



Special Use Permits

SECTION 1601. PURPOSE AND INTENT

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structures, which because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards to allow practical latitude for the developer, and at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this Ordinance the following Special Use Categories are identified.

- A. Institutional Uses.
- B. Agricultural Uses pursuant to state regulations or statutes.
- C. Golf Courses, Shooting Clubs and Country Clubs.
- D. Manufactured Home Developments pursuant to state regulations or statutes.
- E. Planned Unit Developments.
- F. Automotive Service Stations.
- G. Wireless.
- H. Miscellaneous Special Uses.

The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards, which must be met before a Special Use Permit can be issued.

SECTION 1602. STANDARDS

The application for a Special Use Permit includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether or not a Special Use Permit will be granted.

- A. **Standards.** During the Special Use Permit Process, various considerations will be explored before approval for the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements and must always be met.
- B. **Conditions.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- C. **Precaution.** No person should conclude that compliance with the standards defined by this Chapter automatically grant the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
- D. **Permanence.** Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above or other requirements of this ordinance have been violated. Otherwise, the Special Use Permit “runs with the land” and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as noted in Section 1603 F.

SECTION 1603. PERMIT PROCEDURES

The application for a Special Use permit shall be submitted and processed under the following procedures and in accordance with the Michigan Zoning Enabling Act, P. A. 110 of 2006.

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- A. **Submission of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board.
1. **Contents.** The application package consists of a Special Use Permit Application completed in full by the applicant, accompanied by a fee as established by the Township and a site plan meeting the requirements of Section 307.4.
 2. **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least forty-five (45) days before the Planning Commission meeting at which it will be considered.
- B. **Simultaneous Consideration of Rezoning and Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
1. **Separate.** The rezoning shall be considered separately from the Special Use Permit.
 2. **Procedures.** The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 3. **Standards.** All standards required by this Ordinance shall be observed for each action.
 4. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and special use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- C. **Planning Commission Review and Hearing.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting:

1. **Site Plan Review.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards and any specific standards identified for a Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a. **Public Input.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b. **If the Site Plan is Denied.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site approval must be obtained before the Special Use Permit is valid.
2. **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the application as part of the meeting which the Special Use Permit is considered.
 - a. **Notice.** A notice of public hearing meeting the requirements of this section shall be mailed to all parties specified by this section and published in a newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing.
 - b. **Delay at Applicant's Request.** If a site plan for a Special Use has been denied, the applicant may ask for a consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.

3. **Consideration of a Special Use Permit.** Following the public hearing, the Planning Commission Chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it.
 - a. **Open Meeting.** Note that the Open Meeting Act requires this vote to take place in an open public meeting.
 - b. **Prompt Decision.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
 - c. **Issuance of a Zoning Permit.** Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
- D. **Reapplication.** An application for a Special Use Permit which has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.
- E. **Terms of Permit.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of said permit are described in this section. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
- F. **Revocation.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in the paragraph above, the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.

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1. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
2. **Considered Nonconforming.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.
3. **Planning Commission Action.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually occur before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
4. **Second Notice and Order.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
5. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

SECTION 1604. PERMIT STANDARDS

- A. **Standards Attached to the Site Plan Review.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use to establish that all applicable standards are satisfied. The Site Plan Review shall determine compliance with the applicable District Regulations from Chapter 4, the Site Plan Review Standards, and any applicable standards from this Chapter. Standards are included in the Special use Permit Chapter and in the Supplementary Section in this Ordinance.

- B. **Additional Conditions.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's Minutes and communicated to the applicant in writing.
- C. **Enforcement of Conditions.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 1603(F).

SECTION 1605. INSTITUTIONAL USES

- A. **Authorization.** In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section, can be complied with.
- B. **Uses.** The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
 - 1. **Institutions for Human Care.** Hospitals, Day Care, Sanitariums, Nursing or Convalescent Homes, Assisted Living Homes, Homes For The Aged, and Philanthropic and Charitable Institutions. Camp or Correctional Institutions are prohibited.
 - 2. **Religious Institutions.** Churches, synagogues, or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
 - 3. **Educational and Social Institutions.** Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.
 - 4. **Public Buildings and Public Service Installations.** Publicly owned and operated buildings, public utility buildings and structures, transformer stations and sub-stations and gas regulator stations.

C. **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.

1. Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.
2. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

D. **Hospitals.** (For overnight stay)

1. The proposed site shall be at least five (5) acres in area.
2. All structures shall be located at least fifty (50') feet from any residential use.
3. The proposed site shall have at least one (1) property line abutting a principal or minor arterial.
4. No more than twenty-five (25%) percent of the gross site shall be covered by structures.
5. Ambulance and delivery areas shall be obscured from all residential views with a wall or barrier or other such suitable buffer as determined by the Planning Commission.

E. **Religious Institutions.**

1. The proposed site shall be at least one (1) acre in size plus one-half ($\frac{1}{2}$) acre per hundred (100) seats in the main auditorium.
2. No building shall be closer than forty (40') feet to any property or street line.
3. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

F. Cemeteries.

1. The proposed site must be at least ten (10) contiguous acres.
2. No building or drive shall be closer than twenty (20') feet to any property line.

G. For All Other Uses That May Be Permitted, except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function.

1. No building shall be closer than forty (40') feet to any property or street line.
2. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.
3. All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.

H. For Public Utility Transformer Stations and Substations, Gas Regulator Stations:

1. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
2. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

SECTION 1606. AGRICULTURAL USES

A. Authorization. Certain agricultural uses, due to their intensity and potential impact on surrounding uses and the environment, require additional consideration.

B. Uses:

1. Livestock Auction Yards.
2. High Intensity Livestock Operations.

C. Site Location Principles:

1. Designed and constructed so that no livestock waste is carried into any roadway ditch, drainage area, or sanitary lagoon disposal system; and,
2. Designed and constructed so as not to be in violation of applicable federal, state or local sanitation and environmental control laws, rules, and regulations.

D. Development Requirements:

1. Manure shall be removed or disposed of in one of the following manners:
 - a. Spraying or spreading on land in the zoning district followed by an approved method of incorporation.
 - b. Grinding or dehydrating in properly designed dehydrators.
 - c. Stockpiling in a compost plant in an isolated area in such a manner so as to not create a water pollution problem.
2. **Insect and Rodent Control:**
 - a. Removal of manure and disposal as outlined above.
 - b. Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
3. **Drainage:**
 - a. All ground surfaces within pens shall be so graded and compacted to insure positive drainage.
 - b. Surface runoff shall be so controlled so that no appreciable amount of soil or manure is carried into any roadway ditch or off site drainage area where it will deposit and form sludge bands where flies and mosquitoes can breed or create water pollution.

SECTION 1607. GOLF COURSES AND COUNTRY CLUBS

A. **Authorization.** In recognition of the basic open space and recreation character of golf courses and shooting or country clubs and compatibility within agricultural and residential areas, these uses may be permitted.

B. **Uses:**

1. Golf Courses.
2. Country Clubs.

Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

C. **Site Location Principles.**

1. Site location should be allowed which enhances the natural environment and amenities for community life.

D. **Development Requirements.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.

1. Minimum site shall be ten (10) acres or more and access shall be so designated as to provide all ingress and egress directly onto or from a public street.
2. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
3. Minimum yard and height standards require that no building shall be closer than fifty (50') feet to any property or street line.

SECTION 1608. MANUFACTURED HOUSING DEVELOPMENT

A. **Authorization.** Manufactured housing developments are herein recognized as fundamentally a multiple residential use and that allowed in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this comprehensive zoning ordinance.

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The special features and demands of manufactured housing require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses.

- B. **Uses.** A Manufactured Housing Development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the Mobile Home Commission of the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended and PROVIDED further that said development proposal meets the standards and conditions and all other provisions as herein established.
1. Manufactured homes are designed for occupancy as a dwelling unit, and containing a minimum of seven hundred and twenty (720) square feet of living area.
 2. Accessory buildings and services required for normal operation, such establishments or service facilities shall be designed and intended to serve the needs of persons residing within the park and may be permitted PROVIDED that such uses:
 - a. Shall not occupy more than five (5%) percent of the area of the park.
 - b. Shall be subordinate to the residential character of the park.
 - c. Shall present no visible evidence of general business character to any area outside of the park boundaries.
- C. **Maintenance Building.** For conducting the operation and maintenance of a mobile home park. Only one (1) permanent building can be established. However, a caretaker's residence may be established within or in addition to said permanent building.
- D. **Uses Specifically Prohibited.** The sale, display or storage of manufactured homes for such uses that are expressly prohibited.
- E. **Development Requirements.** The following minimum requirements, guidelines and standards shall be used in considering the issuance of a special use permit.

In addition to the provisions of this Ordinance, all parks shall comply with Act 243, Public Acts of 1959, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the State of Michigan prior to final approval of special use permit.

If any of the requirements of this section are less restrictive than the State Act (Act 243, Public Acts of 1959, as amended), the State requirements shall prevail.

F. Park Site Standards.

1. Manufactured homes intended for residential use must be located within a properly authorized Manufactured Home Park.
 - a. Minimum site size for a Manufactured Home Park shall be forty (40) acres.
 - b. Minimum number. At least sixty (60) spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
 - c. Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200') feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Huron County Road Commission to safely and effectively handle any increased traffic generated.
 - d. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100') feet of intersection with the public street.
 - e. Minimum Side Yard dimensions require that no building upon the premises shall be located closer than one hundred (100') feet from any property line.
 - f. Maximum height for any building or structure shall not exceed twenty-seven (27') feet.
 - g. Minimum Open Space Standards. At least ten (10%) of the entire park must be preserved in open space. Open space does not include roads.

G. Manufactured Home Space Standards.

1. Minimum space shall be seven thousand (7,000) square feet and the lot shall not be less than seventy (70') feet in width.
2. Minimum space yard dimensions for front yards and rear yards shall be fifteen (15') feet and for the side yards shall be a minimum of fifteen (15') feet from the nearest space line and the aggregate side yard dimensions shall not be less than twenty-five (25') feet.

The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5') feet from a space side yard line.

3. Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4") inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

4. Storage facilities shall be a minimum of three hundred twenty (320') feet 16 x 20 and will provide a maximum space of five hundred (500) square feet for each mobile home space.

H. Utilities Standards.

1. Sanitary sewer and water facilities to all manufactured homes shall be connected to public facilities.
2. Utility lines to each manufactured home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.

When natural gas is unavailable, fuel oil or gas shall be furnished and distributed in a uniform manner in accord with an approved plan by the Planning Commission.

- I. **Parking, Streets and Walkways.** All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete which shall be durable and well drained, and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.
 - 1. **Minimum Parking Standards** are specified in Chapter 14, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
 - 2. **Park Street Standards** provide that each mobile home space shall have access to a street which shall meet the following specifications where appropriate to its character:

Minimum Pavement Widths

Parking Allowance	Traffic Flow	Min. Paved Width
No Parking	1 or 2 Way	24 feet
Parking 1 side	1 or 2 Way	30 feet
Parking 2 sides	1 or 2 Way	38 feet

All on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- J. **Curb and Gutter** shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the Huron County Road Commission.
- K. **Walkway Standards** provide that walks be provided from mobile homes to service buildings and mobile home facilities and shall be at least four (4') feet in width and walks used in common by 1 to 3 mobile homes shall be at least thirty (30") inches in width.
- L. **Lighting** the developer shall submit a park lighting scheme previously approved by the utility company supplying power.

M. Buffers, Landscaping and Recreation.

1. Greenbelt buffer of thirty (30') feet in width shall be located within the fifty (50') feet yard area as established herein.

This greenbelt shall be established and continually maintained and shall consist of trees and shrubs, or grassed berm, to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas.

The greenbelt shall contain at least one (1) row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than forty (40') feet apart and at least three (3) rows of deciduous and/or evergreen shrubs, spaced not more than eight (8') feet apart. In the case of a berm, said berm shall be a minimum of five (5') feet in vertical height.

2. Open space standards provide that common recreation/open space of not less than ten (10%) percent of the gross park area shall be developed and maintained by the park owner. This area shall not be less than one hundred (100') feet in its smallest dimensions and its boundary no further than five hundred (500') feet from any mobile home space within its service area. Yard requirements as set out in this Ordinance are not to be defined as recreational areas in obtaining the minimum area of ten (10%) percent as set forth herein.

N. Public Health and Safety.

1. Storage, collection and disposal of refuse and garbage shall be so conducted as not to create health hazards, rodent harborage, insect breeding areas, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. The park owner shall provide this service. Garbage containers shall be located in a uniform manner at each space and so designed to be of a permanent character or located out of general view. Dumpsters are expressly prohibited.
2. Suitable fire hydrants shall be installed in all parks as required by the fire chief.

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3. To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local Post Office department and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- O. **Manufactured Housing** installation of manufactured homes upon each site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission Rules. All manufactured housing shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission Rules.
- P. **Miscellaneous Provisions.**
1. Resident supervision and maintenance. The park shall be operated in compliance with the provisions of this Ordinance and the manufactured home park owner (s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
 2. Performance bond. Upon granting a Special Use Permit, a bond executed by any surety company authorized to do business in the State of Michigan may be required to be delivered to the Township Board by the applicant for the faithful performance of the provisions of this ordinance and conditions of the Special Use Permit. Said Bond shall be in an amount to be determined by the Township Board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the Special Use Permit.
 3. Inspection of manufactured home parks is authorized and the Building Inspector is directed to make at least yearly inspections of the premise to insure conformance with these ordinance provisions and all other applicable codes and regulations. The Chief of the local fire department or his designated representative, is directed to make at least yearly inspections of the premises to insure adequate provisions for fire protection are being observed in the interest of the public safety.

SECTION 1609. PLANNED RESIDENTIAL UNIT DEVELOPMENT

It is the purpose of this section to encourage more imaginative and livable housing environments within the Residential Districts, as noted, through a planned reduction, or averaging, of the individual lot area requirements for each zoning district PROVIDING the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a Special Use Permit may be issued for the construction and occupancy of a planned unit development PROVIDING the standards, procedures and requirements set forth in this section can be complied with.

A. Objectives.

1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
2. To encourage the preservation of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
3. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
4. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
5. To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.

B. Qualifying Conditions. Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as a planned unit development.

1. All planned unit developments shall be under the control of the one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
2. Public water and sewer facilities shall be available or shall be provided as part of the site development or the owner or owners must provide sufficient detail as to how the development will be served in terms of water and sewerage.

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3. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the public or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the public a covenant or interest herein, so that there are assurances that the required open space shall remain open for a minimum of 25% of total legally described development.
4. The proposed planned unit development shall meet all of the general standards outlined herein.

C. **Uses That May Be Permitted.** The following uses of land and structures may be permitted within a planned residential unit development, subject to the district limitation as therein after listed:

1. Single family dwellings and two family dwellings. In any R District.
2. Townhouses, row houses, or other similar housing types which can be defined as a single family attached dwelling with no side yards between adjacent dwelling units in R Districts PROVIDED that there shall be no more than a length of seventy-five (75') feet in any contiguous group allowed within an R District, nor shall there be more than a length of two hundred in B Districts.
3. Apartments. In R-3 or B-1 Districts.
4. Recreation and open space, (in any R-District), PROVIDED that only the following land uses may be set aside as common land for open space or recreational use under the provisions of the Section.

Private recreation facilities, such as golf courses, swimming pools or other recreation facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

Historic building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

D. **Lot Variation and Development Regulations.** The lot area for planned unit developments within Residential R-Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following requirements:

1. **Site Acreage Computation.** The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

Land utilized by public utilities as easements, for major facilities such as electric transmission lines, sewer lines, water mains or other similar lands which are not available to the other because of such easement. Lands within floodways.

2. **Maximum Number of Lots and Dwelling Units.** After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirements of the zoning district in which the planned unit development is located.

3. **The fixed percentages for street right-of-way** purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

District Use	% of Project Area
R-1, R-2 and R-3 (Single family detached)	25%
R-3, B-1 (Single family attached Two family and multiple family)	20%

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zoning district in which it is located.

Recognizing that good project planning, provision of adequate and developed open space and sound site design, minimize the effects of crowding associated with higher densities, the developer at the time of a special use permit may also request a maximum of up to twenty (20%) percent increase in permitted dwelling unit density as above computed.

Said request may be granted as a condition of special use permit PROVIDED increased density does not result in creation of any of these conditions:

- a. Inconvenience or unsafe access to the planned development.
- b. Traffic congestion in streets which adjoin the planned development.
- c. An excessive burden on public service or utilities including schools which serve the planned development.

4. **Permissive Minimum Lot Area.** Notwithstanding other procedures set forth in this section, lot sizes within planned unit developments shall not be varied or reduced in area below the following standards:

- a. One family detached dwelling structure: Four thousand eight hundred (4,800) square feet of lot area.
- b. Two family dwelling structure: Six thousand two hundred (6,200) square feet of lot area.
- c. Townhouses, row houses or other similar permitted single family attached dwelling types: Six thousand two hundred (6,200) square feet of lot area for the first dwelling unit in each structure plus two thousand (2,000) square feet for each additional dwelling unit within a structure.

5. **Permissive Minimum Yard Requirements.** Under the lot averaging or reduction procedure, each shall have at least the following minimum yards:
 - a. **Front Yard.** Fifteen (15') feet for all dwellings, PROVIDED that front yard requirements may be varied by the Planning Commission after consideration of common green space or other common open space if such provides an average of fifteen (15') feet of Front Yard area per dwelling unit.
 - b. **Side Yard.** Eight (8') feet on each side for all one family and two family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of twenty (20') feet between end of contiguous groups of dwelling units.
 - c. **Rear Yard.** Twenty (20') feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.
 - d. **Perimeter Setback.** The yard requirements at the exterior boundaries of the project will not be less than the minimum yards required in the District where located.
 6. **Maximum Permissive Building Height.** Two and one-half (2 1/2) stories but not exceeding thirty-five (35') feet. Accessory buildings shall not exceed a height of fifteen (15') feet.
- E. **Open Space Requirements.** For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open space. There is no maximum amount of open space that may be set aside as open space. All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to the general public as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the legislative body one of the following procedures as part of its approval of a special use permit for a planned unit development:

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1. That open space land shall be owned by the land owner or owners or a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that a copy of the open space easement for said land be conveyed to the legislative body to assure that open space land remain open.
 2. That open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of said land conforms to the Development Plan and PROVIDED FURTHER that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.
 3. It is the intent of this section that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.
- F. **Street Development Requirements.** Street standards and specifications adopted by the Huron County Road Commission and all applicable local standards shall be complied with for all street improvements.

SECTION 1610. AUTOMOBILE SERVICE STATION

- A. **Intent.** It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
1. Promote the type of development which will be compatible with the other land use activities located in areas where service stations will be constructed.
 2. Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
 3. Minimize the traffic congestion and safety hazards which can be in service station activity.

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B. **Uses That May Be Permitted.** Gasoline service stations PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.

C. **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

1. Minimum site size. Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
2. Site location. The proposed site shall have at least one (1) property line on a principal or minor arterial.
3. Building setback. The service station building, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless separated from there by a street or alley.

No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.

Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.

4. Access drives. No more than one (1) driveway approach shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35') feet in width at the property line.

If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable.

No driveway or curb cut for a driveway shall be located within ten (10') feet of an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within an R-District as extended to a curb or pavement.

5. Curbing and paving. A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
6. Fencing. A solid fence or wall six (6') feet in height shall be erected along all property lines abutting any lot within a residential district.
7. Lighting. Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

SECTION 1611. WIRELESS COMMUNICATION ORDINANCE

- A. **Statement of Purpose and Intent.** The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Lake Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on attached wireless communication facilities and wireless communication support structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the township's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
- B. **Location and Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located within the Township in Sections 25 through 36 upon approval of the Township Board after recommendation of the Lake Township Planning Commission pursuant to Chapter VI, Special Approval Use Permits.
- C. **Application Requirements.** The following information shall be provided with the application in addition to other submittal requirements for site plans as required in Chapter 16, Special Approval Use Permits:

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1. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone", and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
 2. The Township will require an irrevocable \$10,000 performance bond to ensure the removal of the wireless communication facility when it is abandoned or is no longer needed. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.
 3. A map that illustrates existing and known proposed wireless communication facilities within Lake Township and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential business information which, if released would result in business disadvantage to the application, and be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
 4. For all new facilities, in recognition of the township's policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
 5. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- D. **Design Standards Applicable to All Facilities:** In addition to the Special Approval Use Permit requirements in this chapter all wireless communication facilities shall be constructed and maintained in accordance with the following standards:
1. Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require

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unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.

2. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
3. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Township Attorney.
4. Landscaping consisting of two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
5. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in an area not visible from a public right-of-way.
6. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.
7. Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
8. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
9. Minimum required setbacks for new facility or support structures:
 - a. From residential dwellings setback shall be a minimum of one thousand three hundred twenty (1320') feet;

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- b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways setback shall be half the height of the structure, plus twenty-five (25') feet.
 - c. A minimum distance of two (2) miles from any existing wireless communication support structures.
10. Accessory buildings shall be a maximum of fourteen (14') feet high and shall not exceed four hundred (400) square feet of gross building area per structure.
11. There shall be unobstructed access to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
12. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. The soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed site.
13. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.
14. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- E. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- 1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of

antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

2. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
3. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
4. Upon the occurrence of one or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
5. If the required removal of a facility or a portion thereof has not been lawfully completed with sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

F. Co-Location.

1. **Statement of Policy.** It is the policy of Lake Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit Co-location of a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Co-location shall be required unless an applicant demonstrates that co-location is not feasible.
2. **Feasibility of Co-Location.** Co-location shall be deemed "feasible" for the purpose of this section where all of the following are met.

- a. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates.
- b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

G. **Nonconforming Facilities and Penalties for Not Permitting Co-Location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section and this action results in construction of a new tower, the Township may refuse to approve a new wireless communication support structure from that party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

H. **Variations.** The Zoning Board of Appeals may consider a variance from the standards of this Section based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

- 1. For no co-location: The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures cannot support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.

2. For setback: The applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
3. For height: The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the township.
4. For all: The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Township, and special design of the facility and site.
5. For all: The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site and general area.

SECTION 1612. MISCELLANEOUS SPECIAL USES

A. Special Uses That May Be Permitted.

1. Junkyards.
2. Sewage treatment and disposal installations as an integral design of a park as permitted within a zoning district, and designed only for service to that mobile home park development.

Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a Residential Zoning District.
3. Drive-in Facilities.
4. Drive-in theaters, racetracks, golf driving ranges and miniature golf courses or similar uses.
5. Special open space uses, such as private resorts, recreational camps and other open space uses operated for profit or public purposes by a municipality or other local unit of government.
6. Institutions for the mentally and/or physically disabled, drug or alcoholic patients and camps or correctional institutions.

7. Mining and Excavation
8. Open Air Business
9. Bars and Taverns
10. Kennels.
11. Adults only businesses.

B. Drive-In Theaters, Race Tracks, Golf Driving Ranges and Miniature Golf Courses or Similar Uses:

1. All sites shall be located on a principal arterial road.
2. Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred (100') feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
3. A minimum yard of one hundred (100') feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission
4. Racetracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8') feet in height. Fences shall be of sound construction, painted or otherwise finished, attractively and in harmony with the surrounding environment.
5. Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the theater.

6. Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65') feet in length and forty (40') feet in height.

C. Special Open Space Uses.

1. The proposed site shall be at least two (2) acres in area.
2. The proposed site shall have at least one (1) property line abutting a major thoroughfare or principal collector. All ingress and egress to the site shall be directly from said thoroughfare or collector street.
3. All buildings and structures shall be setback at least two hundred (200') feet from any property or street lines. Whenever the installation abuts upon property within a residential district, this two hundred (200') foot set back shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
4. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
5. Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the principal open space use.

D. Institutions for the Mentally and/or Physically Disabled, Drug or Alcoholic Patients and Camps or Correctional Institutions.

1. The proposed site shall be at least five (5) acres in area.
2. All two (2) story structures shall be at least one hundred (100') feet from boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50') feet to any property or street line. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
3. Any outdoor recreational space or gathering space must be screened from surrounding uses by a six foot solid fence, masonry wall or opaque vegetation or a combination thereof.

E. Mining and Excavation.

F. Open Air Business.

1. Each site shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of one hundred (100') feet.
2. There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall, six (6') feet in height in order to intercept wind blown trash and other debris. This requirement may be waived by the Township Board where it can be shown that a fence is not needed to protect adjacent properties from the effects of the open air business use.
3. Off street parking areas and aisles as required, shall be properly marked and dust free
4. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
5. All open air business uses shall comply with all County Health Regulations regarding sanitation and general health condition.

G. Bars and Taverns.

1. The proposed site shall be at least five hundred feet from any residential use or residentially zoned parcel.
2. The proposed site shall be at least five hundred feet from any other bar or tavern.
3. All parking required for the use shall be provided on site.
4. The use shall not be injurious to the surrounding neighborhood in terms of noise, traffic, or other such issues.

H. Kennels.

1. A minimum lot size of ten (10) acres shall be maintained.
2. Any building or fenced area where animals are kept shall be located a minimum of five hundred (500') feet from any property line.

3. The kennel shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.

I. Adults Only Business.

1. **Intent** in the development and execution of this Ordinance, it is understood there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in certain circumstances, a deleterious effect on adjacent areas results. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. These special regulations are itemized in this section. Primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zoning or certain institutional uses.

2. Distance Restrictions.

- a. The following listed uses shall not be permitted to be established within one thousand five hundred (1,500') feet of each other:
 - i. Adult-related businesses
 - ii. Adult book stores
 - iii. Adult motion picture theaters
 - iv. Adult mini motion picture theaters
 - v. Exotic cabarets
 - vi. Massage parlors
 - vii. Public baths

3. It shall be unlawful hereafter to establish an adult-related business within one thousand (1,000') feet of any residentially zoned property, or within one thousand (1,000') feet of any religious or educational institution, public park, or recreational land use.

- J. **Signage and Exterior Display.** Window displays, signs, or decorative or structural elements of buildings shall not include or display examples of actual adult uses, and are limited to the signage provisions stated in Chapter 15 of this Ordinance.
1. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specific sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provisions shall apply to any display, decoration, sign, show window, structural element, or other opening.
- K. **Precautionary Note to the Board of Appeals.** When considering any appeal from an adult-only business for reduction of spacing or separation standards established herein, the Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
1. **Ordinance Intent.** The proposed use shall not be contrary to the intent and purpose of this Ordinance, or be injurious to nearby properties.
 2. **Blighting Influence.** The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
 3. **Neighborhood Conservation.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization, or renewal.
 4. **Other Standards.** The proposed use and its principal building shall comply with all other regulations and standards of this Ordinance.

1613. ALTERNATIVE ENERGY

(Section 1613. Alternative Energy was adopted by the Lake Township Board of Trustees as Ordinance No: 2014-03 on September 15, 2014, published September 25, 2014 and effective October 2, 2014.)

1613.1 Wind Energy System (AG District)

A. Statement of Purpose and Intent.

1. **Purpose.** The most common and prevalent land use in Lake Township is the Agricultural District (AG) and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the orderly and beneficial development of alternative energy resources in the Township while preserving and protecting the character and the stability of agricultural, recreational, commercial and other areas within the Township.

With advances in technology of “wind development” in general, according to the latest maps generated by the Michigan Department of Labor and Economic Growth, specific locations within Lake Township may support the implementation of Utility Scale Wind Energy Systems. To prepare for potential “wind development projects” within the Township, this Ordinance will require such developments to obtain a Special Use Permit to ensure wind development sites are located so as to protect the character and stability of the Township’s agricultural, recreational, commercial and/or industrial areas while simultaneously preserving and protecting the Township’s sensitive environmental and ecological assets and areas, including but not limited to the Township’s six (6) miles of Lake Huron shoreline, the Pigeon and Pinnebog Rivers and the Rush Lake State Game Area and adjacent wetlands or other ecological and environmentally sensitive areas.

2. Michigan’s Public Act 295 of 2008 is known as the Clean, Renewable, and Efficient Energy Act (the Act). The Act’s purpose is to promote the development of clean energy, renewable energy, and energy optimization through the implementation of a clean, renewable, and energy efficient standard. Naturally occurring wind has been acknowledged and referred to as a new “crop” within the State of Michigan. Traditional farming operations require large tracts of land not typically located near densely populated areas due to their inherent nature and necessity for mass production of grains, animal husbandry, dairying, horticulture and other agricultural activities. Farming has been and is expected to continue to be an ongoing and economically viable means of employment for many throughout the State and more specifically in Lake Township for future land owners. Wind regulations are necessary

for agricultural districts to further the goal of agricultural preservation and minimize the potential adverse effects of this emerging land use on adjacent properties.

2. Findings. This Ordinance has been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the community.

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

- a. Falling ice or "ice throws" is physically harmful and measures should be taken to protect the public from the risk of "ice throws."
- b. Nighttime wind turbine noise can cause sleep disturbance. Generally, sleep disturbance can adversely affect mood, cognitive functioning and one's overall sense of health and well-being. Chronic stress and sleep disturbance could increase the risk for cardiovascular disease, decreased immune function, endocrine disorders, and mental illness. In addition, possible health effects include increased heart rate, insomnia, fatigue, accidents, reduction in performance and depression.

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- c. Sound from wind energy facilities could potentially impact people's health and well-being if it increases background sound levels by more than 10dBA or results in long term outdoor community sound levels above 35-40 dBA.
- d. There is evidence that wind turbine sound is more noticeable, annoying and disturbing than other community industrial sounds at the same level of loudness.
- e. People who live near wind turbines are more likely to be impacted by wind turbines than would those far away.
- f. The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this ordinance.
- g. Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, also known as shadow flicker.
- h. In addition to protecting the health, safety and welfare of the public, the Township also desires to protect ecological and environmentally sensitive areas located along the shoreline of Lake Huron, the Pigeon and Pinnebog rivers and areas around Rush Lake State Game Area. Some or all of these areas are habitats for endangered species like the Indiana bat or heavily used migration routes for species of waterfowl and other migratory birds (some of which are protected species), including tundra swans and sand hill cranes. Thus, the Township has determined, with the assistance of the United States Department of the Interior, Fish and Wildlife Service ("USFWS"),¹ that wind development sites can adversely impact wildlife and their habitats and makes evaluation of proposed wind development sites essential. Thus, the Township finds that any wind development sites should have the lowest potential for negative impacts on wildlife resources and avoid locations with higher concentrations of migratory birds and bats. Further, any wind development sites that would fragment sensitive habitat areas, like rivers, streams and wetlands, should be avoided. To avoid negative impacts

¹ See correspondence to Kathleen Bolton from Fish and Wildlife Service dated October 30, 2007.

on wildlife habitat, the Township finds that it is necessary and prudent to rely, in whole or in part, on Service Guidance recommended by USFWS in developing and implementing the requirements of this Ordinance.

B. Definitions.

Ambient. The sound pressure level that exists at least 90% of the time L90.

ANSI. American National Standards Institute.

dB(A). The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

dB(C). The sound pressure level in decibels of frequencies below 1k Hz. Refers to the “c” weighted scale defined by ANSI SI.43-1997.

Decibel. The unit of measure used to express the magnitude of sound pressure and sound intensity.

Horizontal Axis Wind Energy System. A wind turbine design in which the shaft is parallel to the ground and the blades are perpendicular to the ground.

Hub Height. The vertical distance measured from ground to the center of the turbine hub.

MET (meteorological) Tower. The structure and equipment used to determine the placement or potential placement of a WES, containing instrumentation such as anemometers designed to provide wind data.

Non-participating Parcel. Any property within the Township other than Participating Parcels.

On-Site Use Wind Energy System (“On-Site WES”). A WES with the purpose of providing energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or to adjacent properties with the consent of the owners of the property where the structure is located and the owners of the adjacent properties.

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Participating Parcels. Any property or portion thereof in the Agricultural zoning district owned or under the control of any person (by lease, easement or any other agreement) and proposed for (i) the placement of an On-Site WES, (ii) inclusion within a Wind Energy Conversion Facility, or (iii) the placement of a MET Tower, transmission line or any other Wind Energy System or easements which are directly or indirectly related to a Wind Energy Generation Facility.

Pre-Existing Sound Pressure Level. The amount of background sound at a given location prior to the installation of WES which may include, but shall not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The sound levels are to be measured on a dB(A) weighted scale as defined by the American National Standards Institute.

Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.

Sound Pressure. Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level. The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Total Height. 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 Wind Energy System (WES) whichever is greater.

Utility Scale Wind Energy System. A WES designed and constructed to provide electricity to the electric utility grid and occupied by a number of turbines that exceed combined total potential power output greater than a maximum of ten (10) kW.

Vertical Axis Wind Energy System. A wind generator design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.

WES Rotor Diameter. The distance measured across the central potential swept area of a WES blade's pattern.

Wind Energy System (WES). Equipment that converts and then stores or transfers energy from the wind into forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the term “wind turbine” or “wind generator”.

Wind Energy Generation Facilities (WEGF). Electricity generating facilities consisting of one or more Utility Scale wind turbines under common ownership or operational control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

1613.1.1 On-Site WES or MET towers

On-Site WES or MET towers shall only be permitted in the AG-Agricultural District and only by special use permit. An application for a Special Use Permit and site plan review for On-Site WES or MET towers is required. Prior to any installation efforts taking place upon a participating parcel, an application for a Special Use Permit as required by this Chapter 16 and site plan review and approval as required by Section 307 must be filed and approved respectively by the Lake Township Planning Commission. The cost and expense of any information required by this Ordinance or any review of the application shall be the sole obligation of the applicant and the Township may require an escrow account be established to cover any such costs or expenses.

A. Application Requirements

In addition to any other requirements in Section 307 and this Chapter 16, applications for an On-Site WES or MET towers shall include the following:

1. Name of property owner(s), parcel identification number and address.
2. Zoning classifications of the participating parcel.
3. Proposed type, number and height of the On-Site WES or MET towers to be constructed including the manufacturer and model, product specifications regarding noise output (measured in decibels dB(A), total rated generating capacity, dimensions, rotor diameter, description of ancillary facilities (including but not limited to tower design, color and wiring), and MSDS, Material Safety Data Sheets.

4. Evidence that the Michigan Public Service Commission, the subject utility company and regional transmission operator have been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved.
5. A map drawn to scale depicting the participating parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
6. The required setbacks shall be displayed upon the participating parcel's site plan, in addition to the information required by Section 307.4.
7. The location(s) of the On-Site WES or MET towers and its supporting electrical system's components including distances from existing structures, utility lines or any other possibly impacted items on site.
8. An engineered set of plans illustrating the proposed On-Site WES or MET towers must be prepared or reviewed by a registered engineer.
9. Standard drawings of any proposed equipment for review of the structural components of the On-Site WES or MET towers, including structures, towers, bases and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all local, state, and federal building, structural and electrical codes.

B. Design Standards

In addition to the required standards and findings contained in Chapter 16, On-Site WES or MET towers may be permitted as a special use in the AG-Agricultural District and a site plan approved if they comply with the following requirements:

1. Installation of the proposed On-Site WES or MET towers shall be consistent with the public health, safety and welfare of Lake Township.

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2. MET towers are specifically designed to gather data for located WES. Notwithstanding any other provision of this Zoning Ordinance to the contrary, the Township has determined that special use permits for such data gathering should not extend beyond two (2) years. Accordingly, as a condition of approval, no MET tower shall continue in operation for a period exceeding two (2) years after the MET tower is erected or becomes operational. The two (2) year special use permit expiration is an express condition to issuance of any special use permit whether or not such limitation is stated in the permit and violation of that condition shall subject the special use permit to revocation pursuant to Section 1603.F.
3. On-Site WES and MET towers must comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No On-Site WES or MET towers shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.
4. The On-Site WES and MET towers must minimize the adverse impacts of technological obsolescence of such equipment.
5. Height
 - a. No On-Site WES shall exceed a total height of 35 feet.
 - b. No MET tower shall exceed a total height of 175 feet.
6. Visual Appearance
 - a. On-Site WES and MET towers shall be required to be a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product.
 - b. On-Site WES and MET towers shall not be artificially lighted except to comply with the applicable FAA or other federal, state or local requirements, or to the extent necessary for the reasonable safety and security thereof.

- c. No advertising is permitted upon an On-Site WES and MET tower. Additional items such as banners, streamers, flags and the similar items are prohibited from being attached to any On-Site WES and MET towers or their support structures.
- d. Support structures, such as the tower and base, for an On-Site WES and MET tower may utilize guy wires. Guy wires must be clearly visible from ground level to a vertical height of six (6) feet via altered coloring, striping methods or other administratively approved methods of delineating or highlighting this part of the structure.
- e. Any electrical system components related to the On-Site WES and MET tower, except necessary wiring from the base of the support structure to the turbine, are required to be placed underground within the boundary of each participating parcel at a depth as to accommodate the existing land use to maximum extent practical.
- f. There shall be a minimal negative visual impact of On-Site WES and MET towers on neighborhoods, community landmarks, historic sites and buildings, naturally environmentally sensitive areas and public right of ways.

7. Ground Clearance

- a. The horizontal axis of the On-Site WES must have a minimum distance of twenty (20) feet between the lowest extension of a rotational blade and the average grade at the base of the structure within a thirty-two (32) foot radius.
- b. The vertical axis of the On-Site WES is exempt from a minimum height standard.

8. Sound

- a. Sound originating from any On-Site WES or MET tower may not exceed 40 dB(A) when measured at the property line of any non-participating parcel. During short-term weather events, including but not limited to severe wind, snow or rain storms, if the ambient sound pressure levels exceeds 40 dB(A), the sound originating from any On-Site WES or MET tower shall not exceed the ambient sound pressure level plus five (5) dB(A). However, in no event shall sound originating from any On-Site WES or MET tower exceed 55 dB(A) during short term weather events when measured at the property line of any non-participating parcel.

9. Parcel Size and Number of On-Site WES and MET towers

- a. No On-Site WES or MET towers shall be located on any parcel less than 1 ½ acres in size.
- b. A participating parcel shall not be occupied by a number of On-Site WES exceeding a combined total of potential power output greater than ten (10) kW per hour nor shall the number of MET towers on a participating parcel exceed two (2) MET towers for each whole five (5) acres.

10. Safety

- a. An On-Site WES shall have a governing, breaking, feathering or other fail-safe system designed by a certified engineer in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.
- b. On-Site WES and MET towers must possess protection measures from lightning strikes.
- c. A structural analysis must be provided demonstrating the structural integrity of the proposed On-Site WES and MET tower support system in the event of adverse weather conditions.

- d. Anchor points for an On-Site WES and MET tower utilizing guy wires must not be located within the road right-of-way and must be anchored entirely upon the participating parcel.

11. Setbacks

a. On-Site WES

- i. Except as provided in subsection 11.a.iv, all setbacks required for On-Site WES towers shall be measured from the outside edge of the base of the tower which shall not be located closer than 1.5 times the total height of the proposed structure to the nearest adjacent property line of a non-participating parcel.
- ii. The base location for any On-Site WES tower located on a participating parcel shall not be located within any other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
- iii. A minimum separation distance equal to or greater than a one to one (1:1) ratio to total height is required between multiple On-Site WES or MET towers.
- iv. If an On-Site WES is mounted to any building or accessory structure, then the placement of the On-Site WES upon such structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the township's Zoning Administrator must determine which façade is the participating parcel's principal frontage and the On-Site WES tower shall be opposite of that façade. The location of any On-Site WES mounted to a residential building or residential accessory structure shall not be closer than fifty (50) feet to the nearest adjacent property line of a non-participating parcel.

v. All On-Site WES towers must maintain a one to one (1:1) total height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the participating parcel.

b. MET Towers

i. Except as provided in subsection 11.b.vii, all setbacks required for MET towers shall be measured from the outside edge of the base of the tower which shall not be located closer than 1.5 times the total height of the proposed structure to the nearest adjacent property line of a non-participating parcel.

ii. The setback from a MET tower to the boundary of the Lake Huron shoreline shall be three (3) miles from the ordinary high water mark set forth in MCL 324.32502 as maintained by the Michigan Department of Environmental Quality and shall include, without limitation, all of sections 21 through 28 constituting the Rush Lake State Game Area and adjacent wetlands or other ecological and environmentally sensitive areas.

iii. The setback from a MET tower to the boundary of the Pigeon and Pinnebog Rivers shall be a minimum of one (1) mile.

iv. The base location for any MET tower located on a participating parcel shall not be located within any other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.

v. A minimum separation distance equal to or greater than a one to one (1:1) ratio to total height is required between multiple On-Site WES or MET towers.

- vi. If a MET tower is mounted to any building or accessory structure, then the MET tower shall not be greater than thirty-five (35) feet in total height and placement of the MET tower upon such structure shall be opposite to the structure's façade facing the road right-of-way. In the case of a corner lot or lake property, the township's Zoning Administrator must determine which façade is the participating parcel's principal frontage and the MET tower shall be opposite of that façade. The location of any MET tower mounted to any building or accessory structure shall not be closer than fifty (50) feet to the nearest adjacent property line of a non-participating parcel.
- vii. All MET towers must maintain a one to one (1:1) total height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the participating parcel.

12. Co-location

- a. No co-location of any wireless communication facilities shall be permitted on any On-Site WES or MET towers.

1613.1.2: Utility Scale WES or Wind Energy Generation Facilities

Utility Scale WES or Wind Energy Generation Facilities shall only be permitted in the AG-Agricultural District and only by special use permit. An application for a Special Use Permit and site plan review for Utility Scale WES or Wind Energy Generation Facilities is required. Prior to any installation efforts taking place upon a participating parcel, an application for a Special Use Permit as required by this Chapter 16 and site plan review and approval as required by Section 307 must be filed and approved respectively by the Lake Township Planning Commission. The cost and expense of any information required by this Ordinance or any review of the application shall be the sole obligation of the applicant and the Township may require an escrow account be established to cover any such costs or expenses.

A. APPLICATION REQUIREMENTS

In addition to any other requirements in Section 307 and this Chapter 16, applications for Utility Scale WES or Wind Energy Generation Facilities shall include the following:

1. Electromagnetic Interference and Signal Degradation
 - a. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts to existing telephone (including cellular and land line), microwave, navigational, any wireless technology or radio reception within the township. The report required shall, at a minimum, include the cumulative impact of all proposed, existing and permitted utility scale WES or WEGF in Huron County to existing telephone (including cellular and land line), microwave, navigational, or radio reception within two and a half (2.5) miles of the utility scale WES or WEGF participating parcel boundaries.
 - b. A report shall be produced by a third party, qualified professional acceptable to the Township to review any adverse impacts and degradation to the signal of any existing television provider and FCC licensed television station(s) whose DTV service area includes the location of the proposed utility scale WES or WEGF. The report required shall, at a minimum, include the cumulative impact of all proposed, existing and permitted utility scale WES or WEGF in Huron County to each station included in the report. If the report shows that a geographical area within the DTV service area(s) of an affected station(s) will lose the ability to receive a signal level of at least 35dBuV/m using a receive antenna height of ten (10) feet as result of the proposed turbines, an acceptable mitigation plan shall be submitted to restore coverage of that signal(s) to the residents in those areas.

2. Soil Conditions

- a. The applicant must produce a soils analysis to research the geologic characteristics of the site based upon on site sampling and testing. This report must be certified by a registered professional engineer licensed in the State of Michigan.

3. Shadow Flicker

- a. The applicant shall provide a detailed report from a qualified third party professional acceptable to the Township that includes without limitation, elevation drawings, computer and/or photographic simulations or other models and visual aids, illustrating the locations of any Utility Scale WES or WEGF potential shadow areas produced by the Utility Scale WES or WEGF, including a summation of the impacts of proposed Utility Scale WES or WEGF may have upon neighboring/adjacent properties and homes, including the number of hours per year of impact and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.

4. Sound

- a. A report of the existing and expected audible and low frequency sound conditions related to the Utility Scale WES or WEGF participating parcels must be conducted to identify a baseline sound presence and expected compliance with the sound limits established by this ordinance prior to any installation of any Utility Scale WES or WEGF. The report must be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township and must include:
 - i. A description and map of the sound producing features of the Utility Scale WES or WEGF, including the range of decibel levels expected (to be measured in dB(A) and dB(C)), and the basis for the expectation.

- ii. A description and map of the existing land uses and structures including any sound receptors, (i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers) within one (1) mile of the proposed Utility Scale WES or WEGF participating parcel boundaries. The description shall include the location of the structure/land use, distances from the proposed Utility Scale WES or WEGF and expected decibel readings for each receptor.
- iii. The pre-existing ambient sound (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the proposed participating parcel(s). Potential sensitive receptors at relatively less windy or quieter locations shall be emphasized and any problem areas identified.
- iv. A description of the project's proposed sound control features must be explained within the sound report, including specific measures to mitigate noise impacts for sensitive receptors to a level consistent with this ordinance.

5. Wind Resource Availability

- a. The U.S. Department of Energy and National Renewable Energy Laboratory has adopted standards to measure and classify the wind based on several factors including wind speed and density. Prior to the application being accepted for a Utility Scale WES or WEGF, a through wind assessment study must be submitted to the Township. The study must indicate the viability of a potential development by assessing the potential participating parcel's wind resource within the U.S. Department of Energy National Renewable Energy Laboratory classification system.

6. Technical Documentation

- a. The following information is to be assembled and submitted during review of a Utility Scale WES or WEGF Special Use Permit as a separate report from the final site plan to address the physical characteristics of the proposed Utility Scale WES or WEGF. The information will be placed on file with the Township for review purposes.
 - i. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, and foundation type/dimensions.
 - ii. Typical tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
 - iii. Typical tower blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
 - iv. Electrical schematic illustrating the proposed support infrastructure, wires, location, and depth of the Utility Scale WES or WEGF to the point of inter-connection with any other electrical transmission lines.

7. Fire Prevention and Emergency Response Plan Requirements

- a. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
- b. Designation of the specific agencies that would respond to potential fire or other emergencies.
- c. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.

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8. Environmental Impact Issues: Documentation demonstrating the expected ability to comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.)
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
 - d. Part 303 Wetlands (MCL 324.3030 1 et seq.)
 - e. Part 365 Endangered Species Protection (MCL 324.36501 et seq.)

9. Site Plan: Requirements and Additional Data. Any site plan for a Utility Scale WES or WEGF shall include all requirements in Section 307.4 and the following information.
 - a. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.
 - b. A map drawn to scale depicting the participating parcel's property lines, locations of existing roads and access drives, structures including above and below grade utility lines, public easements and existing mature vegetation.
 - c. The required setbacks for a Utility Scale WES or WEGF shall be displayed upon the participating parcel's site plan.
 - d. The location(s) of the Utility Scale WES or WEGF and its supporting electrical system's components including distances from existing structures and utility transmission.

- e. Identification and location of the participating parcels on which the proposed Utility Scale WES or WEGF will be located, including distances from occupied structures on participating parcels. The applicant shall provide written documentation that will be recorded at the Register of Deeds from all property owners of participating parcels that provides evidence they agreed to be a participating parcel.
- f. Identification and location of occupied structures on non-participating parcels and distances from property lines of non-participating parcels within a three quarter (3/4) mile of each participating parcel property line.
- g. Illustrations, including without limitation, elevation drawings, computer and/or photographic simulations or other models and visual aids of the proposed Utility Scale WES or WEGF as they will appear from vantage points at various distances from north, south, east and west.
- h. Proof of the applicant's liability insurance for the subject property(s).
- i. A written description of decommissioning and reclamation plan, including initial contact information for the owner, those performing maintenance upon the structures, and operators of the development, and participating parcel owners.
- j. The owner shall have a continuing obligation to provide the Township with up to date contact information.
- k. A site grading, erosion control and storm water drainage plan must be submitted and approved by the Huron County Drain Commission prior to commencement of construction of a Utility Scale WES or WEGF.

- I. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the development must be submitted to and approved by the Huron County Road Commission prior to commencement of construction of a Utility Scale WES or WEGF.
 - i. The travel plan must include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any Utility Scale WES or WEGF related items. Any necessary post construction road repairs and reconstruction shall be the responsibility of the owner/operator of the Utility Scale WES or WEGF and such necessary road repairs or reconstruction must be performed in compliance all applicable requirements of the Huron County Road Commission.
 - m. A statement indicating what hazardous material will be used and stored on the site.
 - n. An anticipated construction schedule and project phasing plan shall be required prior to final site plan approval.
 - o. A statement certifying that every Utility Scale WES or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The Township shall be provided with a copy of the inspection. The owner shall maintain with the Township up to date name and contact information for the person or organization responsible for the general maintenance of the structures.

B. Design Standards

1. The proposed installation of the Utility Scale WES or WEGF shall be consistent with the goals and objectives related to agricultural preservation including the public's health, safety and welfare within Lake Township.
2. The proposed installation of the Utility Scale WES or WEGF shall minimize the adverse impacts of technological obsolescence of such equipment, including a requirement to remove obsolete and/or unnecessary Utility Scale WES or WEGF in a timely manner.
3. The proposed installation of the Utility Scale WES or WEGF shall minimize negative externalities related to but not limited to noise, shadow flicker, soil erosion and physical road conditions.
4. Any proposed equipment fifty (50) feet or greater in height shall be required to provide certified drawings of the structural components of the Utility Scale WES or WEGF, including structure's components, towers, bases and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all local, state, and federal building, structural and electrical codes.
5. Height
 - a. No Utility Scale WES or WEGF shall exceed a total height of 500 feet.
6. Visual Appearance
 - a. Utility Scale WES or WEGF shall be required to be a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
 - b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to FAA or other federal, state or local requirements, or to the extent necessary for the reasonable safety and security thereof. Any lighting shall be implemented at the lowest intensity allowable under law, including but not limited to FAA regulations, and must be reasonably shielded to reduce glare and visibility from the ground.

- c. No advertising is permitted upon a Utility Scale WES or WEGF. Additional items such as banners, streamers, flags and the similar items are prohibited from being attached to any Utility Scale WES or WEGF or their support structures.
- d. Support structures, such as the tower and base, for a Utility Scale WES or WEGF shall not utilize guy wires.
- e. The proposed installation of the Utility Scale WES or WEGF shall minimize negative visual impact upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.

7. Audible Sound

- a. Sound originating from the operation of any Utility Scale WES or WEGF shall not exceed 40 dB(A) when measured at the property line of any non-participating parcel. During short-term weather events, including but not limited to severe wind, snow or rain storms, if the ambient sound pressure levels exceeds 40 dB(A), the sound originating from any Utility Scale WES or WEGF shall not exceed the ambient sound pressure level plus five (5) dB(A). However, in no event shall sound exceed 55 dB(A) during short term weather events when measured at the property line of any non-participating parcel.
- b. The sound pressure level generated by the Utility Scale WES or WEGF shall not exceed 35 dB(A) when measured at a habitable structure located on a non-participating parcel.
- c. An annual report shall be required to ensure compliance with this ordinance. The report must be produced in accordance with standards established by ANSI by a qualified sound professional acceptable to the Township. This report shall be at the cost and expense of the owner(s) and/or operator and shall be submitted to the Lake Township Board of Trustees.

8. Setbacks

- a. All setbacks required for Utility Scale WES or WEGF shall be measured from the outside edge of the base of the tower to the nearest adjacent property line or adjacent road right-of-way.
- b. The setback from a Utility Scale WES or WEGF to the boundary of the Lake Huron shoreline shall be three (3) miles from the ordinary high water mark set forth in MCL 324.32502 as maintained by the Michigan Department of Environmental Quality and shall include, without limitation, all of sections 21 through 28 constituting the Rush Lake State Game Area and adjacent wetlands or other ecological and environmentally sensitive areas.
- c. The setback from a Utility Scale WES or WEGF to the boundary of the Pigeon and Pinnebog Rivers shall be a minimum of one mile.
- d. The base of any Utility Scale WES or WEGF shall be set back a minimum of 2 times the total height from any habitable structure located on a participating parcel.
- e. The base of any Utility Scale WES or WEGF shall be set back a minimum of four (4) times the total height of the Utility Scale WES or WEGF or 1700 feet, whichever is greater, from any property line of a non-participating parcel.
- f. Each Utility Scale WES or WEGF shall be setback a minimum of four (4) times the total height of the Utility Scale WES or WEGF or 1700 feet, whichever is less from a public road right-of-way, communication tower, existing electrical lines or any other public utility, except for the interconnection between a Utility Scale WES or WEGF and the transmission facilities of a public utility.
- g. All Utility Scale WES or WEGF shall have a minimum separation distance between structures of not less than one and one half (1.5) times the WES rotor diameter, the minimum industry standards or minimum manufacturer's recommendations. The applicant is required to provide documentation and rationale certified by a registered engineer supporting the separation distance.

9. Low-Impact Design Layout

- a. The placement of Utility Scale WES or WEGF must minimize the impacts on existing agricultural endeavors and farmland activity including, but not limited to, tiling systems, harvest and planting patterns or pasture areas.
- b. Appropriate locations for potential Utility Scale WES or WEGF with existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land that are not typically utilized for agricultural production.
- c. Land clearing, soil erosion, habitat impact and clearing of natural vegetation shall be limited only to that which is necessary for construction, operation and maintenance of the Utility Scale WES or WEGF and is otherwise prescribed by applicable laws, regulations, and ordinances.
- d. Any cooling system ventilation, generators or other potential sources of sound must be referenced by location and type per Utility Scale WES or WEGF upon a final site plan. Any sound generative device must be oriented upon the machine or site in such a manner which will minimize any negative impacts to neighboring parcels.

10. Safety

- a. Utility Scale WES or WEGF shall not be designed to be climbable on the exterior of the structure.
- b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Utility Scale WES or WEGF.
- c. Appropriate warning signs shall be placed at the base of the Utility Scale WES tower or WEGF upon any associated electrical equipment and at every Utility Scale WES tower or WEGF entrance.
- d. Any access drives or roads remaining on the site shall be gated and locked at night or when not in use. Gates shall be located no closer than fifty (50) feet from the road right-of-way.

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- e. The blade tip on any Utility Scale WES or WEGF shall not be less than seventy-five (75) feet from the ground when measured from the lowest rotational position.
- f. Each Utility Scale WES or WEGF shall be equipped with both manual and automatic braking device capable of stopping the operation in high winds and adverse weather conditions.
- g. All Utility Scale WES or WEGF must have lightning protection.
- h. Spills of any hazardous materials shall be reported to the Lake Township Zoning Administrator immediately upon discovery of release and shall be removed and disposed of in accordance with applicable state and federal law.
- i. The Township or any emergency service provider who services the Township has the authority to order any Utility Scale WES or WEGF to cease its operation if they determine in good faith that there is an emergency situation involving the Utility Scale WES or WEGF that may result in danger to life or property. The owner and/or operator shall provide the Township and emergency service providers with contact information for personnel with access to the braking device who shall be available at all times in person or by phone with remote access. The owner and/or operator may be required to be available and present in such an emergency situation.
- j. All Utility Scale WES or WEGF must comply with all state, federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (FAA), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No Utility Scale WES or WEGF shall be located on any property in such a manner as to interfere with the safe take off, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act as amended.

11. Shadow Flicker. A Utility Scale WES or WEGF shall not be allowed to cast a shadow upon an adjacent or nearby non-participating parcel's principal structure in excess of thirty (30) hours measured on a continuous 365 day basis. Equipment and software such as "Shadow Impact Module SIM by NorthTec GMBH" or equivalent with all necessary cabling and receptors may be necessary and shall be installed and maintained by the owner and/or operator to abate any shadow flicker in excess of the thirty (30) hours permitted by this subsection.
12. Maximum Vibrations and Low Frequency Sound
 - a. A Utility Scale WES or WEGF shall not produce vibrations humanly perceptible upon a non-participating parcel.
 - b. Sound emanating from the operation of a Utility Scale WES or WEGF shall not exceed 50 dB(C) measured at the property line of a non-participating parcel.
13. State/Federal Requirements. A Utility Scale WES or WEGF shall meet or exceed any applicable standards and regulations of the FAA, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Services and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
14. Environmental Impact Issues. Utility Scale WES or WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (MCL 324.3101 et seq.)
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.)
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.)
 - d. Part 303 Wetlands (MCL 324.3030 1 et seq.)
 - e. Part 365 Endangered Species Protection (MCL 324.36501 et seq.)

15. Avian and Wildlife Impact

- a. The applicant shall have a third party qualified professional, approved by the township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species act and Michigan's Endangered Species Protection Law.
- d. A post construction wildlife mortality study shall be conducted annually. Power lines shall be placed under ground to prevent avian collisions and electrocutions. All power lines, transformers, or conductors shall comply with the Avian Power Line Interaction Committee (APLIC, <http://aplic.org>) published standards to prevent avian mortality.
- e. The Township shall be provided with a copy of the analysis required in this subsection.

16. Co-location

- a. No co-location of any wireless communication facilities shall be permitted on any Utility Scale WES or WEGF without the express approval of the Township.

C. Additional Requirements

1. Security Bond Requirements

- a. Prior to final approval of a Special Use Permit the applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the Utility Scale WES or WEGF and reclamation efforts needed to return affected land back to its original physical condition. The applicant shall pay for the costs of obtaining such estimate. The estimate shall be submitted to the Lake Township Board of Trustees for review.
- b. The owner(s) and/or operator of the Utility Scale WES or WEGF shall post a security bond, in a form acceptable to the Township, equal to one hundred fifty percent (150%) of the total estimated decommissioning and reclamation costs.
- c. Said bond shall be posted and maintained with a bonding company licensed in the State of Michigan or federal or state chartered lending institution chosen by the owner(s) or operators acceptable to the Township.
- d. Any lending institution shall be required to notify the Township ninety (90) days prior to expiration of the applicable security bond and the owner(s) and/or operator shall renew the security bond with the lending institution of their choosing and acceptable to the township. Until each Utility Scale WES or WEGF is decommissioned and the property reclaimed, the owner(s) and/or operator is required to maintain a security bond in accordance with this section. In the event a security bond is not maintained, the Township may (i) take any action permitted by law, (ii) revoke the Special Use Permit, (iii) order a cessation of operation, and (iv) order that the Utility Scale WES or WEGF be removed and the land reclaimed.
- e. When decommissioning and site reclamation has been completed, written correspondence to the Lake Township Board of Trustees is required before the Board of Trustees may authorize a release of security bonds associated with a Utility Scale WES or WEGF.

2. Decommissioning and Removal Procedures

- a. As part of the Special Use Permit process, the applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning, including a method of reclamation for restoration of the land.
- b. Any Utility Scale WES or WEGF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner(s) of such structure shall be required to either provide to the Township a written explanation regarding why the tower is inoperable and a timeline no longer than sixty (60) days to bring the tower back into operation or compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the Township.

If the owner(s) fail to provide explanation within sixty (60) days as described above or fails to apply for the necessary demolition permits within ninety (90) days for removal of an abandoned Utility Scale WES or WEGF, the Township shall provide the owner(s) with written notice of the violation. If the owner(s) fails to cure the violation within sixty (60) days of the date of the notice, the Township may begin the process of removing the Utility Scale WES or WEGF and all associated equipment or appurtenances at the owner(s) expense. The Township shall sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond. The remedies provided to the Township pursuant to this subsection shall be in addition to and not in place of any other remedy available to the Township at law or in equity to enforce the provisions of this ordinance.

- c. When a Utility Scale WES or WEGF is decommissioned, all items must be removed from the subject property and Lake Township, including buildings, electrical components, any roads, structure foundation, or other associated components. Reclamation of the site includes the planting of grasses or cover crops, which may have been present prior to construction or can be utilized to effectively maintain soil erosion.
 - d. Any removal and reclamation must be documented and recorded upon a certified survey and recorded with the Huron County Register of Deeds.
 - e. The property owner may be exempt from removing the entrance or roadway on the property, if the Township grants written permission.
3. Post Construction Activities. To ensure compliance with the requirements of this ordinance, the following actions must be taken pending completion of any Utility Scale WES or WEGF.
- a. A final inspection with the Huron County Drain Commissioner shall take place to ensure that soil erosion matters have been finalized at each site hosting a Utility Scale WES or WEGF.
 - b. Within ninety (90) days of project completion, any roadway utilized for moving or construction purposes shall be inspected by the Zoning Administrator and representatives from the Huron County Road Commission to ensure compliance with the travel plan.
 - c. A sound pressure level analysis is required to be completed by the applicant from a sample of locations throughout the perimeter of the participating parcels to demonstrate compliance with the requirements of this ordinance. Proof of compliance with audible sound standards shall be submitted to the Township for review within one hundred-eighty (180) days of the date the Utility Scale WES or WEGF project becoming operational. Sound shall be measured by a third-party, qualified sound professional approved by the Township.

- d. Following the completion of construction, the applicant shall provide the Township written certification that all construction was completed pursuant to the Special Use Permit and approved site plan.
3. Public Inquiries and Complaints. Should an aggrieved property owner allege that a Utility Scale WES or WEGF is not in compliance with the requirements of this ordinance, the procedure shall be as follows:
 - a. Complaints must be submitted to the Township Clerk in writing from the affected property owner including their name, address and contact information.
 - b. Upon receiving a complaint the Township Clerk shall present the complaint to the Township Board for review at its next regular meeting or a special meeting called for that purpose. If the Township Board deems the complaint sufficient to warrant an investigation, the Township Board shall advise the owner(s) and/or operator of the Utility Scale WES or WEGF of the complaint. Within ten (10) days of the date of the notice, the owner and/or operator of the Utility Scale WES or WEGF shall deposit funds with the Township in an amount determined by the Township Board sufficient to pay for an independent investigation of the complaint, including but not limited to an investigation related to decibel level testing and shadow flicker analysis. All such independent investigations and analyses shall be conducted by qualified professionals acceptable to the Township to determine compliance with the requirements of this ordinance.
 - c. If the Utility Scale WES or WEGF is in violation of this ordinance, the owner(s) and/or operator shall reimburse the Township from the deposit required in this subsection (b) above for the investigation or analysis and shall take immediate action to bring the Utility Scale WES or WEGF into compliance. In the event that the owner(s) and/or operator fails or refuses to bring the Utility Scale WES or

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WEGF into compliance the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation as provided by Chapter 87 of the revised Judicature Act of 1961, being MCL 600.8701, as amended. Each violation for which the owner(s) and/or operators are deemed responsible shall be fined \$500.00. Each day of non-compliance shall be a separate offense.