The analysis and model also shall describe measures that shall be taken to eliminate or mitigate the problems, including, but not limited to, a change in siting of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.
2. Copies of agreements signed with adjacent property owners affected by shadow flicker and/or blade glint.

Q. Ice Throw and Blade Throw.

The applicant shall submit:

1. A report on the incidence of blade throw and ice throw for similar equipment,
2. An analysis and calculations of blade and ice throw potential, and
3. A plan showing locations likely to be affected by the blade throw and by ice throw under a variety of conditions.

R. Decommissioning Removal and Restoration Plan:

1. The applicant shall submit a decommissioning removal and restoration plan describing the intended disposition of the wind energy system and all equipment associated with the system upon termination of the lease, revocation of the permit, or at the end of the system's useful life. The plan shall include:

a. The anticipated life of the project.

b. Any agreement with the landowner regarding equipment.

c. The estimated decommissioning costs net of salvage value in current dollar.
d. The anticipated manner in which the project will be decommissioned and the site restored.

2. Decommissioning Best Management Practices:

a. Decommissioning is the cessation of wind energy operations and removal of all associated equipment, roads, and other infrastructure. The site is then dedicated to a new type of land use.

b. During decommissioning, contractors and facility operators should apply BMPs for road grading and plant re-establishment to ensure that erosion and overland flows are managed to restore pre-construction landscape conditions.

c. The facility operator, in conjunction with the landowner and state and federal wildlife agencies, should restore the natural hydrology and plant community to the greatest extent practical.

d. Methods should minimize new site disturbance and removal of native vegetation, to the greatest extent practicable.
e. Foundations shall be removed and covered with soil to allow adequate root penetration for native plants, and so that subsurface structures do not substantially disrupt groundwater movements.

f. If topsoils are removed during decommissioning, they should be stockpiled and used as topsoil when restoring plant communities. Once decommissioning activity is complete, topsoils should be restored to assist in establishing and maintaining pre-construction native plant communities to the extent possible, consistent with landowner objectives.
g. Soil shall be stabilized and re-vegetated with plants appropriate for the soil conditions and adjacent habitat using agency approved sources, and of local seed sources where feasible, consistent with landowner objectives.
h. Surface water flows shall be restored to pre-disturbance conditions, including removal of stream crossings, roads, and pads, consistent with storm water management objectives and requirements.
i. Appendix B, U.S. Fish and Wildlife Service Wind Turbine Guidelines B4. Surveys should be conducted by qualified experts to detect invasive plants, and comprehensive approaches to controlling invasive plant species should be implemented and maintained as long as necessary.
j. All facilities and infrastructure that are no longer needed shall be removed.
k. After decommissioning, erosion control measures shall be installed in all disturbance areas where potential for erosion exists, consistent with stormwater management objectives and requirements.
l. Fencing shall be removed unless the landowner requires such fence, and the retained fence meets requirements outlined for regional conservation of fish and wildlife resources.
m. Petroleum product leaks and chemical releases shall be remediated prior to completion of decommissioning.

ARTICLE 95: LARGE SCALE COMMERCIAL SOLAR ENERGY SYSTEMS

A Large Scale Commercial Solar Energy System is defined as an area of land containing energy facilities intended to be used to convert solar energy to electric or any other energy to be used off site, and includes all solar panels, arrays, mounting and tracking systems, inverters, transformers, batteries and related and appurtenant structures and facilities, such as access roads, driveways, and fencing. The term includes but is not limited to photovoltaic power systems, solar thermal systems, and solar hot water systems.

9501. PURPOSE AND INTENT: The purpose and intent of this section is to establish additional standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Commercial Energy Systems as a Special Land Use.

9502. OCULAR IMPACTS FROM GLARE OR GLINT: A Large Solar Commercial Energy System shall meet all of the following glare and glint standards as demonstrated by the Solar

Glare Hazard Analysis Tool or other approved tool or program:

1. No more than a "low potential for after image" ocular effects from glint or glare on any residential structure, public road or other public way shall be caused by a Large Scale Commercial Solar Energy System.

2. No potential for glare or glint or "low potential for after-image" ocular effects along the final approach path for any existing landing threshold or future thresholds as shown on the current Federal Aviation Authority-approved Airport Layout Plan for any airport within five (5) miles of the Large Solar Commercial Energy System. The final approach path is defined as two (2) miles from fifty (50) feet above the landing threshold using a standard three (3) degree flight path.

3. Ocular impacts shall be analyzed over the entire calendar year in five (5) minute intervals from when the sun rises above the sun horizon until the sun sets below the horizon.

4. A copy of the Ocular Impacts Analysis shall be provided to the Zoning Administrator.

9503. COMPLIANCE WITH STATE BUILDING CODE AND NATIONAL ELECTRIC SAFETY CODE: Construction of a Large Solar Commercial Energy System shall comply with the Electric Safety Code and the current State of Michigan Building Code administered by the Township (as shown by approval by the Township Zoning Administrator) as a condition of any special land use permit under this section. In the event of a conflict between the state building code and National Electric Safety Code (NESC), the NESC shall prevail. The design and construction of the Large Solar Commercial Energy System shall not produce electrical emissions that would interfere with aircraft communication systems or navigation equipment.

9504. 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.

9505. HEIGHT: Maximum height of a solar array, other collection device or components of the Large Solar Commercial Energy System, excluding substation, buildings, and electrical transmission equipment, shall not exceed fifteen (15) feet as measured from the actual grade at the base of improvements, at any time or location on the property.

9506. LOT SIZE: A Large Solar Commercial Energy System shall be located on one or more parcels with an aggregate area of twenty (20) acres or greater.

9507. SETBACKS: A minimum setback distance of one hundred (100) feet from all exterior property lines of the Large Solar Commercial Energy System and existing public roads shall be

required for all buildings and solar arrays.

9508. SCREENING/SECURITY: A Large Solar Commercial Energy System shall be completely enclosed by perimeter fencing to prevent unauthorized access. The applicant will submit a fencing style type included in the site plan for approval by the Township. Electric fencing is not permitted. The applicant shall utilize existing topography and natural vegetation to the greatest extent possible to protect viewsheds from existing adjacent residential structures. The perimeter of Large Solar Commercial Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Commercial Energy System from existing adjacent residential structures and public roads, subject to the following requirements:

1. The Large Solar Commercial Energy Systems shall be exempt from other landscape requirements of this ordinance.

2. An installed evergreen vegetative buffer shall be composed of evergreen trees that at planting shall be minimum of six (6) 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), 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.

3. All plant materials shall be installed between March 15 and November 15 at a time specified by a professional arborist or tree specialist. If the applicant requests a Land Use Permit 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.

4. Subject to subsection 2. above, failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this ordinance and any special use permit may be subject to revocation.

9509. SINAGE: No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the Large Solar Commercial Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by the Planning Commission and other authorities having jurisdiction for electrical operations and the safety and welfare of the public.

9510. NOISE: No component of any Large Solar Commercial Energy System shall emit noise exceeding forty-five (45) dBA as measured at the exterior property boundary or the existing

public road right of way line.

9511. LIGHTING: All lighting for parking lots, driveways, and buildings shall be shielded, down directed lighting with full cut-off lenses, and shall be so arranged as to not adversely affect driver visibility on adjacent public roads and adjacent property. A Lighting Plan is required and shall be approved by the Planning Commission prior to construction.

9512. 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 Commercial 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.

9513. ABANDONMENT A ND DECOMISSIONING: Following the operational life of the project, the applicant or then current owner or operator shall perform decommissioning and removal of the Large Solar Commercial Energy System and all its components. Decommissioning shall include removal of all structures, concrete, piping, facilities, and other project-related materials above grade and any structures up to three (3) feet below grade, and all such materials 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 applicant or then current owner or operator shall provide written notice to the Zoning Administrator after the first thirty (30) days of continuous non-operation. The ground must be restored to a topography consistent with the surrounding properties as approved by the Planning Commission within three hundred sixty-five (365) days of abandonment or decommissioning.

9514. INSPECTION: The applicant shall agree in writing that officials of the Township shall have the right, at any reasonable time, following notice to the applicant, to inspect within 30 days the premises on which any Large Solar Commercial Energy System is located. The Township may hire one or more consultants 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 Michigan Occupational Safety and Health Administration (MIOSHA), NESC and all other applicable safety guidelines.

9515. MAINTENANCE AND REPAIR: Each Large Scale Solar Commercial Energy System must be kept and maintained in good repair and condition at all times. If the Zoning Administrator determines that a Large Solar Commercial Energy System fails to meet the requirements of this ordinance and the special land use permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the violation. If, after a reasonable cure period (not to exceed 60 days), the violations are not corrected, the applicant is entitled to a hearing before the Planning Commission. If the Planning Commission determines that the violation requires that the Large Scale Solar Commercial Energy System

must be shut down, applicant shall immediately shut down the Large Scale Solar Commercial Energy System and not operate, start, or restart the Large Scale Solar Commercial Energy System until the violations have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request.

9516. HOUSEKEEPING: Applicant shall keep all sites within the Large Solar Commercial Energy System neat, clean, and free of refuse, waste or unsightly, hazardous, or unsanitary conditions.

9517. ROADS:

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

2. There shall be a perimeter access road around the entire perimeter of the site, located just inside the security fencing. In addition, there shall be interior access roads between every third row of solar arrays. All interior roads shall be not less than fifteen (15) feet wide. Interior roads may be paved or graveled but in either case they shall be maintained so as to allow unobstructed passage and maneuvering by emergency vehicles, including snow removal. The terminal location of all interior roads shall be designed so as to permit emergency vehicles to safely turn around.

9518. CONTINUING SECURITY: If any Large Solar Commercial Energy System is approved for construction under this section, the 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 the 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. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Commercial 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 Commercial Energy System exists or is in place shall constitute a material and significant violation of the special land use permit and this ordinance, unless cured within sixty (60) days of notice from the Township, and will subject the Large Solar Commercial Energy System applicant, owner and operator to all remedies

available to the Township, including enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.

2. Periodic Review. Not less than sixty (60) days after every five (5) year anniversary of the issuance of the special use permit for a Large Scale Solar Commercial Energy System, the applicant or then current owner or operator, shall submit to the Planning Commission an updated decommissioning plan meeting the requirements of Subsection 14, with current cost estimates for decommissioning the entire Large Solar Commercial Energy System. The amount of the financial security shall be adjusted by the Planning Commission following review of the updated decommissioning plan, and the applicant or owner shall fulfill the new financial security requirement within sixty (60) days of the adjustment.

3. Notice of Change of Owner/Operator. The applicant or owner of the Large Solar Commercial Energy System shall give written notice to the Zoning Administrator at least ten (10) business days prior to any change in ownership or change in the operator of the Large Solar Commercial Energy System.

9519. OTHER REQUIREMENTS: Each Large Solar Commercial Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable township ordinances.

9520. DATA REQUIRED FOR SITE PLANS: Additional site plan information and supporting materials for Large Solar Commercial Energy Systems is required as follows:

All special use permit applications for a Large Solar Commercial Energy System must be accompanied by a detailed site plan meeting the requirements of Article 94 drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan and displaying the following additional information:

1. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Commercial Energy System.

2. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Commercial Energy System.

3. Vicinity map showing the location of all parcels and land uses and structures within 300 feet of the parcel comprising the Large Solar Commercial Energy System.

4. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Commercial Energy System.

[Annotation: Amended by Township Board on July 11, 2023]

ARTICLE 96: ZONING BOARD OF APPEALS

9601.- ESTABLISHMENT:

A Zoning Board of Appeals is hereby established, in accordance with Act 184 of the Michigan Public Acts of 1943. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereinafter referred to as the "Zoning Act

9602.- MEMBERSHIP:

There shall be three (3) members on the Zoning Board of Appeals, appointed by the Township Board as follows:

A. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission.

B. The remaining members of the Zoning Board of Appeals shall be selected from electors of the Township. The membership must be representative of the population and interests present in the Township. One member may be a member of the Township Board, but may not serve as chairman of the Zoning Board of Appeals.

C. The Township Board may choose to appoint an Alternate to the Zoning Board of Appeals to serve when a member is absent or has a conflict of interest.

D. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

9603.- TERMS OF OFFICE:

The term of each member of the Zoning Board of Appeals is three (3) years. The terms shall be staggered. The term of the member of the Planning Commission or Township Board shall not extend beyond their term. A successor must be appointed to any vacancy within one (1) month. Vacancies for unexpired terms shall be filled for the remainder of the term.

9604.- COMPENSATION:
Members of the Zoning Board of Appeals may be paid as agreed to by the Township Board, and be reimbursed for reasonable expenses incurred.

9605.- RULES OF PROCEDURE, MAJORITY VOTE, MEETINGS AND RECORDS

9605.1.- RULES OF PROCEDURE:
The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures, and shall elect a Chairman.

9605.2.- MAJORITY VOTE:
The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirement, decision or interpretation of the Zoning Administrator; to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance; or to effect any variance in this Ordinance.

9605.3.- MEETINGS:
Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Zoning Board of Appeals may specify in its rules of procedure. All meetings shall be open to the public.

9605.4.- RECORDS:
Minutes shall be kept of each meeting, and the Zoning Board of Appeals shall record into the minutes all of its official actions, all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question (or if absent or failing to vote, an indication of such fact). All records shall be open to the public. All minutes shall be filed with the Township Clerk.

9606.- DUTIES AND POWERS:
The Zoning Board of Appeals shall perform its duties and exercise its powers so that the objectives of this Ordinance shall be attained, the public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is empowered to act upon the following matters:

9606.1. INTERPRETATION:

A. The Zoning Board of Appeals, upon request, shall interpret unclear language in the Ordinance.

B. It shall determine the precise location of boundary lines between zoning districts, where uncertainty exists, including interpretation of the zoning map.

9606.2.- ADMINISTRATIVE REVIEW/APPEALS:

A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:

1. a person aggrieved, or

2. an officer, department, board, or bureau of the state or local unit of government.

B. The Zoning Board of Appeals shall hear and decide appeals from any administrative orders, requirements, decision or determinations made by an administrative official or body charged with enforcement of the zoning ordinance.

C. The Zoning Board of Appeals shall have the authority to hear appeals regarding all decisions concerning site plan review.

9606.3.- VARIANCES:

The Zoning Board of Appeals may grant dimensional variances from the strict and literal enforcement of the provisions of this Ordinance. Practical difficulties unique to the property in question must be demonstrated before a variance is granted.

A. ***Standards for Variance.*** Listed below are the five standards to be applied:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography as compared with other properties in the zoning district. The need for variance shall not be due to the applicant's personal or economic difficulty.

2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

4. That the requested variance is necessary to do substantial justice to the applicant as well as to other property owners in the district.

5. That the requested variance will not cause an adverse act on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. ***Lesser Variance***. The Zoning Board of Appeals may grant a lesser variance than that applied for if it would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

C. ***Conditions.*** The Zoning Board of Appeals may grant a variance with conditions necessary to comply with the intent of this Ordinance.

9606.4.- NO USE VARIANCES:

Under no circumstances shall the Zoning Board of Appeals grant a variance to allow any use expressly or by implication prohibited by the terms of this Ordinance in the zoning district in which the variance is to be located.

9607.- PROCEDURE FOR APPEALS AND VARIANCE REQUESTS

9607.1.- FILING:

A. Upon receipt of a demand for appeal, interpretation or variance, the Zoning Administrator will review the demand for appeal to insure it is complete that the fee is paid.

1. If the application is not complete, the Zoning Administrator will return the application to the applicant with a letter that specifies the additional material required.

2. If the application is complete, the Zoning Administrator and chairman of the Zoning Board of Appeals shall establish a date to hold a hearing on the appeal.

B. Seven (7) copies of all appeals and requests for variances shall be filed in writing through the Zoning Administrator, who shall transmit copies to the members of the Zoning Board of Appeals.

C. If the request for variance is on developed property, two site plans are required.

1. Site plan showing all location dimensions of existing man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines with set back from property lines.

2. Additional site plan showing structures, improvements and setback proposed.

This is in addition to a site plan that depicts the variance request that is compliant with Section 9406, REQUIRED DATA FOR A DETAILED SITE PLAN.

D. The notices of hearing shall be given in accordance with Section 8203. Notices.

E. Upon the hearing, any party or parties may appear in person or by agent or by attorney.

[Annotation; Adopted by Township Board November 14, 2023]

9607.2.- DECISIONS:

A. Appeals. All appeals shall be made within sixty (60) days from the date of any decision constituting the basis of appeal. The Zoning Board of Appeals shall hold a hearing within sixty (60) days after an appeal is filed. Upon hearing such an appeal, the Zoning

Board of Appeals may affirm, change or modify the ruling, decision or determination or, in lieu thereof, make such other or additional determination as it shall deem proper under the circumstances. The Zoning Board of Appeals shall render its decision in writing, with grounds for its decision stated, within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision, whichever is sooner. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would in his opinion cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order by the courts.

B. Variances. The Zoning Board of Appeals shall hold a hearing within sixty (60) days after a variance request is filed. The Zoning Board of Appeals shall render its decision in writing, with grounds for its decision stated, within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision, whichever is sooner.

C. No application for a variance which has been denied shall be resubmitted within ninety (90) days from the last date of denial.

9607.3.- NOTICES:

Notices of meetings of the Zoning Board of Appeals shall be given as described in Section 8203 Notices, in Article 82 Administration.

9607.4.- CONDUCT OF MEETINGS:

A. Copies of variance requests and appeals under consideration, and of the accompanying plot plans, should be made available to the public.

B. Discussion leading to the Zoning Board of Appeals' decision must be made in accordance with the requirements of the Michigan Open Meetings Act (P.A. 267 of 1976, as amended); it is still an open meeting, although the hearing is closed.

9607.5.- JUDICIAL REVIEW:

The decision of the Zoning Board of Appeals shall be final. However, following the decision made by the Zoning Board of Appeals, a person having an interest affected by this Ordinance, may appeal to the circuit court.

ARTICLE 97 COMMERCIAL WIND ENERGY SYSTEMS

9701. AUTHORITY:

Michigan state law preserves local authority regarding zoning generally, including zoning of wind energy systems.

9702. PURPOSE:

The purpose of this Ordinance is to define standards and procedures governing installation and operation of commercial Wind Energy Systems as a Special Land Use in Pleasanton Township. Standards and procedures are necessary to:

1. Protect health safety and welfare of residents of Pleasanton Twp.

2. Ensure that the location, scale and design of commercial wind energy systems within the Township are protective of public health, safety, welfare, and an individual's use and enjoyment of their properties;

3. Protect all areas of the Township and the Township's natural resources from potential adverse impacts of wind energy systems, including adverse visual and environmental impacts;

4. Ensure the compatibility of adjacent land uses;

5. Protect property values;

6. Protect aesthetics, scenic views and viewsheds, and tourism based economy;

7. Protect sensitive receptors and wildlife habitat;

8. Define regulatory requirements and procedures for:

   A. Permit application and review.

   B. Monitoring and compliance.

   C. Revocation and\or decommissioning.

It is necessary and appropriate to protect and preserve the unique natural resources of Pleasanton Township, specifically the Residential Zoning District (R1), Wilderness Recreational Zoning District (WR1) of the Grand Traverse Land Conservancy

administered properties including portions of sections 1, 3,4,5,6,7,8, and the scenic views/viewsheds, aesthetics and tourism based economy. All DEQ designated wetlands in Pleasanton Twp. According to the DEQ Wetlands Map Viewer (wetlands map viewer www.mcgi.state.mi.us/wetlands/mapbasic.aspx). In Appendix B (request a Letter size page of the below map from the DEQ Layers: Environmental Areas, Wetland (Hydric) Soils, 2010 trout Streams, Conservation and Recreation lands)

It is necessary to protect the health, safety and welfare of the residents and property owners of Pleasanton Township. The goal of this ordinance is to preserve and promote the rights of individual property owners while maintaining the aesthetic character of the community as well as to ensure that land-use relates to the natural characteristics of the land and long-term needs of the community, and that the scale and design of land use changes ensures the continuity, long term viability, and quality of life for the entire community.

The U.S. Fish & Wildlife Service (USFWS) of the U.S. Department of the Interior recommends that no wind turbines be located within 5 miles of bald eagle nests or between the refuges and known feeding areas for migratory waterbirds and waterfowl. The USFWS recommends that on the ground surveys using radar infrared and/or acoustic monitoring be conducted during the peak of spring and fall bird migrations and during the breeding season over a period of three years to identify breeding and feeding areas, as set forth in the USFWS Final Land Based Wind Energy Guidelines and Draft Eagle Conservation Plan Guidance have been adopted for this ordinance.

The Understanding Wind Energy Initiative is led by a team representing six townships in Manistee and Benzie counties to facilitate community learning and education about wind energy options.

9703. PERFORMANCE AND REGULATORY STANDARDS:

All commercial wind energy systems and testing structures shall comply with the performance and regulatory standards set forth in this section.

A. Real Property Value Protection Plan

To assure that real property owners near by the Wind Energy System, or nonparticipating owners who are not lessors to the applicant/owner/operator, are protected from negative impacts to their real property values, a Real Property Value Protection Plan will be entered into and agreed to by Applicant/owner/operator based upon the vicinity maps included with the site plan application as follows:

1. Applicant/owner/operator agrees to guarantee the property values of all real estate within the footprint of the WES project area and within one (1) mile of the footprint of the WES project area. The real property owner may elect one of the following options:

2. Applicant/owner/operator and the property owner shall each select an independent Michigan licensed appraiser, the cost of which shall be paid for by the applicant/owner/operator, and the appraisers shall each prepare a written appraisal report setting forth their opinion as to the fair market value for the real property assuming that no wind energy system was proposed or constructed. If one of the appraisals submitted is no more than ten percent (10%) higher than the other, the appraisal values shall be averaged ("Average Appraisal Value"), and the property owner may elect to sell to the applicant/owner/operator at the Average Appraisal Value, within thirty-six (36) months of the WES receiving final approval of the special use permit application from Pleasanton Township. If one of the appraisals submitted is more than ten percent (10%) higher than the other, then the three (3) independent appraisers will select a forth independent Michigan licensed appraiser who shall prepare and present to the applicant/owner/operator and property owner his written appraisal report setting forth his opinion as to the fair market value for the real property assuming that no WES was proposed or constructed. The parties agree that the appraisal of the third independent appraisal shall constitute the Appraised Fair Market Value and the property owner may elect to sell to the applicant/owner/operator at the Appraised Fair Market Value, within thirty-six (36) months of the WES receiving final approval of the special use permit application from Pleasanton Township; or

3. Applicant/owner/operator and the property owner shall each select an independent Michigan licensed appraiser, the cost of which shall be paid for by the applicant/owner/operator. Each appraiser shall determine the diminution in value to the real property caused by the proximity to the wind turbines by determining the difference between the fair market value of the real property assuming no WES is proposed or constructed and the fair market value at the time of exercising this option ("Diminution Value"). If one of the appraisals submitted is no more than ten percent (10%) higher than the other, the appraisal values shall be averaged ("Average Diminution Value"), and the property owner may elect to receive payment from the applicant/owner/operator of the Average Diminution Value. If one of the appraisals submitted is more than ten percent (10%) higher than the other, then the two (2) independent appraisers will select a third independent Michigan licensed appraiser who shall prepare and present to the applicant/owner/operator and the property owner his written appraisal report setting forth his opinion as to the Diminution Value for the real

property. The parties agree that appraisal of the third independent appraiser shall constitute the Diminution Value and the property owner may elect to receive payment from the applicant/owner/operator of the Diminution Value. This option must be exercised within ten (10) years of the date of final approval of the special use permit application by Pleasanton Township.

4. Applicant/owner/operator agrees guarantee the property values of all real estate located between one (1) mile and two (2) miles of the WES footprint boundary.

5. Applicant/owner/operator and the property owner shall each select an independent Michigan licensed appraiser, the cost of which shall be paid for by the applicant/owner/operator. Each appraiser shall determine the diminution in value to the real property caused by the proximity to the wind turbines by determining the difference between the fair market value of the real property assuming no WES is proposed or constructed and the fair market value at the time of exercising this option ("Diminution Value"). If one of the appraisals submitted is no more than ten percent (10%) higher than the other, the appraisal values shall be averaged ("Average Diminution Value"), and the property owner may elect to receive payment from the applicant/owner/operator of the Average Diminution Value. If one of the appraisals submitted is more than ten percent (10%) higher than the other, then the two (2) independent appraisers will select a third independent Michigan licensed appraiser who shall prepare and present to the applicant/owner/operator and the property owner his written appraisal report setting forth his opinion as to the Diminution Value for the property.

B. Issuance of Special Land Use Permit for Construction and Operation:

If the Pleasanton Township Planning Commission finds that the applicant/owner has met the approval standards, it may issue a Special Land Use Permit for Construction of a Wind Energy system that shall be valid for five years from the date of issue.

Upon completion of construction, the applicant/owner shall submit to the Pleasanton Township Zoning Administrator proof of compliance with all requirements of the Ordinance. If such submission does not occur within two years, the Special Land Use Permit is no longer valid.

The Pleasanton Township Planning commission shall determine that all provisions, requirements, standards, and conditions have been complied with fully before issuing a final Special Land Use Permit for Operation of the Wind Energy System that shall be valid for five years from the date of issue.

Six months prior to the expiration of the Special Land Use Permit for Operation of the Wind Energy System, the applicant/owner/operator shall submit to the Pleasanton Township Zoning

Administrator proof of continued compliance, including safety and maintenance records, and records on the useful life of similar equipment. The Pleasanton Township Planning Commission may reissue the Special Land Use Permit for Operation of the Wind Energy System for another five-year period if it finds sufficient evidence of continued compliance.

In the event that the Special Land Use Permit for Operation of the Wind Energy System is not reissued, the wind energy system shall be considered in violation of the Ordinance.

Pleasanton Township shall have the right to limit the duration of any Special Land Use Permit for Construction and/or Operation of a Wind Energy system in order to minimize risks or adverse impacts to the public health, safety and welfare, or private or public property and the air, water or natural resources of the Township. The Township reserves the right of review of compliance with the conditions and limitations imposed upon such use, and any failure to comply may result in termination of the permit by action of the Planning Commission.

C. Removal Cost Guarantee:

The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to administrate the removal of the WES and to restore the site, the following steps shall be followed:

1. For each wind energy system (WES), the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost, plus 50% of the estimated removal and restoration cost. Recycle or salvage value cannot be included as a credit in the estimate.
2. The Planning Commission may require independent verification of the adequacy of this amount.

3. This money shall be deposited in an escrow account specified by Pleasanton Township, which may be an interest-bearing account. There shall be no alternative to such account. An escrow account shall be established for each individual wind energy system showing system identification number and amount deposited for each system, or one escrow account listing each systems identification number and the amount deposited for each listed system. A surety bond, letter of credit, or other financial promise shall not be accepted.

4. Withdrawals from the Escrow account will be monitored and approved by Pleasanton Township or its designee, only to pay for removal and site restoration of the specific wind energy system as identified by the WES ID number as provided for in this Ordinance.

5. If the applicant/owner/operator or land owner defaults, Pleasanton Township will use the Escrow Account to fund the WECS removal and restoration of the land.

D. Separation and Management of Each Removal Cost Account:

If more than one wind energy system is owned by the same applicant/owner/operator, the removal/restoration escrow accounts may be joined together by Pleasanton Township into a single account for that applicant/owner/operator. However, escrow accounts for different applicant/owner/operators shall be kept separate. Pleasanton Township may, from time to time, change the financial institution in which such accounts are deposited.

E. Administration Costs-Initial Application and Ongoing:

For each Wind Energy System, the applicant/owner/operator shall deposit into an escrow account the amount of $50,000. Said amount shall be deposited at a bank of Pleasanton Townships choice. The purpose of this joint escrow account is:

1. To reimburse Pleasanton Township for its costs incurred to hire consultants and experts as the Township, at its sole discretion, deems desirable to examine, evaluate and verify the data and statements presented by the applicant/owner/operator.
2. For the life of each wind energy system, to cover the administrative and legal costs incurred by Pleasanton Township in monitoring and enforcing the owner/operators ongoing compliance with the Ordinance.

The account shall be managed as follows: Funds can be withdrawn from this account only by the signature of a Township designee. If at any time the balance of this account shall fall below $15,000, the applicant/owner/operator shall deposit an amount necessary to restore the balance of said account to $50,000. If at any time the balance of this account shall fall below $15,000 for a continuous period of thirty days, the application shall be considered to have been withdrawn, or the Permit for the wind energy system may be terminated. After the wind energy system has been removed and site restoration has been completed, as defined in the Ordinance, any balance remaining in this account shall be returned to the applicant/owner/operator.

F. Insufficiency of Removal and Administrative Cost Accounts:

During the useful life and operation of the Wind Energy System, Pleasanton Township may from time to time determine, in its sole discretion, whether the amounts deposited for removal, site restoration and administration costs are adequate for these purposes. (Costs of removal,

restoration and administration may change due to technology, environmental considerations, inflation, and many other causes.) If the Township determines that these amounts, including any interest earned to date, are not adequate, the Township shall require the owner/operator to make additional deposits to the accounts to cure such inadequacy. The Township shall consider the Wind Energy System in violation of the Ordinance if the owner/operator fails to cure the inadequacy within sixty (60) days of notification.

APPENDIX A- NOISE MEASUREMENT PROTOCOLS

Measurement Protocol for Sound and Vibration Assessment of Proposed and Existing Wind Energy System:

Introduction

The potential impact of sound and sound induced building vibration associated with the operation of wind powered electric generators is often a primary concern for citizens living near proposed wind energy systems (WES(s)). This is especially true of projects located near homes, residential neighborhoods, businesses, schools, and hospitals in quiet residential and rural communities. Determining the likely sound and vibration impacts is a highly technical undertaking and requires a serious effort in order to collect reliable and meaningful data for both the public and decision-makers.

This protocol is based in part on criteria published in American National Standards S12.9 – Part 3 Quantities and Procedures for Description and Measurement of Environmental Sound, and S12.18 and for the measurement of sound pressure level outdoors.

The purpose is to first establish a consistent and scientifically sound procedure for evaluating existing background levels of audible and low frequency sound in a WES project area, and second to use the information provided by the applicant in its application showing the predicted over-all sound levels in terms of L_{Aeq} and L_{Ceq} and 1/3 or 1/1 octave bands as part of the required information submitted with the application.

The over-all values shall be presented as overlays to the applicant's ISO-level plot plan graphics and, for 1/1 or 1/3 octave data, in tabular form with location information sufficient to permit comparison of the baseline results to the predicted levels. This comparison will use the level limits of the ordinance to determine the likely impact operation of a new wind energy system project will have on the existing community soundscape. If the comparison demonstrates that the WES project will not exceed any of the level limits, the project will be considered to be within allowable limits for safety and health. If the applicant submits only partial information required for this comparison, the application cannot be approved. In all cases the burden to establish the operation as meeting safety and health limits will be on the applicant.

Next, it covers the requirements for the sound propagation model to be supplied with the application.

Finally, if the project is approved, this section covers the study needed to compare the post-build sound levels to the predictions and the baseline study. The level limits in the ordinance apply to the post-build study. In addition, if there have been any complaints about WES sound or low frequency noise emissions or wind turbine noise induced dwelling vibration by any resident of an occupied dwelling that property will be included in the post-build study for evaluation against the rules for sound level limits and compliance.

The characteristics of the proposed WES project and the features of the surrounding environment will influence the design of the sound and vibration study. Site layout, types of WES(s) selected and the existence of other significant local audible and low frequency sound sources and sensitive receptors should be taken into consideration when designing a sound study. The work will be performed by a qualified independent acoustical consultant for both the pre-construction background and the post-construction sound studies as described in the body of the ordinance.

a. Instrumentation

All instruments and other tools used to measure audible, inaudible and low frequency sound shall meet the requirements for ANSI or IEC Type 1 Integrating Averaging Sound Level Meter Standards. The principle standard reference for this ordinance is ANSI S12.9 – Part 3 with important additional specific requirements for the measuring instrumentation and measurement protocol.

b. Measurement of Pre-Construction Sound Environment (Baseline)

An assessment of the proposed WES project areas existing sound environment is necessary in order to predict the likely impact resulting from a proposed project. The following guidelines must be used in developing a reasonable estimate of an area's existing background sound environment. All testing is to be performed by an independent qualified acoustical consultant approved by the Pleasanton Township Planning Commission as provided in the body of the ordinance. The WES applicant may file objections detailing any concerns it may have with the Pleasanton Township Planning Commission's selection. These concerns will be addressed in the study. Objections must be filed prior to the start of the noise study. All measurements are to be conducted with ANSI or IEC Type 1 certified and calibrated test equipment per reference specification at the end of this section. Test results will be reported to the Pleasanton Township Planning Commission or its appointed representative.

Sites with No Existing Wind Energy Systems (Baseline Sound Study)

Sound level measurements shall be taken as follows:

The results of the model showing the predicted worst case L_{Aeq} and L_{Ceq} sound emissions of the proposed WES project will be overlaid on a map (or separate L_{Aeq} and L_{Ceq} maps) of the project area. An example (see inserted picture referenced above) shows an approximately two (2) mile square section with iso-level contour lines prepared by the applicant, sensitive receptors (homes) and locations selected for the baseline sound tests whichever are the controlling metric. The test points shall be located at the property line bounding the property of the turbine's host closest to the wind turbine. Additional sites may be added if appropriate. A grid comprised of one (1) mile boundaries (each grid cell is one (1) square mile) should be used to assist in identifying between two (2) to ten (10) measurement points per cell. The grid shall extend to a minimum of two (2) miles at the discretion of the Pleasanton Township Planning Commission. The measurement points shall be selected to represent the noise sensitive receptor sites based on the anticipated sound propagation from the combined wind turbines in the project. Usually, this will be the closest wind turbine. If there is more than one wind turbine near-by, then more than one test site may be required.

The intent is to anticipate the locations along the bounding property line that will receive the highest sound emissions. The site that will most likely be negatively affected by the WES project's sound emissions should be given first priority in testing. These sites may include sites adjacent to occupied dwellings or other noise sensitive receptor sites. Sites shall be selected to represent the locations where the background soundscapes reflect the quietest locations of the sensitive receptor sites. Background sound levels (and ½ octave band sound pressure levels if required) shall be obtained according to the definitions and procedures provided in the ordinance and recognized acoustical testing practice and standards.

All properties within the proposed WES project boundaries will be considered for this study. One test shall be conducted during the period defined by the months April through November with the preferred time being the months of June through August. These months are normally associated with more contact with the outdoors and when homes may have open windows during the evening and night. Unless directed otherwise by the Pleasanton Township Planning Commission, the season chosen for testing will represent the background soundscape for other seasons.

All measurement points (MPs) shall be located with assistance from the Pleasanton Township Planning Commission and property owner(s) and positioned such that no significant obstruction (buildings, trees, etc.) blocks sound and vibration from the nearest proposed WES site.

Duration of measurements shall be a minimum of ten (10) continuous minutes for all criteria at each location. The duration must include at least six (6) minutes that are not affected by transient sounds from near-by and non-nature sources. Multiple ten (10) minute samples over longer periods such as 30 minutes or one (1) hour may be used to improve the reliability of the

L_{A90} and L_{C90} values. The ten (10) minute sample with the lowest valid L_{90} values will be used to define background sound.

The tests at each site selected for this study shall be taken during the expected 'quietest period of the day or night' as appropriate for the site. For the purpose of determining background sound characteristics the preferred testing time is from 10 p.m. until 4 a.m. If circumstances indicated that a different time of the day should be sampled the test may be conducted at the alternate time if approved by the Township.

Sound level measurements shall be made on a weekday of a non-holiday week. Weekend measurements may also be taken at selected sites where there are weekend activities that may be affected by wind turbine sound.

Measurements must be taken with the microphone at 1.2 to 1.5 meters about the ground and at least 15 feet from any reflective surface following ANSI S12.9 – Part 3 protocol including selected options and other requirements outlined later in this Section.

Reporting:

1. For each Measurement Point and for each qualified measurement period, provide each of the following measurements:
2. 1.L_{Aeq}, L_{A10}, and L_{A90}, and
3. 2.L_{Ceq}, L_{C10}, and L_{C90} A narrative description of any intermittent sounds registered during each measurement. This may be augmented with video and audio recordings.
4. A narrative description of the steady sounds that form the background soundscape. This may be augmented with video and audio recordings.
5. Wind speed and direction at the microphone (Measurement Point), humidity and temperature at time of measurement will be included in the documentation. Corresponding information from the nearest 10 meter weather reporting station shall also be obtained. Measurements taken only when wind speeds are less than 2 m/s (4.5 mph) at the microphone location will be considered valid for this study.
6. A windscreen of the type recommended by the monitoring instrument's manufacturer must be used for all data collection.
7. Provide a map and/or diagram clearly showing (using plot plan provided by LGA or Applicant):
8. The layout of the project area, including topography, the project boundary lines, and property lines.

9. The locations of the Measurement Points.
10. The distance between any Measurement Points and the nearest wind turbine(s).
11. The location of significant local non-WES sound and vibration sources.
12. The distance between all MPs and significant local sound. And,
13. The location of all sensitive receptors including but not limited to: schools, day-care centers, hospitals, residences, residential neighborhoods, places of worship, and elderly care facilities.

Sites with Existing Wind Energy Systems

Two complete sets of sound level measurements must be taken as defined below:

1. One set of measurements with the wind generator(s) off unless the LGA Elects to substitute the sound data collected for the background sound study. Wind speeds must be suitable for background sound tests as specified elsewhere in this ordinance.

2. One set of measurements with the wind generator(s) running with wind speed at hub height sufficient to meet nominal rated power output or higher and less than 2 m/s (4.5 mph) below the microphone location. Conditions should reflect the worst case sound emissions from the WES project. This will normally involve tests taken during the evening or night when winds are calm (less than 2 m/s) at the ground surface yet, at hub height, sufficient to power the turbines.

Sound level measurements and meteorological conditions at the microphone shall be taken and documented as discussed above.

Sound Level Estimate for Proposed Wind Energy Systems (When Adding More Wind Turbines to an Existing Project):

In order to estimate the sound impact of the proposed WES project on the existing environment, an estimate of the sound produced by the proposed WES(s) under the worst-case conditions for producing sound emissions must be provided. This study may be conducted by a firm chosen by the WES owner/operator with oversight provided by the Pleasanton Township Planning Commission.

The qualifications of the firm should be presented along with details of the procedure that will be used, software applications, and any limitations to the software or prediction methods as required elsewhere in this ordinance for models.

Provide the manufacturer's sound power level (L_{Aw}) and (L_{Cw}) characteristics for the proposed WES(s) operating at full load utilizing the methodology in IEC 61400-11 Wind Turbine Noise Standard. Provide on-third octave band sound power level information from 6.3 Hz to 10,000 Hz. Furnish the data using no frequency weighting. A-weighted data is optional. Provide sound pressure levels predicted for the WES(s) in combination and at full operation and at maximum sound power output for all areas where the predictions indicate L_{Aeq} levels of 30 dBA and above. The same area shall be used for reporting the predicted L_{Ceq} levels. Contour lines shall be in increments of 5 dB.

Present tables with the predicted sound levels for the proposed WES(s) as L_{Aeq} and L_{Ceq} and at all octave band centers (5 Hz to 10,000 Hz) for distances of 500, 1000, 1500, 2000, 2500 and 5000 feet from the center of the area with the highest density of WES(s). For projects with multiple WES(s), the combined sound level impact for all WES(s) operating at full load must be estimated.

The above tables must include the impact (increased dBA and dBC (L_{eq}) above baseline L_{90} background sound levels) of the WES operations on all residential and other noise sensitive receiving locations within the project boundary. To the extent possible, the tables should include the sites tested (or likely to be tested) in the background study.

Provide a contour map of the expected sound level from the new WES(s) using 5 dB and L_{Aeq} and L_{Ceq} increments created by the proposed WES(s) extending out to a distance of two (2) miles from the project boundary, or other distance necessary, to show the 25 L_{Aeq} and 50 L_{Ceq} boundaries.

Provide a description of the impact of the proposed sound from the WES project on the existing environment. The results should anticipate the receptor sites that will be most negatively impacted by the WES project and to the extent possible provide data for each MP that are likely to be selected in the background sound study (note the sensitive receptor MPs):

1 .Report expected changes to existing sound levels for L_{Aeq} and L_{A90}

2. Report expected changes to existing sound levels for L_{Ceq} and L_{C90}

3. Report the expected changes to existing sound pressure levels for each of the 1/1 or 1/3 octave bands in tabular form from 5 Hz to 10,000 Hz.

4. Report all assumptions made in arriving at the estimate of impact, any limitations that might cause the sound levels to exceed the values of the estimate, and any conclusions reached regarding the potential effects on people living near the project area. If the effects of coherence, worst case weather, or operating conditions are not reflected in the model, a discussion of how these factors could increase the predicted values is required.

5. Include an estimate of the number of hours of operation expected from the proposed WES(s) and under what conditions the WES(s) would be expected to run. Any differences from the information filed with the application should be addressed.

Post-Construction Measurements:

Post-Construction Measurements should be conducted by a qualified noise consultant selected and under the direction of the Pleasanton Township Planning Commission. The requirements of this Appendix for Sites with Existing Wind Energy Systems that shall apply:

a. Within twelve months of the date when the project is fully operational, preferably within four weeks of the anniversary date of the pre-construction background sound measurements, repeat the measurements. Post-construction sound level measurements shall be taken both with all the WES(s) running and with all the WES(s) off except as provided in this ordinance.
b. Report post-construction measurements to the Pleasanton Township Planning Commission using the same format as used for the background study.

REFERENCE Standards and ANSI S12.9 – Part 3 with Required Amendments, ANSI/ASA S12.9-1993/Part 3 (r2008) – American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound, Part 3: Short-Term Measurements with an Observer Present:

This standard is the second in a series of parts concerning description and measurement of outdoor environmental sound. The standard describes recommended procedures for measurement of short-term, time-average environmental sound outdoors at one or more locations in a community for environmental assessment or planning for compatible land uses and for other purposes such as demonstrating compliance with a regulation. These measurements are distinguished by the requirement to have an observer present. Sound may be produced by one or more separate, distributed sources of sound such as a highway,

factory, or airport. Methods are given to correct the measured levels for the influence of background sound.

Wind Turbine Siting Acoustical Measurements

ANSI S12.9 – Part 3 Selected Options and Requirement Amendments:

For the purpose of this ordinance, specific options provided in ANSI S12.9 – Part 3 (2008) shall apply with the additional following requirements to Sections in ANSI S12.9 – Part 3:

i. Background sound: Use definition (1) 'long-term'

ii. Long-term background sound: The L_{90} excludes short term background sounds

iii. Basic measurement period: Ten (10) minutes L_{90} (10 minutes)

Sound Measuring Instrument: Type 1 Integrating Meter meeting ANSI S1.43 or IEC 61672-1. The sound level meter shall cover the frequency range from 6.3 Hz to 20,000 Hz and simultaneously measure dBA LN and dBC LN. The instrument must also be capable of accurately measuring low-level background sounds down to 20 dBA.

Windscreen: Required.

An anemometer accurate to $\pm$ 10% at 2 m/s (4.5 mph) to full scale accuracy. The anemometer shall be located 1.5 to 2 meters above the ground and oriented to record the maximum wind velocity. The maximum wind velocity, wind direction, temperature and humidity shall be recorded for each ten (10) minute sound measurement period observed within 5 meters of the measuring microphone.

Long-term background sound.

Data Collection Methods: Second method with observed samples to avoid contamination by short-term sounds (purpose: to avoid loss of statistical data).

Source(s) Data Collection: All requirements in ANSI S12.18 Method #2 precision to the extent possible while still permitting testing of the conditions that lead to

complaints. The meteorological requirements in ANSI S12.18 may not be applicable for some complaints. For sound measurements in response to a complaint, the compliance sound measurements should be made under conditions that replicate the conditions that caused the complaint without exceeding instrument and windscreen limits and tolerances.

Measuring microphone with windscreen shall be located 1.2 meters to 1.8 meters (1.5 meters preferred) above the ground and greater than 8 meters from large sound reflecting surface.

All meteorological observations required at both (not either) microphone and nearest 10 meters weather reporting station.

For a 10 minute background sound measurement to be valid the wind velocity shall be less than 2 m/s (4.5 mph) measured less than 5 meters from the microphone. Compliance sound measurements shall be taken when winds shall be less than 4 m/s at the microphone.

In addition to the required acoustic calibration checks, the sound measuring instrument internal noise floor, including microphone, must also be checked at the end of each series often minute measurements and no less frequently than once per day. Insert the microphone into the acoustic calibrator with the calibrator signal off. Record the observed dBA and dBC reading on the sound level meter to determine an approximation of the instrument self noise. Perform this test before leaving the background measurement location. This calibrator covered microphone test must demonstrate the results of this test are at least 5 dB below the immediately previous ten-minute acoustic test results, for the acoustic background data to be valid. This test is necessary to detect undesired increase in the microphone and sound level meter internal self-noise. As a precaution, sound measuring instrumentation should be removed from any air-conditioned space at least an hour before use. Nighttime measurements are often performed very near the meteorological dew point. Minor moister condensation inside a microphone or sound level meter can increase the instrument self noise and void the measured background data.

The remaining section starting at 8.4 in ANSI S12.9 – Part 3 Standard do not apply.

ANSI S12.18 – 1994 (R2004) American National Standard Procedures for Outdoor Measurement of Sound Pressure Level:

This American National Standard describes procedures for the measurement of sound pressure levels in the outdoor environment, considering the effects of the

ground, the effects of refraction due to wind and temperature gradient, and the effects due to turbulence. This standard is focused on measurement of sound pressure levels produced by specific sources outdoors. The measured sound pressure levels can be used to calculate sound pressure levels at other distances from the source or to extrapolate to other environmental conditions or to assess compliance with regulation.

This standard describes two methods to measure sound pressure levels outdoors. METHOD No. 1: general method; outlines conditions for routine measurements. METHOD No. 2: precision method; describes strict conditions for more accurate measurements. This standard assumes the measurement of A-weighted sound pressure or time-averaged sound pressure level or octave, 1/3-octave or narrow-band sound pressure, but does not preclude determination of other sound descriptors.

ANSI S1.43-1997 (R2007) American National Standard Specifications for Integrating Averaging Sound Level Meters:

This stand describes instruments for the measurement of frequency-weighted and time-average sound pressure levels. Optional, sound exposure levels may be measured. This standard is consistent with the relevant requirements of ANSI S1.4 – 1983 (R 1997) American National Standard Specification for Sound Level Meters, but specifies additional characteristics that are necessary to measure the time-average sound pressure level of steady, intermittent, fluctuating, and impulsive sounds.

ANSI S1.11 – 2004 American National Standard 'Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters':

This standard provides performance requirements for analog, sampled-data, and digital implementations of band-pass filters that comprise a filter set or spectrum analyzer for acoustical measurements. It supersedes ANSI S1.11 – 1986 (R1998) American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters, and is a counterpart to International Standard IEC 61260:1995 Electroacoustics – Octave-Band and Fractional-Octave-Band Filters. Significant changes from ANSI S1.11 – 1986 have been adopted in order to conform to most of the specifications of IEC 61260: 1995. This standard differs from IEC 61260:1995 in three ways: (1) the test methods of IEC 61260 clause 5 is moved to an informative annex, (2) the term 'band number,' not present in IEC 61260, is used

as in ANSI S1.11 – 1986, (3) references to American National Standards are incorporated, and (4) minor editorial and style differences are incorporated.

ANSI S1.40 – 2006 American National Standard Specifications and Verification Procedures for Sound Calibrators:

IEC 61400-11

Second edition 2002-12, Amendment 1 2006-05

IEC 61400-11

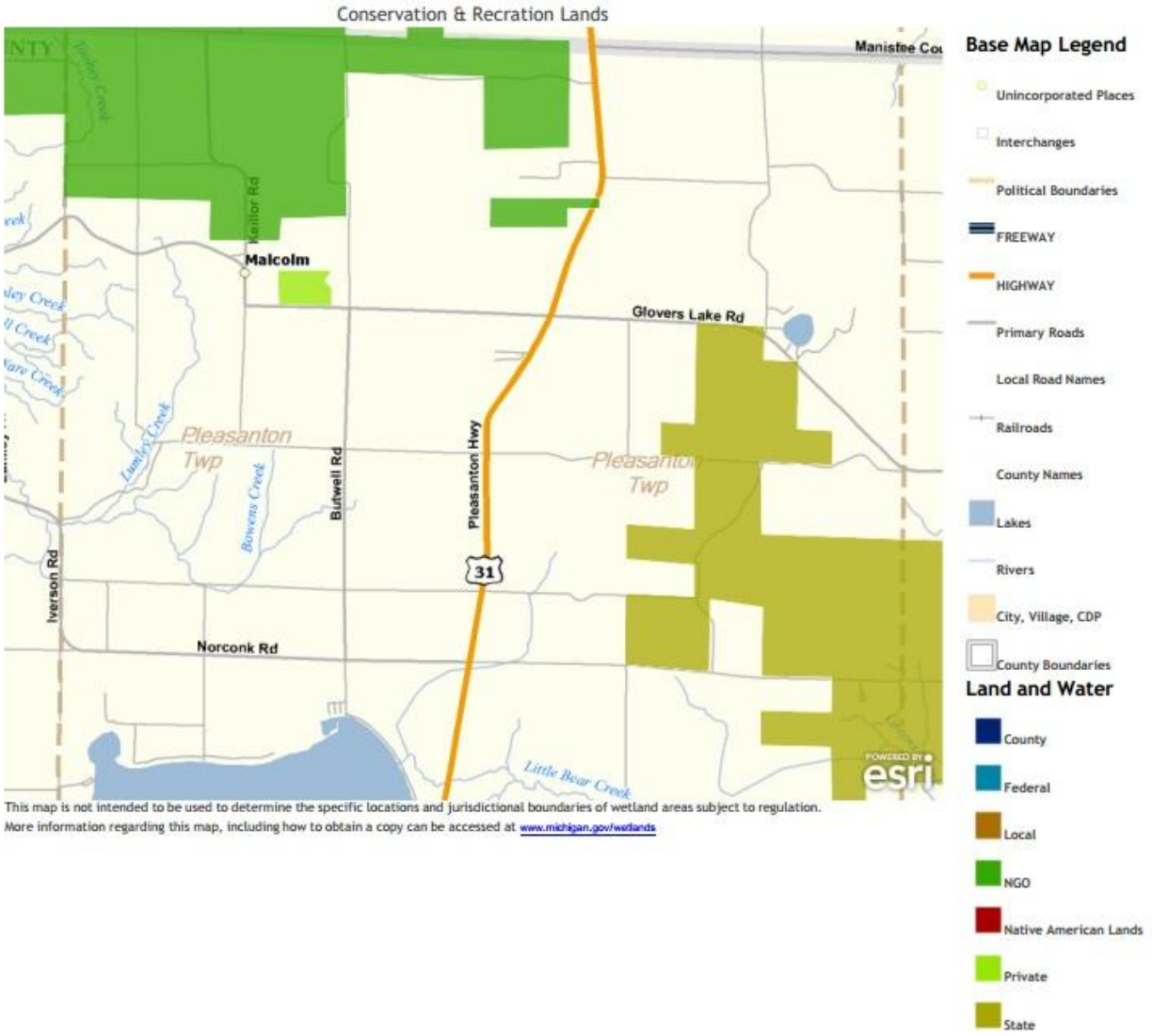
Second edition 2002-12, Amendment 1 2006-0

Wind turbine generator system-Part 11

Acoustic noise measurement techniques:

The purpose of this part of IEC 61400 is to provide a uniform methodology that will ensure consistency and accuracy in the measurement and analysis of acoustical emissions by wind turbine generator systems. Its purpose is to standardize testing of wind turbine sound emissions so that the purchasers can compare noise emissions. It also provides the data needed to construct noise models. It is not intended as a community noise standard and should not be used or referenced as such.

APPENDIX B- MAPS



MAP 1. CONSERVATION AND RECREATION LANDS

MAP 2. PLEASANTON HYDRIC SOILS

9801. - AMENDMENTS:

The Pleasanton Township Board may, from time to time, amend, supplements, or change the regulations and boundaries of districts or provisions of this Ordinance in the manner prescribed by Act 184 of Public Acts of Michigan for 1943, as amended.

A. AMENDMENT PROCEDURE:
The procedure for making amendments to the Ordinance shall be in the manner provided by statute, with all amendment proposals being referred to the Pleasanton Township Planning Commission for statutorily required notices, hearing, review by Manistee County Planning Commission, transmission of the proposed amendments and summary comments made at the public hearing to the Township Board for their action with or without an additional public hearing, within fifteen (15) days notice given in a newspaper. If the Township Board holds an additional hearing, the Township Planning Commission members shall be required to attend. Within fifteen (15) days of adoption, a notice to the effect shall be published in a newspaper and a copy of the amendment filed with the Township Clerk.

B. CONFORMANCE TO COURT DECREE:
Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

9802. - EXTINGUISHMENT OF AMENDMENT BY ABANDONMENT OF PURPOSE:
In the event this Ordinance is amended by the rezoning of certain premises upon the petition of a property owner for a specific project or purpose, the granting of the amendment may be conditioned upon the start of construction or the undertaking of the project within one (1) year from the effective date of such rezoning. If the start of construction does not occur within the stated time, the rezoning shall be held null and void and shall cease to exist and the premises shall thereupon revert to its former classification and zoning. The term "state of construction", is defined to mean construction started in a substantial manner and continued without unreasonable interruption to a substantial completion. The purpose of this section is to prevent a petitioner from obtaining the rezoning of premises for a specific purpose and then failing to proceed with such rezoning for a purpose, or using such rezoning for a purpose other than requested in the petition for rezoning.

9803.-VALIDITY:
This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severed able. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each section, subsection, phrase, sentence and clause thereof irrespective of the

fact that any one or more sections, subsections, phrases, sentences or clause be declared invalid.

9804.-PENALTIES AND CIVIL INFRACTIONS

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 ($500.00) dollars. Each day this ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.
[Annotation; Adopted by Township Board 07/08/2013]

]9805. - CONFLICTING PROVISIONS:

All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

9806. - REPEAL OF FORMER ZONING ORDINANCE:

Pleasanton Township Zoning Ordinance of 1975 as amended is hereby repealed as of the effective date of this Ordinance.
Fred Alkire, Supervisor Constance Ledford, Clerk

ARTICLE 99: SEXUALLY ORIENTED BUSINESSES (SOB)

9901. - PURPOSE:

It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

9902. - CONDITIONS:

In order to obtain and retain a special use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:

1. A special use permit must be acquired through the special use procedures as described in Article 36 of this ordinance;

2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this ordinance Article 5, shall not be located within 500 feet of two (2) other such regulated uses as defined by Article 5 of this ordinance, nor within 500 feet of any residentially zoned district, school, Daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property line;

3. The regulated uses, as defined by this section and Article 5, shall only operate between the hours of 8 am and 10 pm;

4. There shall be a manager on the premises at all times;

5. No one under the age of 18 shall be allowed onto the premises by the onsite manager of the regulated use;

6. If a transfer of ownership or control occurs, the existing special use permit shall be considered void. A new permit shall be applied for in advance of the proposed transfer;

7. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building on the regulated use;

8. Once a special use permit has been issued, the regulated use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance;

9. If a regulated use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Pleasanton Township Zoning Ordinance;

10. The designated parking area for the sexually oriented business shall be lighted from dusk till dawn.

11. A secure and well-lighted entrance, separate from that provided for patrons, will be provided for all employees, regardless of their job descriptions.

9903. - EXCEPTIONS TO CONDITIONS:

The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:

1. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed.

2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and residents or a disruption in neighborhood development.

3. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation.

4. Where all other applicable regulations within the Pleasanton Township Zoning Ordinance or other pertinent zoning ordinances will be observed.

All ordinances in conflict herewith are hereby repealed.