

ARTICLE 4

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless specifically stated otherwise.

- 4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with this Ordinance (and all other applicable ordinances, codes, laws and regulations).
- 4.2 BUILDING PERMITS AND CONSTRUCTION CODES: See the Schoolcraft Township Construction Code Ordinance and the therein referenced construction codes for regulations applicable to building permits, occupancy permits, and other regulations applicable to the construction and occupancy of buildings and other structures.
- 4.3 ZONING COMPLIANCE PERMITS: No building or structure, other than an accessory structure, which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning compliance permit has been issued by the Zoning Administrator, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance. This zoning compliance permit requirement shall apply to a building or structure exempt from a building permit requirement pursuant to the Township Building Code.
- 4.4 DWELLING STANDARDS: A dwelling shall comply with the following standards:
1. It shall have a minimum gross floor area in accordance with the requirements of Article 20 for the applicable zoning district, and shall have a minimum floor to ceiling height of 7.5 feet.
 2. It shall have a minimum width or depth of 20 feet for 50% of the entire length of the dwelling.
 3. It shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended.
 4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and all wheels shall be removed. Any space that may exist

between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply, or to private sewer and water facilities approved by the County Health Department.
6. The dwelling shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.
7. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than 6" on all sides, or alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling based upon the standards in this provision and the definition of "dwelling", as well as the character, design and appearance of residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. The dwelling shall contain a storage capability area in a basement located under the dwelling, in a usable attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling equal to at least 15% of the square footage of the dwelling or 150 square feet, whichever is less.
9. The dwelling and all additions or other areas shall comply with all pertinent building and fire codes. In the case of mobile homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow

standards of construction which are less stringent than those imposed by this Ordinance or the Township construction codes, then, and only in that event, the less stringent federal or state standards or regulations shall apply.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except as indicated and to the extent allowed or required by law.

- 4.5 USED DWELLING: All the dwelling standards in Section 4.4 apply to a used dwelling which is to be installed in the Township. A certificate indicating the dwelling complies with those standards and all pertinent building and fire codes shall be submitted to the Zoning Administrator before the dwelling is installed. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54.
- 4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement in a completed building for sleeping quarters or a dwelling unit is prohibited except where direct access to the outside is provided in accordance with the Township Building Code. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements.
- 4.7 PRINCIPAL USE/PRINCIPAL BUILDING: No lot may contain more than 1 principal use or principal building; provided that groups of multiple-family dwelling buildings under single ownership shall be deemed a principal use collectively. In the site plan review process the Planning Commission may designate as a principal use collectively, and/or as principal buildings, groups of retail business buildings under single ownership, and groups of other buildings under single ownership integrally engaged in the primary commercial use or industrial use on the subject property.
- 4.8 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located (see Article 20), and are also subject to the following:
1. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this ordinance, and if

already less than the minimum required it shall not be further divided, altered or reduced.

2. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
3. Where two or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot).
4. Where two or more contiguous lots or portions of lots are in single ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger "zoning lot".

4.9 TRAFFIC VISIBILITY AND CLEARANCE: On any lot in any district no shrub, bush, non-deciduous tree, or other vegetative planting shall be planted or maintained within the right-of-way of a public or private street so as to cause an obstruction to or on the roadway, or to create a hazard to vehicular traffic visibility, by reason of the location, height, size, shape, or other characteristic of such planting in relation to the roadway and any driveway providing ingress to/egress from such roadway.

4.10 WALLS AND FENCES: See Section 22.1.5 of this ordinance.

4.11 SCREENING AND FENCING: Every commercial or industrial use occupying land immediately adjacent to a Residential District shall have a screening area separating the commercial or industrial use from the adjoining residential district. The screen shall be in the form of either a wall, berm, fence or evergreen planting, or combination of same, which is compact and maintained in good condition at all times. Such screening materials shall be at least six feet in height, except where the height of the screen would interfere with traffic safety, in which case it may be reduced to not less than three feet in height.

4.12 HEIGHT EXCEPTIONS: The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas, wireless communications support structures/wireless communications equipment (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, fire towers, and wind energy structures (except as otherwise specifically regulated in this Ordinance). In the zones where industrial uses are allowed, smokestacks, chimneys, cooling and

fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks, and roof structures for other necessary appurtenances for such uses are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines.

4.13 TEMPORARY LAND USES AND PERMITS:

1. Temporary Construction Site Office/Construction Yard. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.
2. Temporary Subdivision Office. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
3. Temporary Recreational Vehicle. A recreational vehicle or tent may be situated upon premises in an Agricultural District or Residential District and occupied for temporary recreational purposes, subject to the following conditions and limitations:
 - A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be occupied for more than 30 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

- F. When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.
4. Temporary Second Dwelling. Notwithstanding Section 4.7 of this Ordinance generally prohibiting more than one principal use or single family dwelling on a lot, the Zoning Administrator may issue a temporary permit granting zoning approval for construction of a new permanent single family dwelling on a lot while occupancy of an existing single family dwelling on the same lot continues during construction, subject to the following requirements and conditions on the permit:
- A. The applicant for the permit shall be the deedholder of the subject property.
 - B. The subject property shall be a lawful conforming lot (platted or unplatted), or an otherwise buildable, lawful, nonconforming lot.
 - C. The applicant shall submit plans for and obtain all requisite construction permits for the new permanent dwelling contemporaneous with approval of the temporary second dwelling permit, or the temporary second dwelling permit shall be considered abandoned and void.
 - D. The existing dwelling shall be removed from the subject property and disposed of lawfully, and the dwelling site properly reclaimed, all within 30 days of issuance of a certificate of occupancy by the Building Official for the new permanent dwelling, or within one year from the issuance of the temporary second dwelling permit, whichever comes first.
 - E. The applicant shall provide a performance guaranty to the Township at the time of application for the temporary second dwelling permit to insure the removal of the existing dwelling as required herein. The performance guaranty shall be in the form of an irrevocable bank letter of credit, cash escrow, or performance bond, in the amount of at least the estimated costs to remove and lawfully dispose of the existing dwelling, and reclaim the site of such dwelling, as required herein. The Zoning Administrator shall determine the required amount of the performance guaranty based on a written bid for such removal/disposal/ reclamation work by a reputable company reasonably acceptable to the Zoning Administrator. The performance guaranty shall by its terms be valid for a period of time sufficient to enable the Township to implement the performance guaranty and use the proceeds to remedy any non-performance of the applicant with respect to removal and

disposal of the existing dwelling and reclamation of the existing dwelling site.

- F. By applying for and receiving a temporary second dwelling permit pursuant to this subsection the applicant agrees that in the event of applicant's failure to perform as required above the Township may implement the performance guaranty and, the Township and/or its agents/employees/contractors may enter the subject property to remedy all non-performance upon 30 days written notice to the applicant at the address of the subject property. In such circumstances the applicant also hereby acknowledges the applicant shall be personally liable for all expenses which the Township incurs in remedying applicant's non-performance, which are not covered by the performance guaranty, including actual legal fees, and consents to entry of a money judgment against applicant in a court of law for such expenses. The Township shall return to the applicant any surplus from the proceeds of an executed performance guaranty.
- G. The applicant shall not convey to another person or party any interest in the subject property during the duration of a temporary second dwelling permit issued pursuant to this subsection.
- H. Before issuing a temporary second dwelling permit under this subsection the Zoning Administrator shall require the applicant to execute an agreement by which the applicant accepts the permit requirements and conditions, which shall also be binding on the applicant's heirs and legatees.

- 4.14 JUNK/REFUSE: Nothing in this Ordinance shall be construed to allow the storage, collection or placing of discarded materials, inoperable or unlicensed motor vehicles (or parts thereof), or junk or refuse, for purposes of operating a junk, salvage or scrap yard, or for any other commercial purposes, without complying with applicable provisions of this Ordinance.
- 4.15 SWIMMING POOLS: A swimming pool shall be considered an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. Also see Building Code for additional regulations applicable to location and maintenance of swimming pools.
- 4.16 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.
- 4.17 LIGHTING LIMITATIONS: The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon

adjacent properties or streets. All exterior lighting fixtures associated with new construction, and replacement fixtures on existing construction, shall be designed and maintained in a downward-facing configuration.

4.18 GARAGE SALE/YARD SALE REGULATIONS: Garage sales, yard sales and similar activities may be held as an accessory use to a dwelling in any zoning district, subject to the following regulations:

1. Such sales shall be held not more than two times per year per lot.
2. Such sale shall not exceed three days in length.
3. Only normal household personal property and residential goods owned by a resident of the lot where the sale is occurring, or by a neighbor, may be sold.
4. Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.
5. Within 24 hours of the close of the sale the owner of the lot where the sale was located shall collect and properly store or dispose of all signs or other advertising materials relating to the sale.

4.19 REMOVAL OF UNUSED BUILDING FOUNDATIONS AND RESTORATION OF LOT GRADE: In the event a dwelling or other type of building is destroyed or otherwise removed from its foundation, within three days the site shall be posted and fenced so as to preclude entry by unauthorized persons. Further, no more than 30 days after the destruction or removal of the building the building site shall be filled so as to restore the established grade; provided, however, that this latter requirement shall not apply if rebuilding operations have been projected or approved, and during the preconstruction period, which shall not exceed six months, the building site is fenced so as to preclude access by unauthorized persons; the lot is maintained free from the accumulation of rubbish and all unsafe or hazardous conditions which are unsightly or endanger the health or safety of the public; and provision is made to prevent damage from water runoff or otherwise to any adjoining property.

4.20 EARTH REMOVAL: Top soil, sand or other earth material may be removed from a lot for the purpose of erecting or constructing a building, rather than for the purpose of mining, without cubic yard limitation. Top soil, sand or other earth material may also be removed from a lot for the purpose of constructing a structure or pond on the lot, rather than for the purpose of mining, provided that not more than 2,000 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot, provided that not more than 2,000 cubic yards of material is involved, and further provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the groundwater table, or damage to adjoining properties. All other activities involving "earth removal" as defined in

this Ordinance, shall be allowed only where designated by this Ordinance in a particular zoning district, and pursuant to all applicable use and site plan approval requirements.

4.21 FILL REGULATIONS:

1. Statement of Purpose. The purpose of the regulations in this part of the ordinance is to assure that filling activities on any property in the Township for building site preparation, or otherwise, comply with applicable state laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by 1978 Public Act 641, as amended, or otherwise affect the provisions of that Act, which require certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to that Act.
2. Regulations Applicable in all Zoning Districts. Only inert soil, sand, clay, gravel, stone, and other inert/non-organic material may be used as fill materials in any zoning district, subject to the following regulations:
 - A. State Wetland Permit Requirement. No filling activities shall take place in a wetland subject to regulation by the State without a permit first being obtained as required by applicable law.
 - B. State Soil Erosion and Sedimentation Permit Requirement. No filling activities which may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to applicable law.
 - C. Fill Material Content. Fill material shall have sufficient porous materials (such as soil, sand or gravel) to bed non-porous materials (such as rock, or pieces of concrete or brick).
 - D. Maximum Size of Non-porous Materials. Allowable non-porous materials (such as rock, or pieces of concrete or brick) shall be no greater in size than a standard concrete construction block. If larger pieces of material are encountered they shall be broken up to a conforming size or removed and lawfully disposed of.
 - E. Compaction of Fill Material. All fill material shall be compacted to at least a 90% density.
 - F. Leveling and Finishing of Filled Areas. Within 30 days or as soon thereafter as is practicable all filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least

six inches, and seeded with a grass or other appropriate form of vegetation sufficient to control erosion.

- G. Final Grade and Runoff Control. The final grade of all filled areas shall be such as to either contain precipitation run-off within the subject property, or restore a natural flow to abutting property or a public roadway or other public right-of-way.

- H. Fill Permit Requirement. Where the volume of fill associated with a particular filling activity or project will exceed 2,000 cubic yards of material, or where the Zoning Administrator determines that by reason of the nature of the subject property, the location of that property, or otherwise, a particular filling activity or project is likely to cause a substantial impact on adjoining or nearby properties which may not be temporary in duration, no filling activities shall take place without Planning Commission approval of the filling activities, as a special land use, in accordance with all applicable provisions of this Ordinance, including the following:
 - (1) Application for Fill Permit. An application for a Fill Permit shall be filed with the Township Clerk in accordance with Section 23.2 of this Ordinance and shall in addition include the following information:
 - a. Name and address of applicant.
 - b. Common address and legal description of property to be filled.
 - c. Owner of property to be filled.
 - d. Type(s) of fill material to be deposited.
 - e. Source(s) of fill material to be deposited.
 - f. Route(s) of travel from source(s) of fill material to subject property.
 - g. Volume of fill material requested to be permitted (in cubic yards).
 - h. Location of portion of subject property where filling activities will take place.
 - i. Final grade of filled area.

- j. The number and type of vehicles and equipment to be used in filling activities, including transporting, dumping and leveling fill materials.

The Planning Commission may require one or more of the above application items and other pertinent information to be supplied in the form of a site plan in accordance with Article 24 of this Ordinance.

(2) Fill Permit Review Criteria. The Planning Commission shall process and review a Fill Permit application in the same manner as a special land use request is processed and reviewed pursuant to law and applicable ordinance provisions. The Planning Commission shall approve, approve with conditions, or disapprove the application based on the general special land use approval standards in Section 23.3 of this Ordinance, and upon a finding that:

- a. The requested filling activities can be conducted in compliance with all applicable Township ordinance requirements; and
- b. All applicable state and/or county permits have been obtained; and
- c. The requested fill activities will not have a harmful affect on abutting or nearby properties, except to the extent that any such affects are unavoidably inherent in the filling process, but will be temporary in duration, lasting only so long as the filling activities are taking place.

4.22 STOCK FARMING AND OTHER LIVESTOCK USES: Except as specifically allowed in the various designated zoning districts, land uses involving the keeping or raising of livestock for any purpose are specifically prohibited as a permitted use, a special land use, or as an accessory use.

4.23 WIND ENERGY STRUCTURES: Any lot in any zoning district may have located thereon one wind energy structure, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to compliance with all of the following requirements and regulations:

- 1. On-site Use. The wind energy structure shall be designed and intended to primarily serve the premises on which the structure is located.

2. Permissible Type.
 - A. A tower-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.A. herein.
 - B. A roof-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.B. herein.

3. Height.
 - A. The total height of a tower-mounted wind energy structure shall not exceed 120 feet, including the tip of the rotor blade at its highest point (measured from ground grade), or such lesser height as is necessary to comply with the setback/location requirements in subsection 4 herein. In addition, the rotor blade shall have a ground clearance of at least 20 feet when the blade tip is at its lowest point.
 - B. The total height of a roof-mounted wind energy structure shall not exceed 10 feet above the peak height of the roof on which the structure is located.

4. Setback/Location. The wind energy structure shall have a setback from all lot lines equal to at least the height of the structure, including the tip of the rotor blade in its highest position. Any part of an anchoring system for the wind energy structure, such as guy wire anchors, may be located within this required setback distance, but shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in Article 20 of this Ordinance. A tower-mounted wind energy structure and its anchoring system shall also be located in compliance with Section 22.1.5 (accessory structure location).

5. Noise and Other Potential Interferences. The wind energy structure shall not generate total noise exceeding 55 dB(A), or 35 dB at any octave frequency centered below 250 Hz, as measured at or beyond every boundary line of the subject premises; shall not produce any physical vibrations that are humanly perceptible at or beyond the lot boundaries; and shall not cause any electromagnetic interference at or beyond the lot boundaries.

6. Construction Codes. The wind energy structure and all anchoring systems shall comply with all applicable building and electrical code requirements.

7. Safety Standards. The wind energy structure shall be designed and operated so as to include all of the following in addition to such features as may be required by the codes referenced in the preceding paragraph:
 - A. an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding of the rotor blades.
 - B. underground electrical wiring connections, except where underground placement would violate an applicable code requirement, or is not feasible due to specific characteristics of the installation or the subject premises.
8. Visual Impact. All wind energy structure installations shall use measures to reduce the visual impact of the structure to the occupants of adjoining properties and the general public, including all of the following specific measures:
 - A. all components of the wind energy structure, including any above-ground anchoring system, shall be finished in a non-reflective and non-obtrusive neutral color, which shall be maintained throughout the life of the structure.
 - B. a wind energy structure shall not be illuminated or have lighting of any kind; except to the extent mandated by the Federal Aviation Administration or other applicable governmental authority, which shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - C. the wind energy structure shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
9. Maintenance and Removal. The wind energy structure and all related systems shall be properly maintained in accordance with the manufacturers recommendations and so as to be operable as designed. The structure shall be dismantled and removed if it is not being properly maintained or if its use for generating electricity has been abandoned.
10. Pre-installation Administrative Review and Zoning Compliance Permit. Before beginning any on-site work associated with the installation of a wind energy structure the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a zoning compliance permit for the structure pursuant to Section 4.3 of this Ordinance.

- 4.24. ACCESSORY SOLAR ENERGY SYSTEM: Any lot in any zoning district may have located thereon an accessory solar energy system, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to the regulations applicable to all accessory uses as specified in Section 22.1 of this Ordinance (subsections 7-10 and 13), and compliance with all of the following additional requirements:
1. On-site Use. The accessory solar energy system shall be designed and intended to primarily serve the premises on which the system is located.
 2. Permissible Type.
 - A. A ground-mounted type of accessory solar energy system is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.A. herein.
 - B. A building-mounted type of accessory solar energy system is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.B. herein.
 3. Height.
 - A. The total height of a ground-mounted accessory solar energy system shall not exceed the maximum building or structure (roof) height requirement for an accessory building/structure in the pertinent zoning district, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
 - B. The total height of a building-mounted accessory solar energy system shall not exceed 10 feet above the peak height of the roof on which the structure is located, or the applicable maximum building or structure (roof) height requirement in the pertinent zoning district, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements), whichever is less.
 4. Setback/Location. The accessory solar energy system shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in Article 20 of this Ordinance. A ground-mounted accessory solar energy system and its foundation system shall also be located in compliance with Section 22.1.5.A (accessory structure location).
 5. Construction Codes. The accessory solar energy system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations.

6. Off-Site Impacts. All accessory solar energy system installations (collector panels and other components) shall adhere to the following requirements to reduce the potential impact to the occupants of adjoining properties and the general public:
 - A. collector panels and other components of the system shall be designed and maintained with an anti-reflective coating.
 - B. collector panels, whether stationary or in a tracking array, shall be oriented to not direct glare onto any adjoining property or any public roadway.
 - C. the system shall otherwise be designed and operated so as to not produce glare sufficient to create private or public nuisance conditions.
 - D. the system shall not be illuminated or have lighting of any kind.
 - E. the system shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
7. Maintenance and Removal. The accessory solar energy system shall be properly maintained in accordance with the manufacturer's recommendations and so as to be operable as designed. The system shall be dismantled and removed (including all foundation elements for a ground-mounted system) within 180 days after either being nonoperational or otherwise out-of-service for generating electricity for a continuous period of at least 180 days, or upon not being properly maintained for at least 30 days. Upon removal of a building-mounted system all structural support elements for the system shall be removed from the building. Upon removal of a ground-mounted system the site shall be appropriately reclaimed, stabilized, and revegetated.
8. Pre-installation Administrative Review and Zoning Compliance Permit. Before beginning any on-site work associated with the installation of an accessory solar energy system the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a zoning compliance permit for the system pursuant to Section 4.3 of this Ordinance.

4.25. ROADSIDE STAND AND FARM MARKET REGULATIONS.

1. Roadside Stand. One 'roadside stand', as defined in Section 2.2 of this Ordinance, is allowed on any lawful lot in an Agricultural District or a

Residential District as an accessory use accessory to a single family dwelling or other lawful principal use (and is also allowed as a principal permitted use in an Agricultural District), subject to the following requirements:

- A. If the roadside stand involves a permanent building or structure, such building/structure shall comply with all otherwise applicable setback requirements as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- B. If the roadside stand involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be situated within the lawful right-of-way of any public street, but shall not otherwise be subject to a front yard setback requirement. Any such temporary structure or area shall, however, be situated away from any adjoining lot line a distance equal to at least the minimum setback requirement that would apply to an accessory structure as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- C. Any such roadside stand which is an accessory use and/or includes an accessory building/structure shall comply with subsections 7-11 of Section 22.1., which are generally applicable to all accessory uses/buildings/structures.

2. Farm Market. One 'farm market', as defined in Section 2.2 of this Ordinance, is allowed on any lawful lot as a principal permitted use in an Agricultural District (and is also allowed as an accessory use accessory to a single family dwelling or other lawful principal use in an Agricultural District), subject to the following requirements:

- A. If the farm market involves a permanent building or structure, such building/structure shall comply with all otherwise applicable setback requirements as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- B. If the farm market involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be situated within the lawful right-of-way of any public street, but shall not otherwise be subject to a front yard setback requirement. Any such temporary structure or area shall, however, be situated away from any adjoining lot line a distance equal to at least the minimum setback requirement that would apply to an accessory structure as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- C. Any such farm market which is an accessory use and/or includes

an accessory building/structure shall comply with subsections 7-11 of Section 22.1., which are generally applicable to all accessory uses/buildings/structures.

- D. The farm market shall comply with all otherwise applicable parking requirements as specified in Article 26 of this Ordinance.