

**WATERTOWN CHARTER TOWNSHIP
CLINTON COUNTY, MICHIGAN**

ORDINANCE NO. 33

AN ORDINANCE TO ALLOW THE CONSTRUCTION/INSTALLATION OF ENERGY GENERATING WIND TURBINES UP TO 50 FEET IN ZONING DISTRICTS R1, R2, R3, VSC AND MHP. WIND TURBINES UP TO 80 FEET IN HEIGHT SHALL BE PERMITTED IN ZONING DISTRICTS AP, AG, RR, B1, B2 AND LI. THIS ORDINANCE ALSO INCREASES THE THRESHOLD FOR ACCESSORY BUILDINGS TO BE AESTHETICALLY COMPATIBLE WITH THE MAIN BUILDING.

THE CHARTER TOWNSHIP OF WATERTOWN, CLINTON COUNTY, MICHIGAN ORDAINS:

Section 28-7, of Article I – In General – Definitions – of Chapter 28 – Zoning; Section 28-580, of Article IV - Supplemental Regulations – Alternative energy systems – of Chapter 28 - Zoning; Sections 28-177; 28-198; 28-225; 28-249; 28-282; 28-303; 28-330; 28-380; 28-409; 28-437, of Article III – District Regulations - Permitted Uses – Divisions 2–8 and 10-12; Section 28-559, of Article IV - Supplemental Regulations – Accessory buildings, structures and uses - of Chapter 28 – Zoning - are hereby amended to read as follows:

Graphics throughout Sec. 28-7 to be retained unchanged.

Sec. 28-7. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory use means a use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

Agriculture means the use of land as a source of income by tilling the soil, raising trees or field crops, or animal husbandry.

Alterations means any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or

"reconstructed."

Architectural features means architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Average grade means the average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

Basement or *cellar* means a portion of a building having more than one-half of its average height below grade.

Bed and breakfast establishment means a use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

Buildable area means the space remaining within a lot after the minimum setback and open space requirements of this chapter have been met.

Building means an independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building height means the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

Building, main, means a building in which is conducted the principal use of the lot on which it is situated.

Building permit means a written authority as issued by the building inspector on behalf of the township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this chapter and the state construction code.

Building setback lines means lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards as required by the zoning district in which a lot is located.

- (1) *Front setback line*. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.

- (2) *Rear setback line.* The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- (3) *Side setback lines.* Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

Commercial means this term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than 12 days during any one, six-month period.

Commercial wireless telecommunication services means licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Comprehensive development plan, or master plan means the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 168 of 1959 (MCL 125.321 et seq.).

Day care, commercial, means a facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, for more than two weeks in any calendar year. 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 operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered commercial day care.

Day care, home.

- (1) *Family day care home.* A single-family residence, occupied as such, in which care is provided for more than one but fewer than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- (2) *Group day care home.* A single-family residence, occupied as such, in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

District, zoning, means a portion of the township within which certain uses of land and/or

buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

Drive-through facility means a commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

Driveway, private, means a private easement or accessway providing vehicular access to up to three lots or parcels. For setback purposes, a private driveway shall be considered the same as a public street.

Dwelling or *dwelling unit* means any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, recreational vehicle, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this chapter.

Dwelling, multiple-family, means a building or portion thereof, used or designed for residential use for three or more families living independently of each other and each doing their own cooking and housekeeping.

Dwelling, single-family (detached), means a detached building used or designed for residential use exclusively by one family.

Dwelling, two-family, means a detached building used or designed for residential use exclusively by two families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term "erect."

Essential services means the erection, construction, alteration, or maintenance in any zoning district by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential services equipment. Cellular telephone or communications towers shall not be considered essential services.

Excavating means the removal of soil below the average grade of the surrounding land and/or road grade, whichever shall be highest, excepting common household gardening.

Family.

- (1) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be permanent.

Farm means the use of land for cultivation or for the raising of livestock for commercial purposes, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

Fence means any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

Floor area, gross (GFA) means the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include the basement floor area only if more than one-half of the average basement height is above finish lot grade. (See basement.) Gross floor area shall not include attic space having headroom of seven feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

Floor area, usable (UFA) means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

Frontage. See lot width.

Garage means an accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing

definition shall not be construed to permit the storage on any one lot of commercial vehicles exceeding a rated capacity of one ton.

Home occupation means an occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

Hospital means an institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel/motel means a building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

Inoperative vehicles means any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

Intensive livestock operations.

- (1) A total of 750 dairy cattle (all classes); 750 slaughter or feeder cattle, 2,200 swine (all classes), 100,000 poultry (all classes); 5,000 sheep or goats (all classes); or 200 horses (all classes); or
- (2) A population per acre of at least four dairy cattle, four slaughter or feeder cattle, 20 swine, 700 poultry, ten sheep or goats, or four horses.

Junk means, for the purpose of this chapter, miscellaneous solid waste, rubbish, scrap, debris, or reclaimable material located outside a fully enclosed building, including, but not limited to tires, vehicle parts, paper, rags, scrap metal, scrap equipment, glass, household appliances, garbage, and vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard means and includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

Kennel, commercial means any building and/or land used, designed or arranged for the commercial sale, boarding, breeding, care or treatment of three or more dogs, cats or other domestic animals for profit.

Kennel, private means any building and/or land used, designed or arranged for the

boarding, breeding or care of dogs, cats or other domestic animals belonging to the owner thereof and kept for purposes of sale provided that no more than three such animals, six months of age or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

Landmark tree means any living tree of stature standing alone in the open; or any living woodlot tree which stands obviously apart from its neighbors by size, form, or species. Living trees equal to or greater than 36 inches in diameter will generally be considered a landmark tree regardless of location or type.

Loading space means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this chapter. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

Lot area means the total horizontal area within the lot lines of a lot excluding road right-of-way.

Lot, corner, means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less.

Lot coverage means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot, depth, means the mean horizontal distance from the front lot line to the rear lot line, or the two front lines of a through lot.

Lot, double frontage (through) means a lot other than a corner lot having frontage on two more or less parallel streets.

Lot, interior, means a lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the property lines or other described lines bounding the lot.

- (1) *Front lot line*. In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.

- (2) *Rear lot line.* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose of determining depth of the rear yard. In cases where none of these definitions are applicable, the zoning administrator shall designate the rear lot line.
- (3) *Side lot line.* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (4) *Street lot line.* A lot line separating the lot from the right-of-way of a street or an alley.

Lot of record means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

Lot, waterfront, means a lot having frontage directly upon a lake, river or other naturally formed impoundment of water that meets the minimum lot width requirements of the district in which it is located.

Lot width (frontage) means the horizontal distance between the side lot lines, measured at the front yard setback line.

Manufactured home means a residential building, dwelling unit, dwelling room, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected. The term includes the terms "mobile home" or "modular home."

Manufactured home park means a parcel or tract of land under the control of a person upon which two or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured home space means a plot of ground within a manufactured home park designed for the placement of one manufactured home.

Master plan or *comprehensive development plan* mean the plan currently adopted by the township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan, adopted in accordance with the requirements of Public Act No. 168 of 1959 (MCL 125.321 et seq.).

Motel means a series of attached, semi-attached, or detached rental units providing

overnight lodging for transients, open to the traveling public for compensation.

Motor home means a motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

Nonconforming building or structure means a building or structure, or portion thereof, lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the provisions of the ordinance from which this chapter is derived in the zoning district in which it is located.

Nonconforming lots of record means a legally recorded lot that conformed with all township zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of this chapter or amendments thereof, and that does not conform to the use regulations of the zoning district in which it is located.

Nonresidential district means the B-1 local business district, the B-2 business district, and the LI light industrial district.

Nursing home means a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable state law.

Open air business means uses operated substantially in the open air, including, but not limited to:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
- (2) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

Ordinary high-water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is

apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high-water mark shall be the higher of the levels generally present.

Parking lot means a facility providing vehicular parking spaces with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

Parking space means an off-street space of at least 180 square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

Personal service establishments means any commercial business conducting services that are performed primarily on the premises.

Planned unit development means a development of land that is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

Porch, open, means a covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

Public utility means any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

Public water supply, means a central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated by maintained by a public utility authority.

Recreation vehicle or equipment means vehicles or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Residential district means and shall refer to the AP agricultural preservation district, AG agricultural district, RR rural residential district, R-1 single-family residential district, R-2 two-

family residential district, R-3 multiple-family residential district, VSC village service center district, and MHP manufactured home park district, as described in this chapter.

Roadside stand means a farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

Salvage yard means an open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

Sanitary sewer service means "Available Public Sanitary Sewer System" as defined by section 26-80 of the Watertown Charter Township Code.

Satellite dish antenna or *dish antenna* means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Setback or *setback area* means the minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback on a lot or parcel.

Significant natural feature means any natural area as designated by the planning commission, township board, or the state department of natural resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, landmark trees, or other unique natural features.

State licensed residential facility means a residential care family or group facility licensed by the state under Public Act No. 218 of 1979 (MCL 400.701 et seq.), or Public Act No. 116 of 1973 (MCL 722.111 et seq.), which provides resident care services under 24-hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the state for care and treatment of persons released from or assigned to adult correctional institutions.

- (1) A family home facility includes a state licensed residential facility providing resident services to six or fewer persons.
- (2) A group home facility includes a state licensed residential facility providing resident services to more than six persons.

Story means that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this chapter, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the average grade from which the height of the building is measured, or, if it is used for business purposes.

Story, half, means that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half the floor area of said full story, provided the area contains at least 200 square feet and which contains a clear height of at least seven feet, at its highest point.

Street, public, means a public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

Substantial improvement.

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (2) The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the national register of historic places or the state register of historic places.

Temporary building or use means a structure or use permitted by the zoning administrator to exist during periods of construction of the main building or for special events as permitted by this chapter.

Travel trailer means a vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight feet in width or 35 feet in length. It includes folding campers and truck mounted campers.

Use, principal, means the primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

Uses, adult, means and shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- (1) *Adult book 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", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

- (2) *Adult cabaret.* An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (3) *Adult motion picture theater.* An establishment 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 defined herein, for observation by patrons therein.
- (4) *Massage establishment.* Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, the feet, or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- (5) *Nude artist and photography studio.* Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
- (6) *Specified anatomical areas.* Specified anatomical areas are defined as less than completely and opaquely covered:
 - a. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (7) *Specified sexual activities.*
 - a. Human genitals in a state of sexual stimulation or arousal;

- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Vehicle repair means any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Vehicle service station means a building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, handwashing, minor repair, and servicing, but not including vehicle repair as defined in this chapter.

Vehicle wash establishment means a building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Wind energy conversion system: "wind energy conversion system" (WECS) is any system or assembly that contains any or all of the following characteristics:

1. A windmill, turbine or any similar machine designed to be operated by the wind for the purpose of mechanical or electrical power generation;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas turned by the wind into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. A generator, alternator, or other device utilized to convert the mechanical energy generated by the wind into electrical energy;
5. A tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wind energy conversion system, small: a wind energy conversion system consisting of wind turbines, towers, and associated control or conversion electronics, which is primarily intended to reduce or replace the on-site consumption of utility power.

Yard means an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

- (2) A rear yard is an open space extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- (3) A side yard is an open space of uniform width between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

Yard, required, means as that set forth in the applicable chapters of the township zoning ordinance as the minimum yard requirement for each zoning district.

Zoning Act means the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Zoning administrator means the person designated by the township board to administer the provisions of this chapter.

(Ord. No. 26, §§ 2.2--2.24, 6-29-2001; Ord. No. 30, 4-14-2008)

Sec. 28-580 Alternative Energy Systems.

(a) Small Wind Energy Conversion Systems (WECS)

A. Intent:

It is the intent of this section to regulate the safe, effective, and efficient use of small wind energy conversion systems (WECS) installed to reduce or replace the on-site consumption of electricity supplied by utility companies.

B. Permitted locations:

Small WECS shall be permitted as an accessory structure in every zoning district provided that they comply with the standards and requirements of this section. In the R1, R2, R3, VSC and MHP zoning districts, a principal structure must first be established on the parcel before a small WECS may be constructed/installed.

C. Application:

Prior to any installation or construction taking place on the subject property, an application for a zoning permit must be filed with and approved by the Zoning Administrator. Information required will include the following:

- (1) Name of property owner(s), parcel identification number and address
- (2) Zoning classification of parcel

(3) Proposed type, number and height of the small WECS to be constructed

(4) A scale map depicting the parcel's property lines, locations of existing roads and access drives, all structures, easements, utilities including overhead utility lines and the location of the small WECS, including setbacks from property lines.

(5) Building permits are required for the construction of a small WECS.

D. Additional turbines:

Small WECS may include more than one turbine and/or tower on any property zoned AP, AG, RR, B1, B2, or LI, provided that all other requirements of this ordinance are met. On parcels zoned R1, R2, R3, VSC or MHP only one turbine and/or tower shall be permitted.

E. Height/ towers:

(1) Total height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the small WECS, whichever is greater.

(2) For any parcel located in the R1, R2, R3, VSC or MHP zoning district, the maximum total height for a small WECS shall not exceed 50 feet.

(3) For any parcel located in the AP, AG, RR, B1, B2 or LI zoning district, the maximum total height for a small WECS shall not exceed 80 feet.

(4) The minimum required ground clearance between the lowest point of the blades and the grade shall be a minimum of 20 feet.

F. Visual Appearance:

Small WECS shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by state or other federal authorities.

G. Setbacks:

(1) The base of the tower shall be setback from all property lines at least the tallest height of the entire structure.

(2) The base of the tower shall not be located in the required front yard.

(3) No component of the small WECS, including guy wires and anchors, may extend over or beyond the property lines on which the WECS is located.

- (4) The base of the tower shall be setback from all overhead utility lines at least the tallest height of the entire structure.

H. *Certification required:*

In order to be constructed, erected or installed in Watertown Charter Township, all drawings and calculations for small WECS must be certified by a Professional Engineer licensed in the state of Michigan and indicate that the system complies with all applicable local and State building codes.

I. *FAA Compliance:*

Small WECS shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

J. *Lighting:*

Artificial lighting associated with small WECS shall comply with the requirements of Section 28-577, and requirements of the FAA, if applicable.

K. *Noise:*

Small WECS shall comply with the requirements of Chapter 10, Article II of the Watertown Charter Township Code. All WECS shall be exempt from this requirement during rare short term events such as utility outage and/or severe wind storms, or other unique weather events.

L. *Utility Interconnection:*

No small WECS shall be installed until documentation is provided that the Michigan Public Service Commission and the subject utility company have been informed of and approved the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

M. *Anemometers:*

- (1) Anemometers or other wind monitoring stations must meet the setback requirements for small WECS for the zoning district in which they are located.

- (2) A temporary zoning permit must be obtained for anemometers or other wind monitoring stations, in accordance with Section 28-566.

N. *Abandonment:*

Any small WECS that remains non-functional or inoperative for a period of at least 365 continuous days shall be deemed abandoned, and the zoning administrator may order the removal of the turbine, tower and any associated equipment. Only one, three-month extension shall be permitted

and then only if the zoning administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.

Sec 28-177 Permitted uses, AP.

Land in the AP district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Intensive livestock operations.
- (3) Retail sales of produce grown on the premises, including commercial "U-pick" operations, when conducted as an accessory use to a farm. Up to two off-premises signs may be permitted for each such use, provided that such signs are no greater than 16 square feet in area, are not placed within the right-of-way, and written permission for their display has been obtained from the property owner on whose property the sign is placed.
- (4) Farm equipment sales, service, including general repair and welding of farm implements and farm machinery.
- (5) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (6) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (7) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (8) Family day care homes.
- (9) State licensed residential family home facilities.
- (10) Public utility or service buildings, not requiring outside storage or materials.
- (11) Commercial storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.
- (12) Accessory buildings as regulated in section 28-559.
- (13) Small wind energy conversion systems.

Sec 28-198 Permitted uses, AG.

Land in the AG district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Retail sales of produce grown on the premises, including commercial "U-pick" operations, when conducted as an accessory use to a farm. Up to two off-premises signs may be permitted for each such use, provided that such signs are no greater than 16 square feet in area, are not placed within the right-of-way, and written permission for their display has been obtained from the property owner on whose property the sign is placed.
- (3) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (4) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (5) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (6) Family day care homes.
- (7) State licensed residential family home facilities.
- (8) Public utility or service buildings, not requiring outside storage or materials.
- (9) Accessory buildings as regulated in section 28-559.
- (10) Small wind energy conversion systems.

Sec 28-225 Permitted uses, RR.

Land in the RR district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Roadside stands for the sale of produce grown on the premises, conducted as an accessory use to a farm.
- (3) Single-family dwellings, as regulated in section 28-567 including home occupations

as regulated by section 28-569.

- (4) Family day care homes.
- (5) State licensed residential family home facilities.
- (6) Greenhouses and nurseries, including retail operations for products grown on the premises. A residence may also be located on the same property.
- (7) Kennels, not including commercial kennels. A residence may also be located on the same property.
- (8) Public utility or service buildings, not requiring outside storage or materials.
- (9) Accessory buildings as regulated in section 28-559.
- (10) Small wind energy conversion systems.

Sec 28-249 Permitted uses, R1.

Land in the R-1 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Farms, for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- (2) Single-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (3) Family day care homes.
- (4) State licensed residential family home facilities.
- (5) Public utility or service buildings, not requiring outside storage or materials.
- (6) Accessory buildings as regulated in section 28-559.
- (7) Small wind energy conversion systems.

Sec 28-282 Permitted uses, R2.

Land in the R-2 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Single-family dwellings, as regulated in section 28-567 including home occupations

as regulated by section 28-569.

- (2) Two-family dwellings, including home occupations as regulated by section 28-569.
- (3) Family day care homes.
- (4) State licensed residential family home facilities.
- (5) Public utility or service buildings, not requiring outside storage or materials.
- (6) Accessory buildings as regulated in section 28-559.
- (7) Small wind energy conversion systems.

Sec 28-303 Permitted uses, R3.

Land in the R-3 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Two-family dwellings, including home occupations as regulated by section 28-569.
- (2) Family day care homes.
- (3) State licensed residential family home facilities.
- (4) Public utility or service buildings, not requiring outside storage or materials.
- (5) Accessory buildings as regulated in section 28-559.
- (6) Small wind energy conversion systems.

Sec 28-330 Permitted uses, VSC.

Land in the VSC district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Single- and two-family dwellings, as regulated in section 28-567 including home occupations as regulated by section 28-569.
- (2) Family day care homes.
- (3) State licensed residential family home facilities.
- (4) Bed and breakfast establishments.

- (5) Public utility or service buildings, not requiring outside storage or materials.
- (6) Accessory buildings as regulated in section 28-559.
- (7) Small wind energy conversion systems.

Sec 28-380 Permitted uses, B1.

Land in the B-1 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- (2) Personal service establishments which perform services on the premises, including barbershops and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- (3) Professional and business offices.
- (4) Commercial day care centers.
- (5) Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- (6) Accessory buildings and uses as regulated in section 28-559.
- (7) Small wind energy conversion systems.

Sec 28-409 Permitted uses, B2.

Land in the B-2 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Restaurants, not including drive-through facilities.
- (2) Retail business establishments not including drive-through facilities which supply commodities such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings.
- (3) Banks, credit unions, and similar financial institutions, not including drive-through facilities.
- (4) Personal service establishments which perform services on the premises, including barbershops and beauty shops, photographic studios, dry cleaners, electronics

repair, and similar uses.

- (5) Professional and business offices.
- (6) Commercial day care centers.
- (7) Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- (8) Accessory buildings and uses as regulated in section 28-559.
- (9) Small wind energy conversion systems.

Sec 28-437 Permitted uses, LI.

Land in the LI district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
 - a. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
 - b. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
 - c. Electrical machinery, equipment and supplies, electronic components and accessories;
 - d. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods;
 - e. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
 - f. Apparel and other finished products including clothing, leather goods, and canvas products;
 - g. Lumber and wood products including mill work, prefabricated structural work products and containers;

- h. Paper and paperboard containers and products;
 - i. Biological products, drugs, medicinal chemicals and pharmaceutical preparations;
 - j. Glass products;
 - k. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;
 - l. Pottery and figurines and other ceramic products using only previously pulverized clay; and
 - m. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- (2) Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
 - (3) Warehousing, including refrigerated and general storage.
 - (4) Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
 - (5) Research and development facilities, including production activities, which shall be limited to 50 percent of the floor area of the building.
 - (6) Trade or industrial schools.
 - (7) New building materials sales and storage, including building trade contractors and related storage yards.
 - (8) Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and televisions and radio towers, including towers for commercial wireless telecommunication services.
 - (9) Utility and public service buildings, including storage yards.
 - (10) Accessory buildings and uses as regulated in section 28-559.
 - (11) Landscaping, lawn service, snowplowing (including other closely related operations).

(12) Mini-storage units.

(13) Small wind energy conversion systems.

Sec. 28-559 Accessory buildings, structures, and uses.

(a) *Accessory buildings--General.*

(1) Where accessory buildings or structures, including but not limited to, enclosed porches or garages, are attached to a main building in a substantial manner, such as by a wall or roof, they shall conform to all regulations of this chapter applicable to a main building.

(2) Accessory buildings shall not be permitted in the required front yard.

(3) Farm accessory buildings, used for purposes related and accessory to agricultural operations shall be exempt from the size, number, and height provisions of this section. Such buildings, however, shall be subject to the setback provisions applicable to residential accessory buildings.

(b) *Accessory uses--General.*

(1) Accessory uses are permitted only in connection with, incidental to, and on the same lot with a principal use which is permitted in the particular zoning district.

(2) An accessory use must be in the same zoning district as the principal use on a lot.

(3) Unless otherwise specifically permitted by this chapter, accessory uses shall not be permitted in the required front yard.

(c) *Residential district accessory buildings and structures.* Accessory buildings shall be permitted within any residential district or with any residential use provided that the following restrictions are met:

(1) The total area of all accessory buildings shall not exceed the following:

a. For lots of 10,000 square feet in area or less: 1,280 square feet.

b. For lots greater than 10,000 square feet in area, up to one acre: 1,600 square feet.

c. For lots of one acre to five acres: 2,000 square feet.

d. For lots greater than five acres: no area restriction, except that the lot coverage for the district in which the accessory building is located shall not be exceeded.

- (2) An accessory building located in the rear yard shall not occupy more than 30 percent of the required rear yard area.
 - (3) Accessory buildings in excess of 200 square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building and shall be subject to requirements of Section 28-48. Accessory buildings 200 square feet or less shall be exempt from the requirements of Section 28-48.
 - (4) No detached accessory building shall be located closer than ten feet to any main building. The drip edge of any detached accessory building shall not be located closer than five feet to any side or rear lot line.
 - (5) No detached accessory building shall exceed 18 feet in height.
 - (6) Accessory buildings shall not be permitted on a lot or parcel which does not have a principal use or main building.
- (d) *Nonresidential districts accessory buildings and structures.*
- (1) No more than two detached accessory buildings shall be permitted on any lot.
 - (2) The total area of all accessory buildings shall not exceed 25 percent of the floor area of the main building.
 - (3) Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
 - (4) No detached accessory building shall be located nearer than ten feet to any main building.
 - (5) No detached accessory building shall exceed the permitted height for main buildings in the zoning district in which it is located.

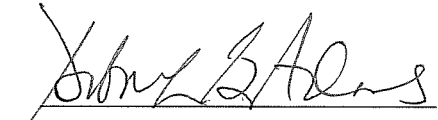
PASSED by roll call vote of the members as follows:


Yes: Trustee Weitzel, Clerk Freeman, Trustee Westrick, Treasurer Thelen,
Supervisor Adams, Trustee Mitchell, Trustee Maahs
No: None

AND ADOPTED by the Township Board this 20 day of September, 2010.

AND EFFECTIVE, October 3, 2010 (seven days after date of final publishing).

BY:


Deborah Adams, Supervisor
Charter Township of Watertown

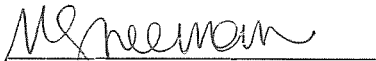

Melissa Freeman, Clerk
Charter Township of Watertown

Public Hearing:	June 2, 2010
First Reading:	August 16, 2010
First Publication:	August 29, 2010
Adoption:	September 20, 2010
Final Publication:	September 26, 2010
Effective Date:	October 3, 2010

Published September 26, 2010 in the Grand Ledge Independent & DeWitt-Bath Review Newspapers.

I, the undersigned, the duly qualified Clerk of the Charter Township of Watertown, Clinton County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of the ordinance adopted by the Township Board at the date set forth above.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 21 day of September 2010.


Melissa Freeman, Clerk
Charter Township of Watertown