

Article 13 Standards and Regulations for Specific Land Uses

Section 13.1 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, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of regulations presented in this Article, some Sections are accompanied by a further defined “purpose” statement.
- 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.
 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.

Section 13.2 Adult and Child 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 lot coverage.
- 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. No play area shall be located in the required front yard setback.
 3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area.
 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. Operations between 10:00 p.m. and 6:00 a.m. shall be of a limited character only.
 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 13.3 Airports

- 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. An airport shall not be established on any parcel less than one-hundred eighty (180) acres in area and 1,500 feet in width.
 2. No runway shall be located within seven-hundred fifty (750) feet of a lot line.
 3. No runway or other airport operations area shall be established within one thousand (1,000) feet of an existing dwelling.

B. Additional Standards and Requirements:

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. See Sec. 13.16 regarding private landing strips.

Section 13.4 Bed and Breakfast

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.

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 structures.
2. A bed and breakfast shall not be part of a two-family or multiple family dwelling, and the exterior appearance of the structure 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 120 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 three (3) bedrooms available to guests but no less than two (2) lavatories and bathing facilities shall be provided.
7. No parking shall be in a road right-of-way or within a required front yard. Parking stalls shall be arranged in an orderly fashion. Parking in a side or rear yard shall be setback a minimum of ten (10) feet from side and rear lot lines. All parking areas shall be screened according to Article 9.
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.
10. The owner or operator of the facility shall reside within the same building as the guest bedrooms.
11. All guest rooms shall comply with the State Construction Code and the rules and regulations of the County Health Department.
12. No guest shall stay at the bed and breakfast for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
13. Each guest room shall contain a functional smoke detector and at least one (1) functional fire extinguisher shall be located in a clearly visible location in a hallway serving guestrooms.
14. Bed and breakfasts authorized in Agricultural and 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.

Section 13.5 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 lot coverage, except as follows:

1. The maximum building height standard of Table 3-4 may be exceeded provided all minimum yard setbacks are increased by two (2) feet for each one (1) foot that the building height standard is exceeded, but in no case shall a building exceed forty-five (45) feet in height.
2. In the case of single and two-family dwellings, such dwellings shall comply with the following minimum setbacks. In the case where lot lines are not present, setbacks shall be measured from where such lot lines would normally be expected under typical conditions.
 - a. Minimum front yard setback: twenty-five (25) feet.
 - b. Minimum rear yard setback: thirty-five (35) feet.
 - c. Minimum side yard setback: ten (10) feet.

B. Additional Standards and Requirements:

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. A minimum of fifteen percent (15%) of the lot shall be set aside as open space and recreation and leisure areas. Of this minimum fifteen percent (15%) area, there shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount equal to a minimum of one hundred (100) square feet per patient bed according to design capacity but in no case shall the outdoor usable area be less than ten thousand (10,000) square feet. No single required outdoor area shall be less than 1,000 square feet in area.
3. 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.
4. Adequate measures shall be made for clear and convenient access to all major entrances for emergency medical services.
5. In the case where the facility includes one (1) or more multiple family dwellings, such buildings shall also comply with Sec. 13.13.

Section 13.6 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 lot coverage.

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 and 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 13.7 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 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.
2. 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 uses.

Section 13.8 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:

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 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. 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 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 approved.

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 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 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 7:00 a.m. and cease no later than 7:00 p.m. on weekdays and, on Saturdays between May 1st through September 30th, shall commence no earlier than 7:00 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 guarantee that may be required according to Section 2.8 may cover anticipated yearly or other periodic inspections.
11. All areas that 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 one hundred (100) 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. Time Limitation on Permit: A permit for an extraction operation shall be valid for five (5) years. No less than six (6) months prior to the ending of the first five (5) year permit period and every subsequent five (5) year permit period thereafter, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and the recommendation of the Zoning Administrator, and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional five (5) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with the approved zoning permit and all conditions made part of the permit.

F. 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 13.9 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 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.

B. Additional Standards and Requirements:

1. A solid fence or wall 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 comply with the setback requirements of Table 3-4 but in no case shall be less than 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 Environment, Great Lakes, and Energy.
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 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 13.10 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 lot coverage, except as follows:

1. A kennel shall not be established on any lot less than five (5) 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 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, 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 11:00 p.m. and 6:00 a.m., and in the case of outdoor runs, pens or exercise yards that are within two hundred (200) feet of an existing dwelling, such areas shall be screened from the existing residence by a solid fence or wall of a minimum height of four (4) feet.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.

Section 13.11 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 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 or painting.
3. No retail, wholesale, fabrication, manufacturing, office or service activities may be conducted from storage units.
4. Storage units shall not contain more than 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 storage units that shall be within a building, except that the outdoor storage of recreational vehicles and water craft may occur where expressly permitted according to an approved site plan. No outdoor storage shall occur within a front yard and within fifty (50) feet of a side and rear lot line.
6. Retail sales shall be permitted from an on-site office building provided such sales and display area shall not exceed one hundred (100) sq. ft. of floor area and products for sale shall be limited to those customarily used on-site in association with the storage compartments.
7. The exterior of buildings shall be of materials commonly associated with residential construction or be of such material so as to enhance the building's compatibility with the surrounding area. Concrete block construction, without simulated brick, stone or similar treatment, is prohibited.
8. A single residence may be established on the same lot as the mini-storage facility provided it is occupied only by a caretaker or other similar employee of the facility. Such residence shall meet the minimum dwelling standards established by this Ordinance.

Section 13.12 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 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. An operator's or caretaker's residence may be established within the motel only.

Section 13.13 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 lot coverage, except as follows:

1. The minimum front yard setback shall be seventy-five (75) feet.
2. The minimum side yard setback shall be thirty (30) feet.
3. The minimum rear yard setback shall be forty (40) feet.
4. The maximum height of a building shall not exceed two (2) stories and thirty-five (35) feet. The site plan approving body may approve a maximum building height of three (3) stories and thirty-five (35) feet upon its finding that such building heights will enhance the preservation of special natural resources on the lot and/or there are existing or proposed site features that shall ensure the compatibility of the buildings with the surrounding area. In no case shall any portion of a building within fifty (50) feet of a side or rear lot line lot line exceed twenty-five (25) feet in height.

B. Additional Standards and Requirements:

1. 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 thirty (30) feet.
2. No building shall exceed two hundred fifty (250) feet in length except upon a finding by the site plan approving body that that architectural features and/or other site conditions support the building's scale with the surrounding area.
3. There shall be provided easily accessible and usable open space in an amount of fifteen percent (15%) or more of the site 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 1,000 square feet in area if it is to be applied toward meeting the minimum required open space.
4. Buildings shall be a minimum twenty-five (25) feet from the edge of a parking lot and access drives not otherwise comprising a road right-of-way.
5. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
6. 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 buildings.
7. 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.
8. The minimum floor area for multiple family dwelling units shall be as follows:
 - a. Efficiencies: 400 sq. ft. of heated living area.
 - b. One bedroom units: 550 sq. ft. of heated living area.
 - c. Two bedroom units: 750 sq. ft. of heated living area.
 - d. Three or more bedroom units: 950 sq. ft. of heated living area, plus 150 sq. ft. of heated living area for each additional bedroom in excess of the third bedroom.

Section 13.14 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 lot coverage.

B. Additional Standards and Requirements:

1. A building of more than two hundred (200) square feet in area shall be provided, 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.
3. 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.
4. Outdoor broadcasting of voice or music is prohibited.
5. 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 including tire and wiper replacement but excluding oil changes.
 - b. All vehicle display and storage areas shall be asphalt or concrete paved except where the 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 13.15 Open Space Preservation Communities

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. Additional Standards and Requirements:

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, 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 for a dwelling 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. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District.
 - b. Lot width: Minimum lot widths for dwellings 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 sixty (60) feet in width.
4. Setbacks
 - a. The following front, side and rear yard setbacks 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 parcel. Where the 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 setback 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 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.

5. 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.
 - a. 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.
 - b. 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 Township Board to be a public nuisance, with the assessment of costs upon the property owners.
6. Open Space Preservation Area, Character, and Priorities
 - a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. 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 parcel 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.
7. Fire Protection: Fire protection measures shall be provided in all OSPCs that include a potable 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.
8. 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: OSPCs are subject to site plan approval according to Article 14 (Site Plan Review) in addition to the following:

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 parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. 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.
 - a. The conventional plan referenced in subsection (2) above 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, 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.

Section 13.16 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 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 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 13.17 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 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) – (E) 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 listed 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 one-hundred (100) vehicles arriving and/or departing the facility, the facility shall have frontage along and have direct access to a paved primary road or state highway.
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.

C. Additional Standards and Requirements Applicable to Campgrounds:

1. The minimum lot area shall be twenty (20) acres and shall have a minimum width of five-hundred (500) feet.
2. Buildings, structures, areas designated for camping, and areas devoted to the storage or parking of vehicles not otherwise part of camp sites, 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 one (1) permanent dwelling may be established to serve only as the residence for a year round manager or caretaker.
6. A 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. There shall be no camping or parking activities within thirty (30) feet of the center line of an access road.
12. Campgrounds shall comply with all rules and regulations of the Michigan Department of Environment, Great Lakes, and Energy, and County Health Department, including provisions pertaining to potable water, shower facilities, restrooms, and maximum capacity of persons per campsite.

D. 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 be one-half (1/2) hour after sunrise or 8:00 a.m., whichever is earlier, to one-half (1/2) hour before sunset, according to sunrise and sunset times published by the National Weather Service. 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.

E. 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 any lot in an Agricultural or Residential District.
2. Minimum lot size shall be forty (40) acres.
3. Golf courses and country clubs shall have direct access onto a paved public road.
4. 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.
5. 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 are located a minimum of two hundred (200) feet from the center of the fairway.
6. 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 parcel as an outdoor recreational facility.
7. 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.
8. At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Ingham County Health Department and local building codes.
9. 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.
10. 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.
11. 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.
12. A single residence may be established on the same lot as the golf course provided it is occupied only by a caretaker or other similar employee of the facility.
13. 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 13.18 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" 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 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.
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 five-hundred (500) 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.
 - 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 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 structure 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.
 - b. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.

8. A manager's station shall be provided.
 - a. 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.
 - b. The manager's station shall be clearly identifiable, shall be no greater than fifty (50) sq. ft. in area, and shall be raised a minimum of eighteen (18) inches above the floor elevation to which the public has access.
9. 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.
10. Rest rooms shall not contain any video reproduction equipment.

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.
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 13.19 Solar Energy Systems

A. Definitions: The following terms, phrases and definitions shall apply for the purpose of this Article.

1. **Solar Energy System:** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area, and sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. **Small Solar Energy System (Small SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of no more than two thousand (2,000) sq. ft. A Small SES typically serves a single residential unit, agricultural operation, business or other singular facility, located on the same lot as the Small SES.
3. **Medium Solar Energy System (Medium SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. *including the area of aisles that may be present between rows of solar panels.* A Medium SES commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots.
4. **Large Solar Energy System (Large SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that have a total cumulative surface area of more than ten thousand (10,000) sq. ft. including the area of aisles that may be present between rows of solar panels, and/or is used principally to provide service to customers not located on the same lot as the Large SES, irrespective of the cumulative area of the panels. A Large SES commonly serves multiple dwellings, businesses and/or other facilities, all on a single lot on which the system is located and may serve users on other lots including in association with energy utility providers.
5. **Self-Contained Solar Energy Systems:** Solar energy systems that do not exceed four (4) square feet in total solar collector panel area and intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan.
6. **Solar Collection Panels:** Panels and/or tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

B. Compliance with Table 3-4: Solar energy systems shall comply with the standards of Table 3-4 except as provided otherwise by this Section.

C. Small Solar Energy Systems (Small SES)

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory use/structure in all districts. Small SES shall be subject to Zoning Administrator approval through the issuance of a zoning permit. An application for a Small SES shall include all information required by Section 2.4(B) including the delineation of all SES structures and facilities, and all structures on adjacent properties within fifty (50) feet of a shared lot line.
2. Small SES General Provisions: Small SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this requirement.
3. Small SES Roof-Mounted Systems
 - a. No system part of a Small SES roof-mounted system shall extend more than four (4) feet above the roof surface directly below such system part, but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.
4. Small SES Ground-Mounted Systems
 - a. Small SES ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of fifteen (15) feet from all side and rear lot lines.
 - b. Small SES ground-mounted collection panel systems and associated equipment shall not exceed ten (10) feet in height as measured from the ground below.
 - c. If a ground mounted Small SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within thirty (30) days of notification by the Zoning Administrator, or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.
 - 1) The Zoning Administrator may permit a repair period greater than thirty (30) days if the Zoning Administrator determines a longer period is necessary due to conditions not within the control of the applicant.
 - d. When determining the lot coverage of a lot on which a ground-mounted Small SES is located, as regulated by Table 3-4 of Article 3, fifty percent (50%) of the cumulative surface area of the solar panels shall be applied to such calculation.
 - e. Ground-mounted Small SES shall comply with Section 20.8, Accessory Buildings and Structures, except as otherwise provided by this Section.

D. Medium Solar Energy Systems (Medium SES)

1. Medium SES Authorization, Review and Approval Procedures: A Medium SES is permitted as an accessory use only, and only in the C-1 and I-1 Districts. A Medium SES shall be subject to site plan approval according to Article 14 of this Ordinance.
2. Medium SES General Provisions
 - a. Medium SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit a report to the Planning Commission, prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this section. The Planning Commission may waive the requirement for such report upon finding that site or surrounding conditions significantly lessen the need for the report such as in the case of substantial existing screening that will further minimize glare conditions off-site, the absence of dwellings on adjacent lots, and the distances between the proposed solar panels and dwellings on adjacent lots.
3. Medium SES Roof-Mounted Systems: No part of a Medium SES roof-mounted system shall extend more than six (6) feet above the roof surface directly below such system part but in no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

4. Medium SES Ground-Mounted Systems

- a. **Yard and Setback Restrictions:** Ground-mounted collection panel systems and associated equipment are prohibited in a front yard and shall be set back a minimum of seventy-five (75) feet from all side and rear lot lines, but in no case shall such systems and equipment be located within two hundred (200) feet of a dwelling located on another parcel and this setback shall be increased to four hundred (400) feet in the case of a substation greater than two thousand (2,000) sq. ft. in area. In the absence of a building, the front yard shall be construed as extending seventy-five (75) feet from the front lot line.
- b. **Height Restrictions:** Ground-mounted solar collection panels shall not exceed fifteen (15) feet in height above the ground surface below.
- c. **Screening:** In the case of ground mounted solar panels located on a lot that is adjacent to a lot in an Agricultural or Residential District, including on the opposite side of a public road, screening shall be provided along such shared lot lines. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
 - 1) The screening along shared lot lines shall consist of a mixture of evergreen trees, evergreen shrubs, and deciduous shrubs of a comparatively dense branching growth habit. Unless specified otherwise, evergreen trees shall comprise a minimum of fifty percent (50%) of the required plantings.
 - a) Where a dwelling is located within two hundred (200) feet of shared lot line, the screening shall include, at a minimum, a double-row of evergreen trees with such trees to be planted no greater than twenty (20) feet apart from each other and no less than ten (10) feet apart from each other, and the second row of trees shall be planted no greater than twenty (20) feet from the first row as measured perpendicularly between the center line of each row.
 - 2) At the time of planting, all trees shall be a minimum height equal to sixty percent (60%) of the maximum height that the solar panels will extend above the ground, and all shrubs shall be a minimum height equal to thirty percent (30%) of such maximum height. All plant material shall have an overall moderate to fast projected growth rate during the ten (10) years following plant installation. Trees shall have a minimum projected height equal to the maximum height that the solar panels will extend above the ground, and shrubs shall have a minimum projected height equal to seventy-five percent (75%) of such maximum panel height. Berming may be used to contribute to or meet the minimum height requirements specified in this subsection.
 - 3) Proposed screening shall have the effect of ensuring a screen of a minimum sixty percent (60%) opacity within three (3) years following the installation of the plant material, from a height of two (2) feet above ground surface to a height equal to seventy-five percent (75%) of the height of the panels from the ground below, except that the minimum percent opacity shall be seventy-five percent (75%) for screening required under subsection (1)(a). Failure to meet the opacity standards shall require the installation of additional plantings within six (6) months of notification by the Zoning Administrator.
 - 4) Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within ten (10) feet of a lot line.
 - 5) The approving body may decrease the number of required plantings, required plant spacing and/or planting height requirements, by a maximum fifty percent (50%) where specific conditions warrant such modifications such as, by example, the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panels such as topographic or vegetative conditions, or where existing structures will assist in the screening of the panels. In no case shall required screening along a public road right-of-way be reduced.
- d. Ground-mounted Medium SES shall comply with the Small SES requirements regarding cessation of operations, abandonment and/or disrepair.
- e. Fencing that may be installed as part of a ground-mounted Medium SES shall be exempt from the fence height restrictions of this Ordinance including Section 20.9, subject to site plan review, but in no case shall such fencing exceed seven (7) feet in height except upon the approving body finding that the additional fence height shall not be visually conspicuous due to fencing setbacks from property lines, existing screening features, or other conditions. Where fencing is to restrict the free flow of air by more than ten percent (10%) opacity of the fence, the Planning Commission may

- require additional vegetative screening measures to minimize the visual impact of such fencing. If fencing is proposed, fencing details shall be submitted as part of the required site plan.
- f. When determining the lot coverage of a lot on which a ground-mounted Medium SES is located, as regulated by Table 3-4 of Article 3, fifty percent (50%) of the cumulative surface area of the solar panels shall be applied to such calculation.
 - g. No exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No lighting shall adversely affect adjacent parcels. All lighting shall be shielded from adjoining parcels, and light poles shall be restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
 - h. A Medium SES application shall include a decommissioning and reclamation plan that shall address, at a minimum, the anticipated life of the project, the manner in which all structures and equipment shall be disassembled and removed from the project parcel, and the manner in which the project parcel shall be returned to its pre-existing state including revegetation. The decommissioning/reclamation plan shall also address the following:
 - 1) When a Medium SES is decommissioned, all items shall be removed from the subject property including electrical components, structure foundation, or other associated components, unless approved otherwise, to a depth not less than five (5) feet below the ground surface.
 - 2) Any material left more than five (5) feet below the ground surface shall be documented and recorded upon a certified survey and recorded within the County Register of Deeds.
 - i. Performance Guarantee Requirements
 - 1) Prior to the issuance of a Medium SES permit, the applicant shall engage a licensed professional engineer to estimate the total cost of decommissioning the Medium SES and reclamation efforts to return affected land back to its physical condition prior to the Medium SES construction. The applicant shall pay for the costs of obtaining such estimate. Said estimate shall be submitted to the Township for review.
 - 2) Prior to the issuance of a Medium SES permit, the owner(s) and/or operator of the Medium SES shall post a performance guarantee in a form acceptable to the Township, equal to one hundred percent (100%) of the total estimated decommissioning and reclamation costs. Decommissioning and reclamation costs shall be re-evaluated and the value of the guarantee shall be adjusted accordingly every five (5) years.
 - 3) Said performance guarantee 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 and acceptable to the Township.
 - 4) An applicant shall maintain the approved performance guarantee for the duration of the Medium SES, until decommissioning and removal is complete. The performance guarantee documents shall prohibit the applicant from terminating or withholding renewal of the performance guarantee except upon written approval from the Township Clerk. The termination or non-renewal of a performance guarantee without the Township's approval shall be a violation of this Ordinance and the Township may revoke approval of the Medium SES, require its removal, and/or exercise any other authority permitted by law.
 - 5) The performance guarantee provisions of Section 2.6 shall apply except where otherwise modified by this subsection.

E. Large Solar Energy Systems (Large SES)

1. Large SES Authorization, Review and Approval Procedures: Large SES are permitted as a special land use only, and only in the AR District. Large SES shall comply with special land use application, review and approval provisions of Article 15 of this Ordinance including site plan review. A Large SES may be the principal or accessory use of a lot.
2. Large SES Standards and Requirements: Large SES shall comply with the site development standards and requirements of subsection (D) for Medium SES, including decommissioning and reclamation plans and performance guarantees, except that a Large SES shall not be subject to lot coverage restrictions.

F. Self-Contained SES: Self-Contained SES are permitted in all districts and may be erected without the issuance of a zoning permit, subject to the restrictions of this Section.

1. Heights: Self-contained solar energy systems shall not exceed four (4) feet in height above the structure to which it is attached. In the case of roof-mounted self-contained SES, no system part of the SES shall extend more than four (4) feet above the roof surface directly below such system part, but in

no case shall the total height of the SES, measured to the ground below, exceed the building height restriction of the district in which it is located.

(Sec. 13.19 amended 12-16-21)

Section 13.20 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 lot coverage.

B. Additional Standards and Requirements:

1. The facility shall have frontage on and gain direct access to 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. Trash containers shall be provided and emptied as necessary to prohibit litter.

Section 13.21 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. 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 except the setback shall be increased to forty (40) feet where the adjacent lot is in an agricultural or Residential District. Setbacks for canopies shall be measured from the edge of the canopy.

B. Additional Standards and Requirements:

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. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure, excluding air and water hoses, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such structure.
3. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days and shall be maintained on the lot only for the purpose of repair or transfer. 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. Such fence shall be set back a minimum of twenty (20) feet from side and rear lot lines.
4. 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.
5. All lighting mounted to the underside of a canopy shall be fully recessed.
6. 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.
7. The sale of vehicles is prohibited.
8. All vehicle service areas shall be of a paved asphalt or concrete surface.
9. Driveways and ingress/egress areas shall comply with the following:
 - a. No driveway shall be less than twenty (20) feet from a lot line excluding entrance areas within the road right-of-way.
 - b. No driveway or ingress/egress area shall exceed thirty (30) feet in width as measured at the road right-of-way line.
 - c. No driveway or ingress/egress area shall be closer than sixty (60) feet from another driveway or ingress/egress area on the same lot along the same road frontage, as measured along the road right-of-way line between the nearest edges of such driveway or ingress/egress area.

Section 13.22 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 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 feet (100) 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, except exercise or dog run areas for dogs or paddocks associated with the keeping of animals in excess of three-hundred (300) pounds, shall be conducted within a totally enclosed building.
3. Outdoor runs, pens or exercise yards shall not be used between the hours of 11:00 p.m. and 6:00 a.m. The approving body may lessen these time restrictions in the case of outdoor runs, pens or exercise yards that are fully screened by a solid fence or wall of a minimum height of five (5) feet.
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 13.23 Wind Energy Conversion Systems (WECS)

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

1. Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WEC which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy conversion system (WECS) at a given site, and includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
3. Blade: The aerodynamic surface that catches the wind.
4. Decommissioning: The process of terminating operation and completely removing a wind energy conversion system (WECS) and all related buildings, structures, foundations, access roads, and equipment.
5. KW-kilowatt is a measure of power for electrical current equal to 1000 watts.
6. Net-Metering: A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
7. Occupied Building: A residence, school, hospital, church, library, business, or other building in which the public may assemble or otherwise occupy.
8. Operator: The entity responsible for the day-to-day operation and maintenance of a wind energy turbine (WEC).
9. Owner: The individual or entity, including their respective successors and assigns, which have an equity interest or own the wind energy conversion system (WECS).
10. Shadow Flicker: The moving shadow, created by the sun shining through the rotating blades of a wind energy conversion system (WECS). The amount of shadow flicker created by a WECS is calculated by a computer model that takes into consideration location, elevation, tree cover, location of structures, and sunlight.
11. On-Site Wind Energy Conversion System (WECS): See definitions for wind energy conversion systems (WECS).
12. Utility-Grid WECS: See definitions for wind energy conversion systems (WECS).
13. On-Site Tower-Mounted Wind Energy Conversion System (WECS): See definitions for wind energy conversion systems (WECS).
14. On-Site Structure-Mounted Wind Energy Conversion System (WECS): See definitions for wind energy conversion systems (WECS).
15. Total Height: The vertical distance measured from the ground level at the base of a wind energy conversion systems (WECS) to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS.
16. Tower: A freestanding tall narrow support on which a turbine assembly is attached.

17. Wind Energy Conversion System (WECS) Related Definitions:

- a. Wind Energy Conversion System (WECS): A turbine system that converts wind energy into electrical or mechanical energy and includes a tower or other support structure, and may include accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1) A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2) A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3) A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

The phrase “wind energy conversion system” or “WECS” applies to facilities comprised of a single turbine and facilities comprised of multiple turbines.

- b. On-Site Wind Energy Conversion System (On-Site WECS): A WECS that is accessory to a legal principal use on the lot and intended to primarily serve the needs of the electric power consumer on the same lot as the On-Site WECS. An On-Site WECS may be supported by a tower or supported by a non-tower structure such as a building.
- c. Utility-Grid Wind Energy Conversion System (Utility-Grid WECS): A WECS that is used to generate electric power for the principal purpose of supplying electric power to the energy grid, with little or no on-site use of the generated power.

B. Additional Application Requirements for On-Site WECS with Name Plate Capacity Less Than Thirty Kilowatts (30 KW): The following information shall be provided in addition to the application information required by Section 2.4(B) for plot plan approval.

- 1. Scaled drawings showing the proposed location of all components and accessory equipment of the WECS, existing buildings, right-of-way lines, public easements, overhead utility lines, sidewalks and non-motorized pathways.
- 2. Total proposed number of WECS and the proposed type and height of each to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- 3. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved.
- 4. Documentation from the manufacturer or other acceptable entity demonstrating compliance with the noise standards of this Ordinance.
- 5. Documentation from the manufacturer or other acceptable entity demonstrating compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- 6. Documentation from the manufacturer or other acceptable entity demonstrating that the WEC shall not interfere with communication systems including radio, telephone, television, satellite or emergency systems.
- 7. Other relevant information as may be reasonably requested.

C. Additional Application Requirements for Utility-Grid WECS and On-Site WECS with a Name Plate Capacity of Thirty Kilowatts (30 KW) or More: The following information shall be provided in addition to the application information required by Article 14 (Site Plan Review) and Article 15 (Special Land Uses).

- 1. Site Plan: The site plan and/or supplementary materials accompanying the site plan shall address the following minimum matters:
 - a. The contact information for the owner and operator of the WECS as well as contact information for all property owners on which the WECS is to be located.
 - b. Location, height and dimensions of all proposed WECS including buildings, structures, ancillary equipment, underground utilities and their depth, above ground utility infrastructure modifications, towers, security fencing, temporary and permanent access roads (including width, composition, construction standards, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the WECS.
 - c. The proposed number, location, representative types, and height of each turbine tower or other support structure, including the height to the upper most blade tip, manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.

- d. Engineering specifications for the construction of the WECS including for the base or foundation for towers along with soil boring data.
 - e. The location of all dwellings within three hundred (300) feet of the system.
 - f. The phases, or parts of construction, with a construction schedule.
2. Documentations/Reports: The following documentation shall be made part of the application submittal:
- a. A copy of that portion of all the applicant's lease(s) or recorded documents with the landowner(s) if the applicant does not own the land for the proposed WEC, granting authority to install the anemometer tower and/or WECS; legal descriptions and certified surveys of the property(s), lease unit(s); the boundaries of the leases as well as the boundaries of the entire WEC; and a statement from the landowner(s) of any leased site that he/she will abide by all applicable terms and conditions of the zoning permit, if approved.
 - b. Specifications for separation distances between WECS.
 - c. Documented compliance with the noise, vibration and shadow flicker requirements of this Ordinance.
 - d. Certification by a Michigan-licensed civil engineer that the WECS meets or exceeds the manufacturer's construction and installation standards.
 - e. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance, along with a description of the procedures that will be used for lowering or removing a turbine as may be necessary.
 - f. Evidence that the utility company has been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 - g. Documented compliance with applicable local, state and national regulations including, but not limited to, those pertaining to safety, construction, environmental, electrical, and communications. Including compliance with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any applicable airport regulations.
 - h. A decommissioning plan addressing the termination of the use of the WEC including the anticipated life of the project; the estimated cost of decommissioning; the estimated decommissioning costs net of salvage value in current dollars; the method of ensuring that funds will be available for decommissioning and restoration, the anticipated manner in which the project will be decommissioned and the site restored; and a performance guarantee according to Section 2.8 of this Ordinance.
 - i. A description 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 any agreements and/or bonds with the County Road Commission regarding improvements and repairs to such roads.
 - j. Documentation that the proposed WECS location shall have sufficient annual wind resources for the operation of the WECS system.
 - k. An analysis on potential shadow flicker on any occupied building with direct line-of-sight to the WECS. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year, and describe measures that shall be taken to eliminate or mitigate shadow flicker on any occupied building.
 - l. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
 - m. Proof of the applicant's public liability insurance for at least one million dollars (\$1,000,000) for the project to cover the operator, the landowner and the Township.
 - n. A report demonstrating that the proposal shall not have a significant adverse effect on area avian, bat and other wildlife and wildlife habitats including wetlands and nesting areas and migratory and feeding patterns, and including special considerations of wildlife refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, and areas that have landscape features known to attract large numbers of raptor. The report shall be prepared as a separately bound report authored by a certified wildlife biologist and the report shall document such certification and pertinent expertise of all persons contributing to the report and the procedures followed for documenting nesting, migratory and feeding patterns. The report shall include documentation regarding the following:

- 1) Compliance with the Michigan Natural Resources and Environmental Protection Act including the protection of endangered species.
- 2) Identification and evaluation of proposed mitigation measures to minimize potential impacts and the significance of any net effects or concerns that will remain after mitigation efforts.
- 3) 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 shall be conducted.
- 4) The need for a post construction wildlife study and if determined not necessary, the reasons why such a study does not need to be conducted.

D. Anemometers

1. The construction, installation, or modification of an anemometer tower shall require a zoning permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements, including building and mechanical building permits.
2. An anemometer shall be subject to the height, setback, separation, location, safety, and decommissioning provisions that correspond to the size of the WECS that is being contemplated for the site.
3. An anemometer shall be permitted for no more than two (2) years.

E. Compliance with Table 3-4: All WECS shall comply with the provisions of Table 3-4 of Article 3 except where this Section provides otherwise.

F. Standards and Requirements Applicable to All WECS: The following provisions apply to all WECS unless provided otherwise.

1. Visual Appearance
 - a. WECS, including accessory buildings and related structures shall be of a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the WECS.
 - b. No lighting shall be placed upon a WECS tower except as may be required by the Federal Aviation Administration (FAA) and to the extent necessary for the reasonable safety and security. When required by the FAA, only the minimum FAA lighting standards shall be met. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - c. A WECS shall not be used for displaying any advertising (including flags, streamers, or decorative items). No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - d. All turbines and supports in a WECS shall be constructed using similar design, size, operation, and appearance throughout the project, to the greatest extent practical.
2. Tubular Construction: Utility-grid WECS shall be of tubular construction only.
3. Ground Clearance: The lowest extension of any blade or other exposed moving component of a WECS shall be at least twenty (20) feet above the ground and any above-ground outdoor area intended for human use such as balconies or roof gardens.
4. Noise: Noise from a WECS shall not exceed at any time fifty-five (55) dB(A) or in excess of five (5) dBA above the ambient sound level, whichever is greater, as measured at the nearest lot line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
5. Vibration: Vibrations shall not be produced that are humanly perceptible beyond the lot on which any part of a WECS is located.
6. Guy Wires: The use of guy wires is prohibited except in the case of an anemometer, and any anchoring devices shall be set back a minimum of ten (10) feet from all lot lines.
7. Ice Throw: Ice throw or shedding from a WECS shall not cross a property line or onto any right-of-way or overhead utility service. WECS operations may be required to be modified in the case of evidence of ice throw.
8. Shadow Flicker: WECS shall be designed and located so as to minimize shadow flicker on a roadway and prevent shadow flicker on any existing occupied structures located off of the lot on which the WECS is located. The Planning Commission may require special operational hours of a WEC to ensure these requirements are met.
9. Electrical Systems:
 - a. All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components shall be placed underground within the boundary of each lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Above ground wiring is permitted in the case of on-site WECS provided such wiring is necessary to connect the wind

generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires.

- b. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities.
 - c. Any public utility connection shall be inspected and approved by the appropriate utility company. Utility grid WECS shall comply with applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
10. Signal Interference: A WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems, unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No utility-grid WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
 11. Labeling of WECS Tower Subsystem: The following information shall be provided on labels attached to a support tower in a visible, easily read, and easily accessible location:
 - a. Equipment weight of the tower subsystem.
 - b. The survival wind speed in miles per hour and meters per second.
 - c. Model number and serial number.
 - d. Manufacturer's and installer's name and address.
 - e. Name of entity responsible for maintenance.
 - f. Emergency telephone numbers for installer and maintenance entity.
 12. Labeling of WECS Power Conversion Subsystem: The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:
 - a. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.
 - b. Manufacturer's name and address.
 - c. Model number and serial number.
 - d. Emergency and normal shutdown procedures.
 - e. Underwriters label, where appropriate.
 13. Industry Standards and Other Rules and Regulations:
 - a. The design of WECS shall conform to all applicable industry standards and shall meet or exceed any standards, rules and regulations of the county, state and federal authorities including the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and the Michigan Construction Code, including acquisition of all necessary county, state and federal permits.
 - b. The structural integrity of a Utility-Grid WEC shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
 - c. All WECS shall comply with the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended) and the Michigan Tall Structures Act (Public Act 259 of 1959, as amended).

G. Additional Standards and Requirements Applicable to On-Site WECS with a Name Plate Capacity of No More Than Thirty (30) KW: The following provisions shall apply to On-Site WECS in addition to those of subsection (F).

1. On-Site Non-Tower-Mounted WEC
 - a. Maximum Height: Twenty (20) feet above the structure to which it is attached, as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances, but not to exceed eighty (80) feet above the ground surface below.
 - b. Minimum Setback: There shall be a minimum setback equal to the total height of the WECS from all lot lines, public right-of-ways, public easements, and overhead utility lines.
2. On-Site Tower-Mounted WEC
 - a. Maximum Height: The total height of an On-Site Tower-Mounted WEC shall not exceed one hundred (100) feet.
 - b. Maximum Blade Diameter: The blade diameter, measured tip-to-tip, shall not exceed fifty (50) feet.
 - c. Location: An On-Site Tower-Mounted WEC shall be located in a rear or side yard only.
 - d. Minimum Setbacks: An On-Site Tower-Mounted WEC shall comply with the following setbacks:

- 1) An On-Site Tower-Mounted WEC shall be set back a minimum distance equal to the total height of the WECS from all lot lines, public right-of-ways, public easements, and overhead public utility lines.
- 2) The tower of an On-Site Tower-Mounted WECS shall be set back a minimum distance of twenty (20) feet from any occupied building.
- 3) No portion of any moving parts of the WECS shall be closer than eight (80) feet to any occupied building.

- H. Additional Standards and Requirements Applicable to Utility-Grid WECS and On-Site WECS with a Nameplate Capacity Greater Than 30 KW:** The following provisions shall apply to Utility-Grid WECS and On-Site WECS with a Nameplate Capacity Greater Than 30 KW, in addition to those of subsection (F).
1. Non-Tower-Mounted WECS: Non-Tower-Mounted WECS shall comply with subsection (G)(1).
 2. Access Driveway: A Utility-Grid WEC shall require the construction of a private road to offer an adequate means by which the Township may readily access a lot in the event of an emergency.
 3. Minimum Lot Area: Ten (10) acres.
 4. Maximum Height: Three hundred (300) feet except where adequate evidence is presented demonstrating the need for a greater height.
 5. Minimum Setbacks and Separations:
 - a. Property Line Setbacks: Except as provided by subsection (2) below, a WECS shall be a minimum distance from all lot lines equal to the total height of the WECS as measured from the base of the tower. This setback may be reduced by the Planning Commission where the adjoining property is owned, leased or otherwise under the control of the applicant as part of a unified multi-parcel WECS project, but in no case shall the setback be less than one hundred fifty (150) feet.
 - 1) Any operations and maintenance office building, sub-station, or ancillary equipment shall comply with the setback requirements of the respective zoning district. Where such facilities are to be located in a front yard, they shall be setback a minimum of two hundred (200) feet from the front lot line.
 - b. Road Setbacks: A WECS shall be set back from the nearest public road a minimum distance equal to one hundred and ten percent (110%) of its total height.
 - c. Occupied Building Setback: The WEC shall be set back from the nearest occupied building that is not located on the same lot as the WEC a minimum one and one-half (1.5) times its total height, or one thousand (1000) feet, measured from the tower base, whichever is greater.
 - d. Communication and Electrical Lines: Each WECS shall be set back from the nearest above-ground public electric power line or communication line a minimum distance of four hundred (400) feet or the WECS total height, whichever is greater, measured from the tower base.
 6. Sound Level Analysis: A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property to demonstrate compliance with the requirements of this Section. Proof of compliance is required within ninety (90) days of the date the WEC becomes operational. Sound shall be measured by a third-party, qualified professional.
 7. Inspections: All towers shall be inspected annually by a certified registered Michigan licensed engineer and authorized factory representative to insure the structural integrity of the tower, and appurtenances added to the tower. An annual maintenance report shall be provided to the Zoning Administrator on or before January 1st.
 8. Liability Insurance: Proof of applicant's liability insurance shall be required bi-annually.
 9. Safety Requirements:
 - a. A WECS shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
 - b. All towers shall have lightning protection. If a tower is supported by guide wires, the wires shall be clearly visible to a height of at least six (6) feet above the guide wire anchors.
 - c. Security measures shall be in place to prevent unauthorized trespass and access. Each tower or other support structure shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to a WECS including electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized persons.
 - d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner and according to county, state and federal rules and regulations.
 - e. Each tower or support structure shall have a minimum of one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower or support structure and on any security fence if applicable. The sign shall include, at a minimum, warnings of high voltage, manufacturer's and owner/operators name, and emergency contact numbers.

10. Decommissioning:
 - a. Decommissioning shall be completed within twelve (12) months after the end of the useful life of the WECS. A WECS shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner operator.
 - b. Decommissioning shall include the removal of each tower and other support structures, buildings, electrical components as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below ground elevation, or to the level of the bedrock if less than sixty (60) inches below ground elevation. Following removal, the location of any remaining foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
 - c. All access roads to the WECS shall be removed, cleared, and graded unless the property owner requests, in writing, a desire to maintain the access road. The Township shall not take ownership of any access road unless through official action of the Township Board.
 - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris. If the site is not to be used for agriculture following removal, the site shall be seeded to prevent soil erosion unless the property owner submits a valid basis for not seeding the area.

(Sec. 13.23 amended 12-16-21)

Section 13.24 Wireless Communication Facilities

- A. Definitions:** For the purposes of this Section, the following phrases shall have the following meanings:
1. Collocate/Colocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.
 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 that 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 Township.
 - 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 20 (twenty) feet or 10% (ten percent) 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 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 wireless communication facility application 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. See Tables 3-3 and 3-4 of Article 3 regarding in which districts a Class Two wireless communication facility is authorized.

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. Soils data and engineering implications for footing/foundation specifications.

- i. 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, measured from the leading edge of the tower's base to the respective lot line, except as follows:
 - a. In the case where the adjacent lot is occupied by a dwelling, the minimum setback from the dwelling shall be one hundred fifty percent (150%) of the tower's height.
 - b. Where the adjacent lot is within a Commercial or Industrial District, the minimum setback shall be one-half the height of the tower but not less than one-hundred (100) feet, measured from the shared 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 approving body, the applicant has sufficiently demonstrated that a proposed communication tower in excess of one hundred ninety five (195) feet is necessary to adequately provide service to areas currently under served. 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 Distance Between Towers: No Class Two wireless communication facility, in excess of one-hundred (100) feet in height, shall be established within one (1) mile of another such facility except upon a finding by the approving body that a lesser distance is necessary to adequate serve an area currently under served and no practical alternative is available.
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. Towers and antennas including support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current 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:
 - 1) 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 one (1) year 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.

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End of Article 13

(Sec. 13.19 and Sec. 13.23 amended 12-16-21)