

## **Article 7**

### **Standards and Regulations for Specific Land Uses**

#### **Section 7.1 Purpose and Applicability**

**A. Purpose:** The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, encourage orderly development in coordination with surrounding conditions and in the development site itself, and to support the purposes of this Ordinance.

**B. Applicability:**

1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located according to Table 3-4 of Article 3.
2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply.
3. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review, unless specified otherwise.
4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements of other ordinances and laws.

#### **Section 7.2 Religious Institutions**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.

1. The lot shall comply with the minimum lot area requirement of Table 3-4 except in no case shall the lot area be less than one (1) acre in area.
2. All buildings shall be set back a minimum distance of fifty (50) feet from all lot lines.
3. The maximum height of self-standing bell towers, crosses, statuary or other symbolic icons and figurines shall be fifteen (15) feet in Residential Districts and twenty (20) feet in other Districts.

#### **Section 7.3 Cemeteries**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.

1. The lot shall be a minimum of ten (10) acres in area.
2. All buildings shall be set back a minimum distance of fifty (50) feet from all lot lines, except that in no case shall a crematory be located within three hundred (300) feet of any lot line.

**B. Additional Standards and Requirements:**

1. Access drives within a cemetery shall be set back a minimum distance of twenty (20) feet from side and rear lot lines.
2. No burial plot shall be located within fifty (50) feet of any lot line, stream, or other water course or water body.
3. No crematory shall be established as part of a cemetery unless expressly approved for crematory use.

#### **Section 7.4 Private Landing Strips**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Runways, hangers, maintenance buildings, and any other structures and buildings associated with the landing strip shall be located a minimum of one-hundred fifty (150) feet from all lot lines.

#### **B. Additional Standards and Requirements:**

1. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of ten thousand (10,000) feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of "ultra-light" aircraft.
2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

#### **Section 7.5 Hospitals**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage except as follows.

1. The lot shall be a minimum of five (5) acres in area.
2. All buildings shall be set back a minimum distance of fifty (50) feet from a public road right-of-way and an Agricultural and Residential District.

#### **B. Additional Standards:**

1. The lot shall have frontage on at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. Ambulance and emergency entrance areas shall be visually screened from adjacent residential uses and residentially-zoned land by a structure or masonry wall of six (6) feet or more in height.

#### **Section 7.6 Equestrian Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. An equestrian center that is to be used for horse shows or horse competitions, at which more than fifty (50) persons are to be permitted to observe, shall be located on a lot not less than ten (10) acres in area and three-hundred thirty (330) feet in width.
3. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.

**B. Additional Standards and Requirements:**

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.

**Section 7.7 Mini/Self Storage Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
2. There shall be a minimum of thirty (30) feet between storage buildings for driveway, parking, and fire lane purposes. Where no parking for loading or unloading is permitted within the building separation areas, said building separation need only be twenty-two (22) feet. Traffic direction and parking shall be designated by signaling, signs and/or painting.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted.
4. Storage units shall not contain more than five hundred (500) square feet each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet of a side or rear lot line.

**Section 7.8 Motels and Hotels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. Motels and hotels shall provide customary services such as maid service, linen service, and telephone and/or desk service.

3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are made part of the zoning permit application for which approval is granted.
4. A caretaker's residence may be established within the motel only.

### **Section 7.9 Bed and Breakfasts/Tourist Homes**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the buildings.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the building shall be of a single family dwelling character.
3. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
4. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling. All guest bedrooms shall be a minimum of 100 sq. ft., with an additional thirty (30) sq. ft. for each bedroom occupant beyond the first two (2), and no bedroom shall be occupied by more than four (4) guests.
5. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
6. Lavatories and bathing facilities shall be available to all persons using the premises, at a minimum rate of one (1) bathroom for each two (2) bedrooms available for rent.
7. All parking areas for guests shall be set back a minimum distance of twenty (20) feet from all lot lines and screened to minimize impacts on neighboring properties.
8. The outdoor storage of solid waste shall not exceed fifty (50) sq. ft.
9. The sale or offer for sale of goods is permitted provided such sales area does not exceed fifty (50) square feet in floor area.

### **Section 7.10 Convalescent, Nursing Homes and Assisted Living Facilities**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on M-25 and/or at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. There shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per patient bed according to design capacity, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated outdoor area shall be less than 1,000 square feet in area.
3. Dwelling units in multiple family buildings need not comply with the minimum floor area requirements of Section 7.20.
4. Retail sales and support services are permitted provided such sales and services are clearly accessory in character and are located or otherwise designed to discourage use by persons other than patients and residents of the facility and visitors of such facility.
5. In the case where a lot is to have multiple buildings, all buildings shall be of a reasonably similar architectural character and appearance so as to reflect a unified and coordinated development plan.

### **Section 7.11 Day Care Centers**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet.

#### **B. Additional Standards and Requirements:**

1. A child drop-off area shall be provided outside of any road right-of-way or easement.
2. A day care center shall provide a minimum of one-hundred (100) sq. ft. of outdoor play area per child cared for, but shall not be less than 1,000 sq. ft.
3. Day care center buildings authorized in Agricultural or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
4. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

### **Section 7.12 Day Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet..

**B. Additional Standards and Requirements:**

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
  - a. Another group home day care facility licensed by the State of Michigan.
  - b. An adult foster care group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. All outdoor play areas shall be enclosed with fencing, a minimum of five (5) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the dwelling. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of approval from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

**Section 7.13 Foster Care Facility, Group Home**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Building setbacks shall comply with Table 3-4 but in no case shall a front and rear yard setback be less than forty (40) feet and in no case shall a side yard setback be less than twenty (20) feet.

**B. Additional Standards and Requirements:**

1. A group home foster care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along road frontage maintained by the County Road Commission:
  - a. Another foster care group home facility licensed by the State of Michigan.

- b. A group home day care facility licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
  3. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
  4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing unless required otherwise by law.

### **Section 7.14 Vehicle Repair Shops and Service Stations**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be 20,000 sq. ft.
2. All buildings shall be setback a minimum distance of fifty (50) feet from road right-of-way lines and any shared lot line segment in a Residential District.
3. Fuel pumps, pump canopies, and above and below ground storage of fuel and other flammable materials shall be setback a minimum distance of twenty-five (25) feet from all lot lines. Setbacks for canopies shall be measured from the edge of the canopy.

**B. Additional Standards and Requirements:**

1. The lot shall have frontage on a paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. No more than one (1) access drive shall be provided along each road frontage except upon a determination by the site plan approving body that anticipated traffic levels warrant additional drives and the frontage is of adequate length to safely accommodate an additional driveway and anticipated turning patterns.
3. No driveway shall exceed thirty-five (35) feet in width, and in the case of a corner lot, a driveway shall be set back from the intersection of the two roads as far as reasonably practical.
4. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed building, excluding air and water hoses, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such building.
5. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than fifteen (15) days. Such vehicles shall be parked or stored in a building, or behind a fully screened area in a side or rear yard and with no less than a six (6) foot high fence, wall and/or berm. Such fence or wall shall be set back a minimum of twenty (20) feet from side and rear lot lines.

6. There shall be no outdoor storage of fenders, mechanical or engine parts, tires or other vehicle parts or materials, and there shall be no outdoor storage of equipment, supplies, or other materials except as provided by subsection (5) in the case of inoperative vehicles.
7. All lighting mounted to the underside of a canopy shall be fully recessed.
8. A solid wall, fence and/or berm, of a minimum height of six (6) feet, shall be erected to screen views from lots in Agricultural and Residential Districts.
9. The application shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.

### **Section 7.15 Vehicle / Car Wash Establishment**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. The facility shall have frontage on and gain direct access from a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Outdoor vacuuming activities shall be set back a minimum of one hundred (100) feet from an Agricultural or Residential District. Self-service bays shall be located a minimum of fifty (50) feet from an Agricultural or Residential District.
4. Maneuvering lanes and stacking lanes shall be provided to ensure sufficient room to avoid waiting cars encroaching into a road right-of-way. In the case of self-service washing bays, a minimum of two (2) stacking spaces shall be provided for accessing each bay and one (1) space shall be provided upon exiting each bay.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Self-service washing bays shall be arranged, to the greatest extent practical, so as not to face upon an adjacent public road, or otherwise be screened to minimize views of such bays.
7. Trash containers shall be provided and emptied as necessary to prohibit litter.

### **Section 7.16 Junkyards**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The lot shall have a minimum area of ten (10) acres and a minimum width of three-hundred thirty (330) feet.
2. Minimum setbacks from lot lines for all buildings and structures shall be seventy-five (75) feet.



## **B. Additional Standards and Requirements:**

1. A solid fence, wall and/or berm enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be set back from all lot lines a minimum distance of fifty (50) feet. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
2. There shall be no storing, dismantling, or other work on junk within two-hundred (200) feet of a church, school, public building, park, cemetery, Residential District, or lot used for residential purposes.
3. No junkyard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
4. Outdoor burning is prohibited.
5. Between the hours of 5:00 p.m. and 8:00 a.m., all processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust, and shall be maintained free of debris and refuse.
7. The operation shall be licensed by the Michigan Secretary of State.
8. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
9. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
10. All junk material shall be fully removed from the site prior to the termination of said use.
11. The lot shall have frontage on M-25 and/or at least one (1) paved road classified by the County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
12. A management office within a building shall be maintained on the lot and occupied at all times that the facility is operational or otherwise accessible by the public.
13. An application for a junkyard shall specify the type of salvage material to be received and/or collected, methods of separation and/or recycling, the destination of waste or recycled materials, and a site maintenance program.

## **Section 7.17 Veterinarian Clinics**

- A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width,

frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent lot line in a Residential District, or to any adjacent building used by the general public, and shall not be located in any required setback area.

**B. Additional Standards and Requirements:**

1. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care. No boarding other than for animals receiving medical treatment shall be permitted, except where approval has been granted for a kennel.
2. All activities shall be conducted within a totally enclosed building except that this limitation shall not apply to designated outdoor dog run areas for dogs receiving medical care, or paddocks associated with the keeping of animals in excess of three-hundred (300) pounds.
3. No animals receiving overnight medical care shall be permitted outdoors between the hours of 10:00 p.m. and 7:00 a.m., except in the case of paddocks associated with the keeping of animals in excess of three-hundred (300) pounds provided such paddocks are set back a minimum distance of one hundred (100) feet from all lot lines.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**Section 7.18 Kennels**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The lot shall be a minimum of ten (10) acres in area and three-hundred (300) feet in width.
2. Buildings where animals are kept, runs, and group exercise areas shall not be located closer than one hundred (100) feet to any lot line.

**B. Additional Standards and Requirements:**

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies or other insects, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals must be currently licensed as provided by law and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable county, township, state and federal regulations.
3. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.

5. Outdoor runs, pens or exercise yards shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

## **Section 7.19 Marinas**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as provided below:

1. All buildings, boat storage areas, repair and service areas, docks, and parking areas shall be set back a minimum distance of fifty (50) feet from all lot lines.

### **B. Additional Standards and Requirements:**

1. Marinas shall be located where topographic conditions minimize the necessity to excavate upland areas to create the necessary basin and where dredging will have minimal impact on wetlands, submerged aquatic plant beds, and rare, threatened or endangered species.
2. Marinas shall be located and designed to maximize the flushing and circulation of the basin area.
3. Parking, storage or locating of any boat on land for periods in excess of seven (7) days shall occur within a completely enclosed building.
4. All aspects of a marina shall be located and designed to minimize disturbances to neighboring properties including lighting, noise, parking, restroom facilities, boat launches, and picnic and other open space areas.
5. There shall be no storage of fuels or other hazardous materials except where expressly authorized by the approving body. In such case, the application shall provide documentation of the marina's capability to respond rapidly and effectively to contain any spills of fuels and other hazardous materials.
6. The total area devoted to retail sales, including the sale of fuel, shall not exceed four-hundred (400) sq. ft. All retail sales, storage and display shall be within a building, excluding outdoor fueling stations.

## **Section 7.20 Multiple Family Developments**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. The portion of a building within fifty (50) feet of a lot line shall not exceed twenty-five (25) feet in height.
2. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lots and access drives not otherwise comprising a road right-of-way.

### **B. Additional Standards and Requirements:**

1. No building shall be more than one hundred (100) feet in length.
2. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
3. There shall be provided easily accessible and usable open space in an amount of ten percent (10%) or more of the lot area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than one thousand (1,000) square feet in area. Such open space shall be available for recreation and leisure, and may be located on an adjacent lot where part of a unified development plan.
4. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
5. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community recreation buildings.
6. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
7. The minimum floor area for multiple family dwelling units shall be as follows:
  - a. Efficiencies: 550 sq. ft. of heated living area.
  - b. One bedroom units: 720 sq. ft. of heated living area.
  - c. Two bedroom units: 840 sq. ft. of heated living area.
  - d. Three bedroom units: 960 sq. ft. of heated living area.
  - e. Four or more bedroom units: 1,200 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

**Section 7.21 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**B. Additional Standards and Requirements:**

1. All outdoor sales, storage or display areas shall include a building of more than two hundred (200) square feet in area, which functions in association with the business and includes potable water and sewage disposal facilities in compliance with the County Health Department.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
4. Outdoor broadcasting of voice or music is prohibited.

5. There shall be provided a fence or wall, a minimum of six (6) feet in height, around all outdoor storage and sales areas, except at ingress/egress points and where such areas are bounded by buildings, so as to effectively prohibit wind-blown trash and other debris from travelling beyond such areas. This requirement may be waived by the site plan approving body where the nature of the use does not generate trash and/or other debris, but in no case shall litter or other debris be permitted to accumulate or otherwise travel beyond such storage or sales areas.
6. In the case of vehicle sales or service, the following shall apply:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance such as tire and wiper replacement but excluding oil changes.
  - b. All vehicle display and storage areas shall be asphalt or concrete paved except where the site plan approving body determines such paving is not necessary due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.

## **Section 7.22 Open Space Preservation Communities (OSPS)**

**A. Purpose:** It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is to be located, so that the remainder of the site can be preserved as open space.

**B. Compliance with Table 3-4 and Additional Standards and Requirements:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except where this subsection (B) provides otherwise.

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings including recreation areas, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent (25%).
3. Minimum Lot Area and Width
  - a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. However, in no case shall a lot be less than twenty thousand (20,000) sq. ft. in the absence of public sewer service and where public sewer service is provided, in no case shall a lot be less than thirty percent (30%) of the normally required lot area of the respective District.
  - b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than fifty (50) feet in width.
4. Setbacks

- a. The following front, side and rear yard setbacks for buildings shall apply except that in no case shall a building be located within seventy-five (75) feet of the perimeter lot line of the OSPC development. Where the site plan approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering within the context of surrounding development patterns, the above referenced setbacks may be reduced by no greater than fifty percent (50%).
    - 1) Front yard: twenty-five (25) feet.
    - 2) Side yard: ten (10) feet.
    - 3) Rear yard: twenty (20) feet.
  - b. In addition to subsection (a) above, a minimum (75) foot building setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
  - c. Minimum setbacks for accessory structures not constituting buildings shall be as regulated by Section 20.8.
5. Building and Lot Coverage: The maximum building and lot coverage shall be as regulated according to Table 3-4 of Article 3, based on the District that most closely resembles the prevailing lot size of the OSPC. Where OSPC lot sizes exhibit a considerable range in size, the site plan approving body may prescribe varying maximum building and lot coverage standards according to lot size ranges.
6. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
- a. The open space conveyance shall:
    - 1) Indicate the proposed allowable use(s) of the dedicated open space.
    - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space, and establish a funding mechanism to ensure the same.
    - 3) Provide for maintenance to be undertaken by the Township, in the event that the dedicated open space is inadequately maintained or is determined by the Planning Commission to be a public nuisance, with the assessment of costs upon the property owners.

7. Open Space Preservation Area, Character, and Priorities

- a. A minimum of fifty percent (50%) of the OSPC site shall be designated as permanent open space. However, in no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
  - b. Open space shall be located on the OSPA site to meet the following objectives:
    - 1) To preserve water courses and bodies, MDNRE-regulated wetlands, floodplains, and mature woodlands. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic rural views.
    - 2) To promote the effective preservation of the existing character along the exterior public road frontages that the OSPC abuts.
    - 3) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of open space.
8. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a public water system, and in OSPCs that are generally characterized by lots of approximately twenty thousand (20,000) sq. ft. or less in size and are more than three (3) miles from the nearest municipal fire department. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

9. Vehicular and Pedestrian Access and Circulation

- a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
- b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC and/or through other portions of the OSPC, to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
- c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
- d. All public roads shall conform to the requirements and standards of the County Road Commission. All private roads shall conform to the requirements and standards of this Ordinance.

**C. Special Application and Approval Requirements:** The following information shall be provided as part of an OSPC application In addition to the information required by Article 14, Site Plan Review:

1. Unified Control: The application shall demonstrate that the proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project property according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width standards. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal according to subsection (B)(2).
  - a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals), and man-made features such as existing roads, buildings, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered if it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.
3. Recording of Approval Action/Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Zoning Administrator. Upon receipt of the recorded documents, the Zoning Administrator shall issue a zoning permit for the OSPC for the construction of the OSPC, limited to general grading, roads, storm water management, signs, utilities and similar development features. The erection of a dwelling or other building and structures on any lot within the OSPC shall require an additional zoning permit according to the provisions of this Ordinance.

## **Section 7.23 Recreation Facilities, Outdoor**

**A. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Principal and accessory buildings shall be set back at least one-hundred (100) feet from all lot lines, unless otherwise specified herein.
2. See Subsections (B) – (G) for additional exceptions applicable to specific facility types.

### **B. Additional Standards and Requirements Applicable to All Outdoor Recreation Facilities:**

1. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless the retail or commercial facility is identified as a permitted use in the District in which the facility is located.
2. In the case where the facility is to generate a daily average of more than two-hundred (200)



vehicles arriving to the facility, the facility shall have frontage along and have direct access to a paved primary road and/or M-25.

3. Applications for outdoor recreation facilities shall include documentation demonstrating adequate liability insurance.
4. All outdoor facilities shall be maintained free of litter. Applications for outdoor recreation facilities shall identify trash and litter control measures including the size and location of trash receptacles.
5. In the case where ticket gates are used for controlled access, such ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity facilities; two (2) ticket gates for six hundred (600) car capacity facilities; three (3) ticket gates for eight hundred (800) car capacity facilities; and four (4) ticket gates for one thousand (1,000) car capacity facilities.
6. In the case where any portion of the facility is adjacent to a lot in an Agricultural or Residential District, all facility operations shall be located a minimum of one hundred (100) feet from such shared lot lines including buildings, other structures, trash containment areas, parking and areas devoted to the stacking of vehicles awaiting access to ticket gates.
7. The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation.

**C. Additional Standards and Requirements Applicable to Race Tracks and Off-Road Vehicle Tracks:**

1. A minimum of twenty (20) acres shall be required for such uses.
3. No portion of the race track surface, trail or area used by vehicles shall be within one-hundred (100) feet of a lot line, excluding ingress and egress areas and areas devoted to parking.
3. Off-street parking areas and ingress and egress drives associated with race tracks shall be set back from all property lines a minimum distance of fifty (50) feet.

**D. Additional Standards and Requirements Applicable to Drive-In Theaters:**

1. A minimum of twenty (20) acres shall be required for such uses
2. No portion of a screen shall be within one-hundred (100) feet of a lot line.
3. Off-street parking areas and ingress and egress drives shall be set back from all property lines a minimum distance of fifty (50) feet.
4. A solid fence, wall and/or berm, of a minimum height of eight (8) feet, shall screen all off-street parking areas from view from adjacent properties and public roads.
5. The facility shall be designed to enable a minimum of thirty percent (30%) of the vehicle capacity of the theater to be located between the ticket gates and the right-of-way line of public roads providing access to the lot, for entry and exit from such gates.
6. Theater screens shall be oriented away from public roads and shall not be visible from the M-25 right-of-way.
7. Theater screens shall not exceed sixty-five (65) feet in length and forty (40) feet in height above the surrounding parking lot surface.

#### **E. Additional Standards and Requirements Applicable to Campgrounds:**

1. The minimum lot area shall be ten (10) acres and shall have a minimum width of four-hundred (400) feet.
2. Buildings, structures, areas designated for camping, common play areas, and areas devoted to the storage of vehicles not set up for occupancy shall be located a minimum of one hundred (100) feet from all property lines.
3. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motor homes, trailers, and similar vehicles. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.
4. Utilities serving the campground shall have sufficient capacity to serve the campground when in full use. Each campsite shall either be provided with individual water and sewer hookups approved by the County Health Department, or shall have convenient access to approved service buildings.
5. Campgrounds shall be for seasonal recreation use only, except that a residence for a year round manager or caretaker is permitted.
6. A seasonal convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines that the proposed location will significantly discourage use of the store by non-campers, and such use is expressly authorized as part of an approved campground application.
7. Each campsite shall be clearly identified by stakes or markers.
8. Each campsite shall have a picnic table and if fires are permitted, a designated place for such fires.
9. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
10. Access roads shall be a minimum of twenty-two (22) feet in width and any dead-ended access drives shall be provided a minimum forty (40) foot diameter turn around.
11. The placement of tents and vehicles shall be prohibited within thirty (30) feet of the center line of an access road.
12. The storage of recreational vehicles, decks, sheds and other accessory items, not actively in use by a camper, is prohibited except upon approval for such storage according to an approved site plan that identifies such storage area and the items to be stored.
13. Campgrounds shall comply with all rules and regulations of the Michigan Department of Environmental Quality and County Health Department, including provisions pertaining to potable water, shower facilities, restrooms, and maximum capacity of persons per campsite.

#### **F. Additional Standards and Requirements Applicable to Shooting Ranges:**

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be twenty (20) acres for all other outdoor shooting activities including archery-only and paintball-only facilities.

2. Minimum lot frontage and width shall be 1,320' for outdoor firearm shooting facilities and shall be 660' for all other outdoor shooting activities including archery-only and paintball-only facilities.
3. An outdoor shooting range's boundaries shall be fenced with a minimum four (4) foot high fence with signs posted no less than fifty (50) feet apart along the fence stating "Danger Shooting Range" or similar warning. All vehicular access shall be controlled by locked gates.
4. A site plan for the range, whether indoor or outdoor, shall clearly indicate all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.
5. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and Field Archery Association, as applicable, and shall comply with federal, state and county rules and regulations.
6. Outdoor shooting hours shall not begin prior to 8:00 a.m. and shall not extend past 8:00 p.m. Extended hours are permitted for governmental law enforcement agencies provided the Zoning Administrator is notified at least seven (7) days in advance of the date or dates for the extended hours.
7. Outdoor shooting ranges shall be configured to minimize the potential for lead to enter surface waters, ground water and wetlands. Application materials shall include a lead management plan that shall specify measures to address the containment, migration, removal and disposal of lead.
8. No firearm shall be discharged within 1,000' of a dwelling existing or under construction at the time of the approval of a shooting range application.
9. A facility manager shall be present at the facility at all times when a firearm is being discharged. No firearm shall be discharged in the absence of a facility manager at the facility.

**G. Additional Standards and Requirements Applicable to Golf Courses, Country Clubs and Driving Ranges:**

1. All principal and accessory buildings, and outdoor swimming pools and surrounding deck areas, shall be setback a minimum of one hundred (100) feet from all lot lines.
2. Golf courses and country clubs shall have direct access onto a paved public road.
3. No driving station shall be located within seventy-five (75) feet of any lot line. Where necessary, buffering conditions shall be in place to minimize the impact or safety threats upon adjacent land uses.
4. Fairways and driving ranges shall have sufficient width and shall be oriented and set back in such a manner to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, etc., a narrower fairway will not compromise safety. Fairways shall be designed so that existing or future dwelling units and campsites are located a minimum of two hundred (200) feet from the center of the fairway.
5. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the lot as an outdoor recreational facility.

6. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
7. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the County Health Department and local building codes.
8. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer licensed in Michigan or a hydrologist certified by the American Institute of Hydrology.
9. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township Clerk and local fire department. Plans for emergency containment and clean-up shall also be provided.
10. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone and/or brick.
11. Golf course and driving range boundaries shall be adequately marked to minimize unintended trespass and/or injury. Fencing may be required where the site plan approving body determines a more effective measure of protection is necessary.

## **Section 7.24 Sexually Oriented Businesses**

**A. Purpose:** There is convincing documented evidence that sexually oriented businesses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse effects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

**B. Definitions:** For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. **Adult Bookstore:** A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b). The sale of such materials shall be deemed to constitute a "principal business purpose" of an establishment if it comprises ten percent (10%) or more of sales volume or occupies ten percent (10%) or more of the display area or visible inventory within the establishment.

- a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
  - a. Persons who appear in the state of nudity.
  - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
  - c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
  - a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  - b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.
  - c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
5. Adult Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or specified sexual activities.
7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. Manager's Station: A designated area from which a premises is managed or supervised.

10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
  - a. Proof of graduation from a school of massage licensed by the State of Michigan.
  - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
  - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
  - d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
  - a. An educational institution funded, chartered, or recognized by the State of Michigan.
  - b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
  - b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

- b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons are in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
- a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
  - b. Sex acts, actual or simulated, including intercourse, masturbation, oral copulation or sodomy;
  - c. Masturbation, actual or simulated.
  - d. Human genitals in a state of sexual stimulation or arousal.
  - e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage.

**D. Additional Standards and Requirements:**

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from outside of the building containing such use including interior displays, decorations.
2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.
3. Separation Requirements
  - a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
    - 1) A church, synagogue or regular place of worship.

- 2) A public or private elementary or secondary school.
  - 3) A Residential District.
  - 4) A dwelling irrespective of the District.
  - 5) A public park or other public recreation area.
  - 6) A licensed day-care center or preschool.
- b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business.
  - c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures, buildings or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the building in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
  - d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (3)(a) and (c) above.
4. Signs of a minimum 24" by 36" size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
    - a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
    - b. No alcoholic beverages of any type are permitted within the premises unless specifically authorized by a permit issued under this Ordinance and pursuant to a license duly issued by the Michigan Liquor Control Commission.
  5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
  6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
  7. A sexually oriented business that offers live entertainment shall provide all of the following:
    - a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.



- c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six (6) feet from the nearest employee or patron.
- d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
- f. Rest rooms shall not contain any video reproduction equipment or images of specified anatomical areas or specified sexual activities.

**E. Additional Application Requirements:** In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager's stations. A manager's station shall not exceed fifty (50) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

## **Section 7.25 Extraction Operations**

**A. Additional Materials to be Submitted:** In addition to the information required by Article 14 for site plan review, the following information shall be provided to the Township:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the planned progression of extraction across the site and corresponding time frames, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase.
4. Proposed plans for fencing.
5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely.

6. Proposed side slopes and depths for all portions of the extracted area, including interim and final slopes.
7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
9. A detailed reclamation plan that complies with all of the following:
  - a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site.
  - b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
  - c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use.
  - d. Final slopes no greater than a 3:1 (horizontal: vertical) ratio.
  - e. No noxious, flammable or toxic backfill and grading materials shall be used.
  - f. Provides for the removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
  - g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area, unless expressly authorized otherwise upon a finding that no practical alternatives exist and the public health, safety and welfare shall be ensured.

**B. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and building and lot coverage, except as follows:

1. Minimum lot area shall be twenty (20) acres.
2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from a residence existing at the time an application is submitted.

**C. Additional Standards and Requirements:**

1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within one thousand (1,000) feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of an approval of the extraction operation.
4. Extraction areas shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the Michigan Department of Transportation and/or County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 8:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays, Christmas Day, and Thanksgiving Day. A modification of these limitations may be made upon a finding that specific conditions are present or are to be established that support more lenient limitations.
7. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan.
8. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
9. Any expansion of an extraction operation beyond that area covered by a valid zoning permit shall be subject to the special land use provisions of Article 15.
10. Any performance bond that may be required according to Section 2.6 may cover anticipated yearly or other periodic inspections.
11. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: "Warning – Danger, Excavation in Progress."

#### **D. Abandonment/Termination of Use:**

1. An operator shall submit written notice to the Zoning Administrator of the abandonment of an extraction operation within six (6) months of such abandonment.
2. When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Zoning Administrator determines that the extraction operation has been abandoned, the Zoning Administrator shall give the owner written notice of the intent to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, has not been abandoned.
3. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exist special or unique conditions that support a different time frame for completion.
4. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

**E. No Very Serious Consequence:** When reviewing and taking action on a special land use application for an extraction operation, and in addition to reviewing such application according to the general special land use approval standards of Section 15.6, such application shall also be reviewed to determine whether adequate documentation has been submitted demonstrating that “no very serious consequences” will result by the approval of such application. The determination of “no very serious consequence” may be based on any of the following factors as may be applicable:

1. The relationship of extraction and associated activities with existing land uses.
2. The impact on existing land uses in the vicinity of the property.
3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the Township.
6. The overall public interest in the extraction of the specific natural resources on the property.

### **Section 7.26 Wireless Communication Facilities**

**A. Definitions:** For the purposes of this Section, the following phrases shall have the following meanings:

1. **Collocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.

2. Equipment Compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. Wireless Communications Equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. Wireless Communications Support Structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. Wireless Communication Facility: All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment, and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
6. Class One Wireless Communication Facility: Any wireless communication facility and modifications thereto that meet all of the following requirements:
  - a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
  - b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the municipality in which it is located.
  - d. The proposed collocation of equipment shall not do any of the following:
    - 1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.
    - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - 3) Increase the area of the existing equipment compound to greater than twenty five hundred (2,500) square feet.
    - 4) Be in violation of the terms and conditions of any previous final approval of the support structure or equipment compound by the then-designated approving body.
7. Class Two Wireless Communication Facility: The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class One Wireless Communication Facility.

**B. Application, Review and Approval for Class One Wireless Communication Facility:** A Class One Wireless Communication Facility constitutes a use permitted by right in any District, subject to site plan approval according to Article 14.

1. Application Review Time Frame and Fees

- a. After a Class One application for a wireless communication facility is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
- b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- c. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**C. Application, Review and Approval for Class Two Wireless Communication Facility:** A Class Two Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 14 (Site Plan Review), Article 15 (Special Land Uses), and the following provisions:

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class Two applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a Class Two wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
  - a. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
  - b. Elevation drawings of the proposed tower and any other structures.

- c. The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential Districts and platted and similar neighborhood developments.
- d. Method of fencing and finished color and, if applicable, the method of camouflage.
- e. A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- f. Identification of the entities providing the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, long distance providers, and/or the public switched telephone network (backhaul routes) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- g. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
- h. A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

**D. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower's height, including antennas, except where the application documents that the tower is designed to fall upon itself, in which case the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet. Setbacks shall be measured from the leading edge of the tower's base to the respective lot line.
3. No tower shall exceed one hundred ninety five (195) feet in height, measured from the base of the tower to the highest point of the tower including antennae, except if in the opinion of the site plan approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred ninety five (195) feet will reduce the total number of potential communication towers in the area and enables a geographic area to be served that would could not otherwise be served without an additional tower location. However in no case shall a tower exceed two-hundred fifty (250) feet in height. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.

**E. Additional Standards:**

1. Separation Distances: The following separation distances shall apply to Class Two wireless communication facilities except that the approving body may reduce the standard separation distance by no greater than twenty-five percent (25%) upon a finding that there exist on-site or surrounding conditions that mitigate the need for such separation distances and that the purpose of this Ordinance will be preserved. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted.

Off-Site Use or Designated Area	Separation Distance
The lot line of a lot occupied by a dwelling.	150 feet or 150% of the tower's height, whichever is greater.
Existing dwelling.	300 feet or 150% of the tower's height, whichever is greater.
Vacant land in any District that authorizes dwellings as a permitted use.	200 feet or 100% of the tower's height, whichever is greater.
Land in a Business or Industrial District, whether vacant or otherwise.	The setback standards of Table 3-4 or the tower's height, whichever is greater.
Another communication tower.	2 miles, measured by a straight line between the base of the existing and proposed tower.

2. Fencing and Lighting

- a. The base of a tower shall be fenced with a minimum six (6) foot high fence with anti-climbing measures.
- b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.

3. Tower Construction

- a. Towers shall be of monopole construction. Guy wires are prohibited.
- b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
- c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, Michigan Construction Code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance.
- d. All new communication towers shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication facilities.

4. Landscaping and Signage

- a. Signage shall be limited to emergency information only except as may be required by law.
- b. Trees shall be established, if not already present, that effectively screen the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than twenty (20) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.

5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.

6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and



supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical. Accessory structures shall not exceed six-hundred (600) sq. ft. of gross floor area.

## 7. Collocation

- a. Requirement for Collocation: A permit for the construction and use of a Class Two communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. Feasibility of Collocation: Collocation shall be deemed to be feasible and practical for purposes of this subsection (7) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
  - 1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements.
  - 2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - 3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - 4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

## 8. Removal

- a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not be required until all users cease use of the tower for a continuous period of 365 days.
- b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.

9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 6, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (8) above.

## **Section 7.27 Wind Energy Systems (WES)**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the following meanings.

1. Ambient: The sound pressure level that exists at least 90% of the time or L90.
2. ANSI: American National Standards Institute.
3. 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.
4. 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.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. 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.
7. Hub Height: The vertical distance measured from ground to the center of the turbine hub.
8. 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.
9. Non-participating Parcel: Any property within the Township other than Participating Parcels.
10. 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.
11. 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 the placement of an On-Site WES, the inclusion within a Wind Energy Conversion Facility, or 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.
12. 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.

13. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects.
14. 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.
15. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
16. 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.
17. 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.
18. 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.
19. WES Rotor Diameter: The distance measured across the central potential swept area of a WES blade's pattern.
20. 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".
21. 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.

**B. On-Site WES or MET Towers, Application Requirements.** In addition to the information required by Articles 14, Site plan Review, and Article 15, Special Land Uses, the following additional application information shall be provided:

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 ground surface 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 Article 14.
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.

**C. On-Site WES or MET Towers, Design Standards.** The following standards and requirements shall apply in addition to all other provisions of this Ordinance.

1. Public Health, Safety and Welfare: Installation of the proposed On-Site WES or MET towers shall be consistent with the public health, safety and welfare of Lake Township.
2. MET Tower Duration: 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 2.4.(C). See also Section 2.4(C) regarding permit expirations and extensions.
3. State, Federal and Local Regulations: 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. Technological Obsolescence: The On-Site WES and MET towers must minimize the adverse impacts of technological obsolescence of such equipment.
5. Height: No On-Site WES shall exceed a total height of thirty-five (35) feet. No MET tower shall exceed a total height of one hundred seventy-five (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 ground surface elevation within a thirty-two (32) foot radius of the structure's base.
- b. The vertical axis of the On-Site WES is exempt from a minimum height standard.

8. Sound: The sound pressure level generated by any On-Site WES or MET tower shall not exceed 35 dB(A) when measured at a habitable structure located on a non-participating parcel. 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

- 1) Except as provided in subsection 11(a)(4) below, 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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

- 1) Except as provided in subsection 11(b)(7) below, 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.
- 2) 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.
- 3) The setback from a MET tower to the boundary of the Pigeon and Pinnebog Rivers shall be a minimum of one (1) mile.
- 4) 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.
- 5) 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.

- 6) 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.
  - 7) 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. Collocation: The location of any wireless communication facilities on any On-Site WES or MET towers or an equipment compound of any On-Site WES or MET towers is prohibited.

**D. Utility Scale WES or Wind Energy Generation Facilities, Application requirements.** In addition to the information required by Articles 14, Site plan Review, and Article 15, Special Land Uses, the following additional application information shall be provided:

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: 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: 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 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:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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: 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: 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.
  - a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, and foundation type/dimensions.
  - b. Typical tower foundation blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
  - c. Typical tower blueprints or drawings signed by a professional engineer licensed to practice in the State of Michigan.
  - d. 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.
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
- 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 ground surface 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.
- l. 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.
  - 1) 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.

**E. Utility Scale WES or Wind Energy Generation Facilities, Design Standards.** The following standards and requirements shall apply in addition to all other provisions of this Ordinance.

1. Agricultural Preservation: 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. Technological Obsolescence: 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. Negative Externalities: 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. Certified Drawings: 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: No Utility Scale WES or WEGF shall exceed a total height of five hundred (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 seventeen hundred (1,700) 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 seventeen hundred (1,700) 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.
  - 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 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. Collocation: The location of any wireless communication facilities on any Utility Scale WES or WEGF, or an equipment compound of any Utility Scale WES or WEGF, is prohibited except upon express approval of the Township according to Section 7.26.

**F. Utility Scale WES or Wind Energy Generation Facilities, Additional Requirements.**

1. Security Bond Requirements

- a. Prior to final approval of a Special Land Use, 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 take any action permitted by law, revoke the Special Use Permit, order a cessation of operation, and/or 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.
  - 1) 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.
  
4. **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 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 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 according to Section 2.10.

## **Section 7.28 Agritourism**

**A. Definitions:** For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.



1. Attendees: Those persons attending an event including persons delivering attendees to the event but who may not remain for the event themselves. "Attendees" shall not include persons providing support services for an event, such as catering services and parking area attendants.
2. Special Event: A planned occasion part of agritourism, such as a wedding, gatherings associated with the celebration of anniversaries, birthdays, reunions, and similar celebrations to which the general public is not invited, and company outings. A "special event" does not include activities held regularly and to which the general public is invited or otherwise permitted to attend such as seasonal pumpkin picking and corn mazes.

**B. Supplemental Application Information:** In addition to the information required by Articles 14 and 15 for a special land use application and accompanying site plan, the following additional information shall be included with an agritourism application:

1. The permitted maximum capacity of all buildings to comprise the agritourism facility, according to the building code or Fire Marshall and the basis for such calculations.
2. Proposed location of temporary toilet facilities as may be needed.
3. The planned frequency of activities and special events by event type, and the maximum number of attendees to be accommodated at any single event by activity and event type.
4. Months or seasons of operation if not a year-round facility, by activity and special event type.
5. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with an activity or special event.
6. Clarification of all portions of the lot to be used for agritourism including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
7. The extent of food preparation and serving facilities that are to be part of the agritourism, any permits required by the county health department, and the applicable county health department rules and other requirements, by rule and/or statute section references.
8. The intended availability of alcoholic beverages in association, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references.

**C. Compliance with Table 3-4:** See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area for agritourism shall be twenty-five (25) acres and the minimum lot width shall be six hundred (600) feet.

**D. Additional Standards and Requirements:**

1. The lot shall have frontage on a paved public road and take its principal access from such road.
2. There shall be no sound amplification devices in association with outdoor areas.
3. There shall be no overnight sleeping of special event attendees.
4. A building to be used for agritourism shall undergo no exterior modifications, excluding general maintenance, except upon the Township Board finding that such modifications shall not undermine the fundamental character of the building or shall otherwise enhance the character of

the building and its compatibility with surrounding conditions and/or local agricultural building architecture.

5. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure the following:
  - a. Emitted light shall be directed downward onto the lot upon which the light source is located.
  - b. Light sources shall not be visible from beyond lot lines and shall be so arranged to reflect light away from adjacent lots.
  - c. No lighting shall increase light levels on adjacent lots.
6. The following time restrictions shall apply:
  - a. No special event shall begin prior to 9:00 a.m. and no event shall continue past 11:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
  - b. No temporary toilet facilities shall be located or stored within view of a public road and within two hundred (200) feet of any lot line.
7. All outdoor areas devoted to eating areas, entertainment areas and other places where invitees or members of the public may gather, shall be set back a minimum of one-hundred fifty (150) feet from all lot lines and shall comply with the separation distance standards of subsection (9) below.
  - a. The Township Board may lessen the standards of subsection (7) in the case where the proximity between lot lines and existing building(s) to house indoor activities is limited and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Township Board finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
8. Parking shall be provided as follows:
  - a. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Township Board may waive this limitation upon finding that the additional paved area will be adequately screened from neighboring properties and public roads.
  - b. The minimum number of parking spaces to be provided shall be equal to seventy-five percent (75%) of the approved maximum capacity of any indoor facilities comprising the agritourism facility, in addition to any additional spaces required for employees, catering services and other support service providers.
  - c. All parking areas shall be clearly defined by gravel, mowed lawn, roped boundaries, or other visible markings.
  - d. No parking shall occur within one hundred (100) feet of a public road right-of-way and any lot line. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement.
  - e. Access drives shall be set back a minimum distance of seventy-five (75) feet from side and rear lot lines.

9. Special events shall be limited in frequency based on the maximum number of attendees, according to the table below and the “Special Provisions” following the table:

Maximum Number of Event Attendees	Maximum Frequency of Events Based on Number of Event Attendees	Separation Distance Between an Event Area and a Dwelling on Another Lot Not Owned by the Applicant.
No more than 75	2 events per 1 calendar week	Minimum 150'
More than 75 but no more than 150	2 events per 1 calendar week	Minimum 250'
More than 150 but no more than 300	1 event per 1 calendar week	Minimum 350'

Special Provisions:

- a. No special event shall exceed three-hundred (300) attendees.
- b. In no case shall more than ten (10) special events be held during any one (1) calendar month, irrespective of the number of attendees at each event.
- c. The separation distance standards of the above table shall apply to all buildings and outdoor areas used in association with the holding of special events including temporary restroom facilities, parking areas, eating areas, entertainment areas and other places where event attendees may gather. The Township Board may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited and the specified separation distances would result in considerable practical difficulties maintaining a logical relationship between such existing buildings and outdoor use areas, provided the Township Board finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.

**End of Article 7**