

Article 6.

Supplemental Site Development Standards

Section 6.01 Supplemental Site Development Standards

Those permitted uses and uses allowed by Special Land Use Approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

1. **Bed and Breakfast Establishments:**

Bed and breakfast establishments shall be subject to the following regulations:

- A. **Bed and Breakfast Establishments an Accessory Use:** The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit, which is the principal dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit be used for bed and breakfast sleeping rooms.
- B. **Maximum Number of Units:** There shall be no more than four (4) bed and breakfast units per establishment.
- C. **Principal Residence:** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- D. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
- E. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - 1) There shall be at least two (2) exits to the outdoors.
 - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - 3) Each sleeping room shall be equipped with a smoke detector.
- F. **Parking:** An off-street parking spot shall be provided for each bed and breakfast unit, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
- G. **The number of bathrooms and septic system size shall meet LMAS Health Department requirements.**

2. **Campgrounds:**

- A. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. Each campground shall be provided with at least one (1) public phone.
- D. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- E. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well maintained live evergreens.
- F. Campsites shall be located at least fifty (50) feet from property lines.
- G. All campgrounds and trailer courts shall comply with State of Michigan and LMAS (Luce, Mackinac, Alger and Schoolcraft) Health Department requirements.
- H. No person shall occupy any campsite for more than six (6) weeks in any one year.

3. **Cemeteries:**

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

4. **Common Use Waterfront:**

All waterfront accesses (regardless of district) will conform to the minimum lot area requirements including lot width and square footage of the applicable district.

When more than two (2) families share lake frontage without residing on said frontage, such common use and/or ownership of the waterfront shall be governed by this Section. The provision herein shall apply regardless of whether access to the waterfront is gained

by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfronts must comply with the following regulations and standards:

- A. Site Plan approval is required by the Planning Commission, pursuant to **Article 4**, except that the following additional information shall be included in the site plan:
 - 1) The specific uses permitted on the common waterfront area, the locations of same, and all conditions that must be met to entitle one to such uses.
 - 2) The bearings, distances, and calculations showing compliance with subsections (B), (C), and (D) below.
 - 3) Proposed location of docks or other waterfront structures.

- B. The land comprising the common waterfront shall have a minimum frontage on the water as per applicable district regulations, measured at the water's edge, and shall have an area as per the applicable district regulations (**Section 2.08**). The required frontage shall be increased by at least fifty (50) feet, and the land area shall be increased by at least an additional seven thousand five hundred (7,500) square feet, for each family in excess of two (2) having waterfront privileges associated with the common waterfront.

- C. No parking shall be permitted in common use waterfront areas.

- D. No more than one slip, mooring, boat hoist or any other means of anchorage per one hundred feet (100') of frontage on the water shall be allowed.

- E. On inland lakes, docks shall not exceed 1 per one hundred feet (100') of lot width and shall not extend beyond a water depth of five feet (5'). Notwithstanding the water depth, persons are entitled to a maximum dock length of thirty five feet (35').

- F. Boat launch facilities are not permitted.

- G. No clubhouse shall be permitted on common-use waterfront property.

- H. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards pursuant to **Section 4.03**, except that the following standards shall be considered as well:
 - 1) The extent of contemplated injury or nuisance, including noise, to owners or riparian, adjacent and nearby lands.
 - 2) The impact upon the public's enjoyment of the navigable waters.
 - 3) The effects on the navigable waters of compounding, by precedent, the impact of the proposed common waterfront uses by approval of subsequent development of similar nature.

5. **Funeral Home or Mortuary:**

Funeral Home or Mortuary property shall have direct vehicular access to a public road. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are accommodated on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

6. **Gasoline / Service Station:**

- A. Minimum lot size shall be twenty thousand (20,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station, repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- F. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- G. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- H. All exterior lighting shall comply with *Section 3.12 – Outdoor Lighting* of this Ordinance.

- I. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
- J. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Off-Street Parking, Loading and Unloading Requirements and Standards*.

7. **Nursing Homes, and Assisted Living Facilities:**

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Such uses shall front County road and the main means of access for residents or patients, visitors, and employees shall be via the road.
- C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

8. **Junk and Salvage Material Storage:**

Junk storage and salvage materials shall be located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the General Commercial District than one-hundred (100) feet.

9. **Kennels or Veterinary Clinic/Hospital:**

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

10. **Manufactured Home Developments:**

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

11. **Mobile Homes and Trailers, Other Uses:**

Mobile homes, travel trailers and motor homes may be used as follows:

- A. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Zoning Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
- B. Mobile homes may be used as a temporary contractor's office and/or equipment shed in any district when in connection with a construction project and authorized by the Zoning Administrator.
- C. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not

accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

12. **Motels and Hotels:**

- A. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- B. There shall be at least eight hundred (800) square feet of lot area per guest room.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- E. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Off-Street Parking, Loading and Unloading Requirements and Standards*.

13. **Recreational Areas and Facilities:**

All recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

14. **Public Buildings, Institutions and Places of Worship:**

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be permitted provided:

- A. The arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting and traffic.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

15. **Recreation Resorts:**

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

- A. The use is established on a minimum site of twenty (20) acres.
- B. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from all property lines. The resulting 100 foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in healthful growing conditions. Planted greenbelts may be required by the Planning Commission as deemed necessary.
- C. The recreational camp use shall not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be a logical extension of such a platted area.

16. **Sawmills and other Mills:**

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
- B. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
- C. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet, unless the owner of the residence signs a statement agreeing to a lesser setback.
- D. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
- E. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable and Township Community Master Plan for the area. The mill location shall be determined to be good land use.

In considering applications for forest industries the Planning Commission may permit modifications to the standards in items A through E, where owing to natural or man-made conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, other natural barriers, existing uses, and the like.

Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

17. **Stables, Commercial:**

- A. Commercial stables shall be on sites of at least ten (10) acres in size.
- B. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.
- C. Commercial stables shall be 500 feet from any lake or stream.

18. **Sexually Oriented Business:**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned LDR (Low Density Residential) and R (Residential districts).
- C. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.

- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Bois Blanc Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- K. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
 - 5) Has no holes or openings in any side or rear walls.

L. Review Procedures for Sexually Oriented Businesses

The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.

- 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
- 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in **Section 18 (A-L)**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
- 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within five (5) business days of the receipt of such written notice to do the following:
 - a) File a petition in the Circuit Court for the County seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within ten (10) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the

Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

19. **Storage Facilities:**

A. Storage uses as allowed in General Commercial (C-2), including mini-storage, shall meet the following regulations:

- 1) All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph 3) of this section.
- 2) Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- 3) Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- 4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence.

B. Storage uses as allowed in the Forest-Management District (FM), shall meet the following regulations:

- 1) All structures shall be neutral in color.
- 2) There shall be no outside storage of items.
- 3) Maintenance activities shall be limited to those which are incidental to the storage of items.
- 4) Storage buildings up to 2,000 square feet in area are allowed up to 2 doors under 24 square feet in area, and 2 doors over 24 square feet in area. For each additional 1,000 square feet of building area, 1 additional door of each size shall be allowed.

20. **Towers and Antennae Facilities:**

Antenna towers and masts for cellular phone and other personal or business communications services may be authorized as a special land use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering such authorization, the Planning Commission shall apply the standards of **Article 4: Site Plan Review**, and the following standards:

- A. The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
- B. The applicant shall provide documentation to the Planning Commission documenting the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure.
- C. The application for special land use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
- D. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions. Tower height shall not exceed two hundred (200) feet.
- E. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities.
- F. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible, such as tree style tower, with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- G. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- H. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.

- I. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
- J. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- K. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
- L. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
- M. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- N. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to 1.5 times the height of the tower measured from its base at grade to its highest point of elevation.
- N. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for special use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

21. **Wind Turbine Generators, Commercial and Anemometer Towers:**

Unless otherwise provided, wind turbine generators and anemometer towers shall comply with all of the following standards:

- A. Sufficient Wind Resources
The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the

long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit.

B. Minimum Site Area

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

C. Setbacks

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- 1) Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than 100 feet; provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 50 decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
- 2) In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.
- 3) For any newly proposed wind turbine generator or anemometer tower, a “wind access buffer” equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.

D. Maximum Height

- 1) The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall not exceed the minimum height indicated by the wind resource study or 300 feet, whichever is less, inclusive of blade at the maximum vertical position.
- 2) The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:

- a) The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - b) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
 - c) The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.
- E. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet.
- F. Maximum Noise Levels. Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB (A) scale at the property lines of the site in question.
- G. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.
- H. Interference with Residential or Governmental Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
- I. Landscaping. Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
- 1) The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
 - 2) Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

- a) Landscaping shall be designed to counter the effects of “shadow flicker” on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
 - b) To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.

- J. State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.

- K. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.

- L. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
 - 1) Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2) Each wind turbine generator, including all accessory structures, or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - 3) Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - a) Shall be the intensity required under FAA or MAC regulations.
 - b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such

intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.

- c) May be a red top light that does not pulsate or blink.
 - d) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
- 4) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - 5) Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- M. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
- N. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- 1) Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.
 - 2) The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - 3) The following shall be submitted with the application for a special use permit for a wind turbine generator:
 - a) A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
 - b) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - c) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - d) A Hazardous Materials Waste Plan shall be provided.
- O. Approvals. All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.

P. Removal of Abandoned Wind Turbine Generators or Anemometer Towers.

- 1) Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
- 2) Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to 1.25 times the estimated cost of the removal WTG or anemometer at time of approval. Such escrow deposit or bond shall be maintained by successor owners. the reasonable cost (including adjustment for inflation) of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.