

## **ARTICLE XVIII. SUPPLEMENTAL PROVISIONS**

### **Section 1801. INTENDED PURPOSE**

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

### **Section 1802. PRINCIPAL USE**

No lots may contain more than one (1) principal building provided that groups of apartment buildings or certain business buildings under single ownership shall be deemed a principal use collectively.

### **Section 1803. ACCESSORY BUILDING(S)**

(Part A. was amended December 13 2010)

A. Accessory uses and structures which are customarily incidental to any primary or approved use, including private garages, are permitted in the R-1, R-2, LR-1 and LR-2 district zoning classifications. No accessory use or structures shall alter the primary residential character of the premises in these zoning districts. Accessory use of structures and premises shall not include use of the same for dwelling purposes, either temporary or otherwise, for the conducting of any business or manufacturing excepting bona fide home occupations, or for the storage of material or items not intended for the prescribed use of the premises.

1. **Siting of Accessory Buildings.**

No accessory building or structure shall be erected in any required front yard. Accessory buildings shall be at least ten (10) feet from other structures and the property lines. All accessory buildings shall comply with the Michigan Building Code, as adopted and enforced in Wayne Township.

2. **Size Limitations for Accessory Buildings.**

Accessory buildings in the R-1, R-2, LR-1 and LR-2 district zoning classifications are dependent on the size of the parcel on which the primary structure and use is located. A garden shed not exceeding 150 square feet and fourteen (14) feet in height is allowed in addition to one accessory building in these zoning districts. In addition to the permitted garden shed, the size limitations for accessory buildings are as follows:

a. Lots or parcels of less than two (2) acres:

The total square footage of all accessory buildings, except the permitted garden shed, shall not exceed a maximum of 720 square feet. The height of accessory buildings shall not exceed the height of the primary building. Side walls along the eaves of accessory buildings shall not exceed ten (10) feet in height.

b. Lots or parcels of two acres or more:

The total square footage of all accessory buildings, except the permitted garden shed, shall not exceed a maximum of 1,200 square feet. The height of accessory buildings shall not exceed the maximum allowed building height of the zoning classification in which the lot or parcel is located. Sidewalls along the eaves of accessory buildings shall not exceed twelve (12) feet in height.

3. Prohibited Materials and Usage.

Semi-trailers, van boxes, travel trailers, and mobile homes without alterations are not permitted to be used as accessory buildings or for dwellings.

- B. Accessory uses and Structures are allowed in the A-1, A-2, C-1, I-1, and 1-2 Districts which are customarily incidental to any primary or approved use. Accessory use of structures and premises shall not include use of same for dwelling purposes either temporary or otherwise, or for the conduct of any business or manufacturing or for the storage of materials or items not intended for the prescribed use of the premises. No accessory building or use shall be erected in required front yard or side yard. Accessory structures shall be at least ten (10) feet from other structures or the rear lot line.

**Section 1804. WATER FRONT LOTS OR PREMISES**

The boundary of any lot or as specified in the Deed abutting upon the Lake, Stream or other body of water shall constitute the front lot line for purposes of this Ordinance.

**Section 1805. SUBSTANDARD DWELLINGS**

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

- B. Used mobile homes and/or trailers shall not be considered for placement within the township without prior inspection and/or approval of the Township Building Inspector

**Section 1806. SEWER AND WATER**

Where municipal utility services are available, no Building Permit shall be issued for any building or be occupied by human beings, in whole or part, for commercial, residential, industrial or recreational purposes unless provisions have been to install public sewers and water service to such buildings. In the absence of public sewer and/or water, no Building Permit shall be issued for any building to be occupied by human beings in whole or in part for residential, commercial, industrial or recreational purposes unless adequate provisions have been made for a safe water supply sewage disposal system. Evidence of compliance with the requirements of the Cass County Health Department shall accompany the application for a building permit.

**Section 1807. VISIBILITY AT INTERSECTIONS**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than two (2) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-ways lines and a straight line joining the two street lines at points which are twenty (20) feet distant from the point of intersection, measured along the street right-of-way lines.

**Section 1808. ACCESS TO A STREET**

No lot of record shall be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial, or recreational uses shall not be designed so as to pass through the residential neighborhoods.

**Section 1809. STREET CLOSURES**

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

**Section 1810. HEIGHT REGULATIONS**

- A. The height requirements established by this Ordinance for buildings and structures may be greater than the maximum standards set forth for each District provided a conditional use permit is secured and contains the following specifications:

1. For every foot of height exceeding the maximum set forth for the District, there shall be added to each yard requirement one corresponding foot of width and depth.
  2. Approval of the increased height of the building or structure is secured by the local fire department that serves the parcel upon which the building is/will be located.
- B. The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance; spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylight, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennae; silos, parapets and other necessary, mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

#### **Section 1811. FENCES. WALLS AND SCREENS**

- A. Within the limits of a front yard space of a lot within a residential district, no fence, wall, other than necessary retaining wall, or other screening structure shall be higher than five (5) feet. No such fence or wall located within a side or rear yard shall exceed seven (7) feet in height. Due to the reverse of front and back yard definitions in LR-2 lots, front and back yard fences shall not exceed five (5) feet in height.
- B. On a lot that is zoned Commercial or Industrial that is abutting any residential zoning district, there shall be a side yard abutting such district which shall be effectively screened from abutting lots by a strip of planting creating an opaque screen at least seven (7) feet in height, such planting consisting of not less than fifty (50) percent evergreen material scattered throughout or a wall or fence as approved by the Zoning Administrator.

#### **Section 1812. SHORELINE EXCAVATION AND DREDGING**

Any person proposing to alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river, or stream shall do so in accordance with the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended. Evidence of any permits shall be provided to the Zoning Administrator upon request.

#### **Section 1813. ESSENTIAL SERVICES**

For purposes of this Ordinance the following provisions shall apply:

- A. The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipe line.
- B. Essential services shall be exempt from lot area requirements in the A-1, A-2, OSR, C-1, I-1 and I-2 districts.

**Section 1814. CORNER LOTS**

On each corner lot in the various districts, minimum side yard requirements shall be as follows:

District	Street	Minimum Side Yard Interior Yard	Abutting Residential Zone
A-1	30	30	NA
A-2	30	30	NA
OSR	30	20	NA
R-1	30	10	NA
R-2		(As noted in Section 704)	
LR-1	30	10	NA
LR-2	20	7	NA
C-1	25	15	30
I-1	50	25	75
I-2	50	40	150

**Section 1815. HOME OCCUPATIONS**

It is the intent of these regulations to insure the compatibility of home occupations with other permitted uses in the district and with the character of the neighborhood. To this end, any home occupation shall be clearly incidental to the principal residential use of the property and shall be so located and conducted that neighbors, under normal circumstances, would not be aware of its existence. A home occupation shall be permitted in single-family residential dwelling units in the A-1, A-2, OSR, R-1, R-2, and LR -1 districts, subject to the following regulations and requirements:

- A. The home occupation shall be conducted entirely in the dwelling by members of the family residing in such building, and no more than one (1) other person.
- B. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- C. All signs shall be in compliance with Article XVII.
- D. No home occupation shall occupy more than twenty-five (25) percent of the floor area of the dwelling; provided, however, that in no event shall the occupation occupy more than three hundred (300) square feet.

- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- F. Any need for parking generated by the conduct of such home occupation shall be met by provision of off-street parking as required in Article XVI. No additional required parking for a home occupation shall be located in a required front yard.
- G. Instruction in a fine art or craft constitutes a permitted home occupation in all residential zoning districts.
- H. Medical Marijuana: A primary caregiver as defined herein shall be allowed as a permitted home occupation only in the A-1, A-2, OSR, R-1, R-2, and LR-1 district zoning classifications pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, PA 208, Initiated Law, MCL 333.26421, et. seq., as amended, and the requirements of this section. As a permitted home occupation, it is at all times, subordinate and incidental to the use of the dwelling as a residence. The requirements for a primary caregiver as a permitted home occupation shall be as follows:
  - 1. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act (“Act”) and the Administrative Rules of the Michigan Department of Community Health, (“Administrative Rules”) as they may be amended from time to time.
  - 2. A primary caregiver must be located outside of a one-thousand (1,000) foot radius from any of the following uses: a daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school; a public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age.
  - 3. Not more than one (1) primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver. A primary caregiver shall not operate within an apartment building, multiple family residential

building, cooperative building or similar housing, or commercial or multi-use building.

4. No signage is permitted regarding medical marijuana.
5. All medical marijuana shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. No part of an attached or detached accessory structure shall be utilized.
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing and harvesting of marijuana.
7. If a room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marijuana to treat or alleviate a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Ordinance. Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marijuana Act protects users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

9. Delivery. The primary caregiver shall deliver medical marijuana to their patients. Patients shall not visit the caregiver's premises.
10. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marijuana dispensary, collective or cooperative in any zoning classification within the Township.
11. Definitions: As used in this subsection:
  - a. Marijuana.

This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marijuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
  - b. Marijuana Dispensary or Dispensary.

Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marijuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.
  - c. Marijuana Collective or Cooperative.

Any facility, structure, dwelling or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.



d. Medical Use of Marijuana.

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

e. Primary Caregiver.

Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

f. Qualifying Patient or Patient.

Qualifying patient or patient means a person as defined under MCL333.7106(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

**Section 1816. POWER LINES AND PIPELINES**

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any Zoning District. However, all such pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

**Section 1817. YARDS**

Every lot must provide front, rear and side yards as required within its zone district. All front yards must face upon a street (exception lake residential district).

**Section 1818. TRAFFIC VISIBILITY**

A. No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than two (2) feet above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular

area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection measured along the street right-of-way lines.

- B. (added January 25, 2004) In developed areas a visibility zone shall be maintained along public roadways. Nothing shall be constructed, stored, or grown within twelve (12) feet of the road's edge, which unduly obstructs the view of the roadway within thirty (30) feet (measured along the road's edge) of any drive where vehicles enter or exit the roadway. All items below two (2) feet in height above street grade in this zone shall be considered in compliance.

### **Section 1819. KEEPING OF PETS AND LIVESTOCK**

The keeping of more than three (3) dogs and/or cats, or the keeping of poultry, hogs, horses or other livestock is prohibited within R-1, R-2, LR-1 and LR-2 districts; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to so remain on the aforescribed premises within any consecutive twelve (12) month period.

### **Section 1820. STORAGE**

- A. The storage and parking of trailers, trucks, vans or any type of mobile housing unit are prohibited in any front yard and required side yard or on any vacant lot. When stored in a rear yard the side yard setbacks shall be met. Such units shall be locked to prevent access by children. The storage of boats and unlicensed or inoperable motor vehicles or recreational vehicles in any front or required side yard or on any vacant lot is also prohibited. This shall not be deemed to prohibit up to three (3) days of non-recurrent parking of a mobile home, trailer or boat in a side yard.
- B. The seasonal storage of boats and/or water equipment shall be permitted on Lake Residential Two (LR-2) lake lots provided that the side yard setbacks are met. The seasonal storage of boats and/or other water equipment shall be permitted on vacant property that is owned by the person storing said boats and/or water equipment.

### **Section 1821. DRAINAGE**

No premises shall be filled or graded so as to discharge surface runoff on abutting premises or roads in such a manner as to cause ponding or surface accumulation of such runoff thereon.

**Section 1822. CONTROL OF HEAT. GLARE. FUMES, DUST. NOISE, VIBRATION. AND ODORS**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond the lot on which the use is located.

**Section 1823. REQUIRED AREA OR SPACE**

No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

**Section 1824. WATER QUALITY OVERLAY DISTRICT**

A. Purpose and Application.

1. The purpose of the Water Quality Overlay District is to recognize the unique physical, environmental, economic, and social attributes of the shoreline properties in Wayne Township, to ensure that the structures and uses in this District are compatible with and protect these unique attributes.
2. The Water Quality Overlay District is a supplemental District which applies to certain designated lands, as described in this Section, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District, with the exception of the Low Density Lake Residential District (LR-1) and Medium Density Lake Residential Districts (LR-2) (specifically Twin Lakes) and the properties located at Four Winds Estates (amended January 3, 2005 to include Four Winds Estates). Lands included in the Water Quality Overlay District are:
  - a. Watercourses: All such lands located along the bank of all the watercourses in the Township of Wayne, as they exist within the confines of Wayne Township, and extending one hundred (100) feet on either side of the banks of all the watercourses in the township; and
  - b. Lakes/Reservoirs/Ponds: All such lands located along the length of the shoreline of all the lakes and reservoirs in the Township not exempted above within the confines of Wayne Township, and extending one hundred (100) feet from the shoreline.

- c. As of the effective date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within a minimum of twenty-five (25) feet, as measured from the ordinary high water mark of the lake. A dwelling or other main building, accessory building, or septic system at the time of the effective date of this ordinance not meeting the requirements of this subsection shall not, for a period of twelve (12) months, be prevented from reconstructing, repairing or maintaining their facilities in the event of destruction by fire or an Act of God. If the reconstruction of the structure does not occur within a twelve (12) month period, the structure will be required to meet all ordinance regulations set forth in the district.
  
- B. Permitted Uses: The following uses of land and structures shall be permitted in the Water Quality Overlay District: Permitted Uses and Special Land Uses permitted in the underlying District, provided that Special Land Uses meet the requirements of Article XIII.
  
- C. Lot Area, Width, Yard, Building Area and Height Requirements - Except as noted in D, below, minimum requirements for lot area, lot width, yards, building area and building height shall conform to those required by the underlying District.
  
- D. The following additional requirements shall apply for structures within the Water Quality Overlay District. Unless otherwise noted, all requirements apply to both watercourses, lakes, reservoirs and ponds.
  - 1. As of the date of this Ordinance, no dwelling or other main building, accessory building, or septic system shall be constructed, erected, installed, or enlarged within:
    - a. Watercourses: Minimum of one hundred (100) feet, as measured from the bank of the watercourse or the ordinary high water mark, except that for each one (1) foot of bank height above a minimum of seven (7) feet above the high water line new structures may be placed five (5) feet closer to the bank of the watercourse, except that no structure shall be located closer than seventy five (75) feet to the high water line.
    - b. Lakes/Reservoirs/Ponds: Minimum of one hundred (100) feet as measured from the bank or the ordinary high water mark.

2. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high water line cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high water line only under the following conditions:
  - a. The Native Protective Strip, as described in Section 1824, E, is maintained.
  - b. No material is allowed to enter the water either by erosion or mechanical means.
  - c. Fill material is of a pervious material such as gravel or sand.
  - d. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any watercourse, lake or reservoir in the Township by soil removal or fill.
  - e. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
3. Additional setbacks shall apply to the following specific uses or activities, as permitted in the underlying zoning district. Setbacks are measured from the bank or high water line:
  - a. Storage of liquid petroleum above or below ground (except fuel oil tanks) in excess of forty (40) gallons or the storage of any other hazardous substances in excess of fifteen (15) gallons: one hundred fifty (150) feet.
  - b. Raised septic systems: two hundred fifty (250) feet.
  - c. Solid waste landfills or junkyards: three hundred (300) feet

E. Native Protective Strip.

1. A minimum strip, as described below, bordering each bank of any watercourse, lake, or reservoir, as measured from the bank or high water line shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
  - a. Watercourses - one hundred (100) feet

- b. Lakes/Reservoirs/Ponds - twenty-five (25) feet
2. Within this strip, the Zoning Administrator may permit a space of ten percent of the lot width along the watercourse, lake, or reservoir provided no less than ten (10) feet and no greater than one hundred (100) feet in width to be selectively trimmed and pruned to allow for the placement of walkways, and/or for a view of the waterway. Any walkway constructed inside the strip shall be on the landside and may be oriented perpendicular or parallel to the water line. Because the intent of the native protective strip is water quality protection, porous materials such as wood chips or gravel shall be used.
  3. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality or greater and extent as that which existed prior to the clearing.
  4. Individual trees within the Native Protective Strip may be removed which are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse or lake.
  5. The Native Protective Strip shall not be used for any motorized vehicular traffic, parking, or for storage of any kind, including junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance.
- F. All other requirements, including parking, signs, site plan reviews, and other similar provisions shall be as required by the underlying zone district, except that where specific requirements of the Water Quality Overlay District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern.

**SECTION 1825. CONDITIONAL REZONING** (added December 20, 2006)

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL 125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or developments is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

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

D. Township Board Review.

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

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in form recordable with the Register of Deeds of Cass County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.



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

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

J. Time Period for Establishing Development or Use.

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

**Section 1826. UTILITY GRID WIND ENERGY SYSTEM OVERLAY DISTRICT** (added October 21, 2009)

A. Purpose and Intent.

1. The purpose of this section is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Wayne Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.
2. The Commercial Wind Energy Overlay District is a supplemental District which applies to certain designated lands, as described in this section, simultaneously with the other Zoning Districts designated as Prime Agricultural District (A-1), General Agricultural District (A-2), Light Industrial District (I-1), and Manufacturing District (I-2).
3. Wind Energy Conversion Facilities are prohibited in Single Family Residential District (R-1), Medium Density Residential District (R-2), Lake Residential District (LR-1), Medium Density Lake Residential (LR-2) and Neighborhood Commercial District (C-1).

B. Regulatory Framework

A Wind Energy Facility and related accessory uses may be considered

either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section D of this Article.

After designation as a Wind Energy Overlay District, new structures and uses within the "overlay" area shall be limited to those uses identified within the underlying District. No new construction shall be allowed which would cause an existing Wind Energy Facility to become noncompliant with this regulation.

A Wind Energy Facility is permitted as a Special Use and subject to the provisions of Article XIII.

C. Applicability

1. Large-Scale Wind Energy Conversion Facility: a wind energy conversion system, which has a total height of more than 140 feet and a rated capacity of more than 100 kW. Wind Energy Facility Site Plan Review standards shall be used when reviewing a large-scale wind energy facility.
2. Small-scale Wind Energy Conversion Facility: wind turbine generators 140 feet or less in height or 100 kW or less of rated capacity and MET towers shall be permitted land use in all Districts where parcel size is one (1) acre or larger, subject to standards of Section 1826.

D. Wind Energy Facilities Site Plan Review Procedure

The following process shall be utilized when reviewing a Large-Scale Wind Energy Conversion Facility:

A "Wind Energy Overlay District" classification is a prerequisite to developing a Large-Scale Wind Energy Facility. It is the intent of this "overlay district" to identify land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

1. Site Plan Review Required.

Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind

Energy Facilities Permit pursuant to this Article. Submit site plans per Article XIV. Site Plan Review. The Wind Energy Facilities Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein and Article XIV. A site plan, which does not fully comply with the standards of this Article, shall be submitted to the Township Board for further review and possible approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the Township and the applicant. Where modification of a standard is requested, the Planning Commission shall hold a public hearing prior to consideration of a modified site plan. An applicant proposing a Wind Energy Facility must submit the following site plan materials:

- 1.1 Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
- 1.2 Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth underground wiring), access roads (including width), substations, accessory structures, and project boundaries;
- 1.3. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
- 1.4 Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 4 feet;
- 1.5 Anticipated construction schedule;
- 1.6 Description of operations, including anticipated regular and unscheduled maintenance;
- 1.7 A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal

description of the property(ies); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary;

- 1.8 Proof of the applicant's public liability insurance for the project;
- 1.9. Plan showing all residences within one mile of the project boundaries;
- 1.10 Demonstrate that all property owners within one mile of the project have been mailed a notice of the public hearing.

2. Application Fee.

An applicant for a Wind Energy Facility shall remit an application fee to the Township in the amount specified in the fee schedule adopted by resolution of the Wayne Township Board. This schedule shall be based on the cost to the Township of the review which may be adjusted from time to time.

3. Application Material.

The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility. A site plan, which differs from these standards, can be approved only upon the review of the Planning Commission and approval of the Township Board that the modification is in the best interest of the Township and applicant.

A. Avian Analysis.

The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.

B. Visual Appearance; Lighting; Power Lines.

The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the

following:

1. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the Wind Energy Facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
2. The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and the existing environment.
3. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
4. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
5. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to Township roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

C. Setbacks, Separation and Security.

The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility. For purposes of this ordinance interior property lines may be ignored where multiple adjoining properties are being leased.

All perimeter boundaries remain in effect.

1. Inhabited structures: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) three (3) times its Hub Height or (b) two thousand (2,000) feet. A lesser setback may be approved pursuant to Section 5.1 of this Article if the intent of this Article would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. When a Wind Energy Facility is located in the vicinity of a city or village, a setback of 2,000 feet from the city/village limits shall be required.
2. Property Line Setbacks: Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall not be subject to a property line setback. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance equal to three (3) times the HubHeight of the wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. When a turbine location is proposed nearer to an internal property line than one and one-half (1.5) times the Hub Height of the wind turbine, an easement shall be established on the abutting parcel(s).
3. Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
4. Communication and Electrical Lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.
5. Tower Separation: Turbine/tower separation shall be based on: 1. industry standards; 2. manufacturer

recommendation and; 3. the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between towers of not less than 1.5 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

6. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

D. Wind Turbine/Tower Height (Total Height).

The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the Hub Height shall be limited to 275 feet from existing grade unless modification of this maximum height is approved pursuant to Section 5.1 of this Article. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

E. Noise.

1. Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of the approval of any Wind Energy Facility Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.
2. In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the



standards for audible noise set forth in subparagraph a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

3. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
4. Any noise level falling between two whole decibels shall be the lower of the two.
5. In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:
  - a. Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

- b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Cass County Register of Deeds office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

F. Minimum Ground Clearance.

The blade tip of any Wind Energy Turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.

G. Signal Interference.

No Large-Scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Large-Scale Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

H. Safety.

1. All collection system wiring shall comply with all applicable safety and stray voltage standards.
2. Wind Turbine towers shall not be climbable on the exterior.
3. All access doors to wind turbine towers and electrical equipment shall be lockable.
4. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

I. Shadow Flicker Map.

A map showing shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.

J. Material Safety Data Sheet (MSDS).

A copy of Manufacturers' Material Safety Data Sheet(s) which 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.

K. Owners Consent.

Provide signed and notarized documents from each land owner, consenting and acknowledging that they are aware of the provisions and Section 1826 of the Wayne Township Zoning Ordinance.

E. Certification.

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

F. Inspections.

The applicant shall submit bi-annual inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices.

G. Decommissioning.

The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in

favor of Wayne Township, and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million per Wind Turbine and shall contain a replenishment obligation.

H. Maintenance.

Wind Turbines and all associated equipment, buildings, and facilities shall be maintained in safe and operational condition. Finishes shall be maintained and not allowed to deteriorate into visual blight. Any turbine that is not operated for over 365 days, shall be deemed abandoned, and shall be taken down at the owner's expense.

I. None Compliance.

If a wind turbine is determined to be in none compliance with this ordinance, the owner shall bring the installation into compliance within ninety (90) days or remove it.

**Section 1827. ON SITE WIND ENERGY SYSTEM** (added September 30, 2009)

A. Intent.

1. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, Wayne Township finds these regulations are necessary to ensure that wind energy conversion systems are appropriately designed and safely sited and installed.
2. This Ordinance establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

B. Requirements for Location and Operation.

On-site wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

1. Tower Height:

For property sizes between ½ acre and one acre the tower height shall be limited to the greater of 100 feet and/or 25 feet above tree line. For property sizes of one acre or more, tower height shall be limited to 140 feet and energy capacity of 100 kilowatts, except as

imposed by FAA regulations.

2. Clearance of Blade:

No portion of the residential wind energy system shall extend within twenty feet of the ground.

3. Setback:

No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the property boundaries of the installation site. Setbacks for the system tower shall be a minimum of 1.5 times the height of the system from the property line, provided that it also complies with any applicable fire setback requirements.

4. Automatic Overspeed Controls:

All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.

5. Sound:

Residential wind energy system shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

6. Approved Wind Turbines:

Residential wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.

7. Safety Features:

Noncertified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.

8. Compliance With Uniform Building Code:

Building Permit applications for residential wind systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted.

9. Compliance With FAA Regulations:

Residential wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

10. Compliance With National Electric Code:

Building permit applications for residential wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code.

11. Utility Notification:

No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

12. Submission of a Site Plan:

A site plan shall be submitted and reviewed under the provisions of Article XIV Site Plan Review of this Ordinance.

13. Required Maintenance:

All wind energy systems shall be maintained and kept in safe working order. Any system which is not operational for a 12-month period shall be taken down.

14. Special Land Use:

A wind energy system is permitted as a special use and is subject to the provisions of Article XIII. Special Land Uses.

**Section 1828. CAMPING UNITS.** (added September 26, 2018)

- A. The use of Camping Units as a permanent or temporary dwelling unit, for living, sleeping, housekeeping, or other residential purposes is prohibited except as specified in this Zoning Ordinance. The ordinance does not apply to any campground or migrant camp licensed by the State of Michigan.
  
- B. A camping unit may be used as temporary lodging if the following conditions are complied with:
  - 1. No recreational vehicle shall be placed and/or occupied on any property without the property owner's permission. If requested by a township official, written evidence of permission shall be supplied.
  - 2. All waste must be disposed of in a legal manner.
  - 3. All setbacks required by the zoning district regulations must be complied with in the placement of the recreational vehicle on the property.
  - 4. No recreational vehicle may be occupied for more than two weeks in any three month period without written permission of all property owners within 100 feet and have the Township send a certified letter to each property owner within that area and that a lack of response to the letter would be interpreted as the property owner agreeing to the placement of the temporary camping unit/recreational vehicle. In no case may a camping unit be occupied for more than eight continuous months. No occupancy of camping units is permitted during the months of November, December, January or February.
  - 5. No recreational vehicle shall be set up for or used as a permanent residence.
  - 6. Temporary connections for water, electricity, or other utilities shall not cross a road right-of-way.
  - 7. All parking must take place on site. No parking in the roadway is allowed.
  - 8. No generator shall be used between 10:00 P.M. to 8:00 A.M.