ARTICLE 10

CONDITIONAL USES

SECTION 10.01 PURPOSE

The formulation and enactment of this zoning ordinance is based upon the division of the township into districts, each of which is permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other special land uses which may be necessary or desirable to allow in certain locations in certain districts but which because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their locations for the protection of the township. Such special land uses (hereinafter referred to as conditional uses), because of their peculiar location, or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 10.02 AUTHORITY TO GRANT PERMITS

The Township Board with recommendations from the Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this ordinance.

SECTION 10.03 APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Township Board by filling in the official conditional use permit application form, submitting required data, exhibits and information and depositing a fee in accordance with the requirement of Section 2.05.

SECTION 10.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS

An application for a conditional use permit may require the applicant's name and address in full, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, an accurate survey drawing of said property, showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a statement and supporting data, exhibits, information, and evidence regarding the required findings set forth in this ordinance. In addition, the applicant may be required to submit a formal site plan (see Section 6.19), including a landscape plan, showing the existing and proposed location of all plant materials and the types thereof, access drives and parking lot layout.

SECTION 10.05 PUBLIC HEARING

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a conditional use permit. Notice of such hearing shall adhere to the requirements in the Michigan Zoning Enabling Act, Act 110 of 2006, as may be amended.

SECTION 10.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that a use on the proposed site, lot or parcel:

A. Will be harmonious with and in accordance with the general objectives, intent and purpose of the ordinance and the Eckford Township Master Plan.

B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

C. Will be served adequately by essential public facilities and service, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

D. Will not create excessive additional requirements at public cost for public facilities and services.

E. Will be compatible with adjoining land use based upon the specific conditions listed or by imposition of additional conditions as part of the approval process.

Where no specific conditions are identified for a listed conditional use, these general standards shall serve as the basis for such discretionary decision. Where a specific use is not listed within the Zoning Ordinance, the Zoning Administrator may establish such as a conditional use in the appropriate district, with this decision subject to appeal by the applicant, an aggrieved party, the Planning Commission or the Township Board, or the Zoning Administrator may request an interpretation by the Zoning Board of Appeals or request Planning Commission consideration of an amendment to the Zoning Ordinance.

SECTION 10.07*A* COMPLIANCE BOND

The Township Board shall require the applicant to post bond for compliance with the Township Clerk when deemed necessary and upon recommendation from the Planning Commission. The amount of said bond shall be determined by the Township Board to ensure there is compliance with all provisions of this ordinance.

SECTION 10.07B SPECIFIC CONDITIONS FOR CONDITIONAL USES

In addition to the general standards outlined in Section 10.06, each conditional use shall comply with the sign regulations established within Article 8 and the parking regulations established in Article 9. For each conditional use identified below, there shall be additional specific conditions as required in the Section pertaining to that use.

CONDITIONAL USE	DISTRICT	SECTION
Junkyards	LI	10.08
Commercial Rec/Drive-in	HS	10.10
Gasoline Service Station	LI	10.11
Mining and Extraction	AA, AB, LI, OSC	10.13
Parks/Camps/Lodges	AA, OSC, MHP	10.14
Planned Unit Residential	AA, RA, RB, MHP, MF	10.15
Regional Shopping Center	HS	10.17
Essential Services	All Districts	10.18
Bed & Breakfast Inn	AA, RA, RB	10.19
Mobil Home/Temporary Residence	AA	10.20
Agri-Business/Agri-Tainment	AB	10.21
High Density Animal Feeding	AA	10.22
Home Occupations	RA, RB	10.23
Airport/Landing Strip	AA, AB, LI	10.24
Community and Government Buildings	AA, RA, RB	10.25

SECTION 10.08 JUNKYARDS

In addition to and as an integral part of development, the following provisions shall apply:

A. Junkyards shall be established and maintained in accordance with applicable State of Michigan statutes.

B. It is recognized by this ordinance that the location in the open of such materials included in this ordinance's definition of "junkyard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an

opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junkyard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this ordinance's definition of "junkyard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot. In addition to the foregoing requirement, the planning commission may require a greenbelt in accordance with the provisions of Article 6.

C. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junkyard shall be operated from each public road on which said lot abuts.

D. On the lot on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

SECTION 10.09 DELETED

SECTION 10.10 COMMERCIAL RECREATION INCLUDING DRIVE-IN THEATERS AND TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES

In addition to and as an integral part of development, the following provisions shall apply:

A. Drive-in theaters shall be enclosed for their full periphery with an opaque fence at least seven (7) feet in height. Fences shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

B. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line. In addition, the planning commission may require a greenbelt in accordance with provisions of Article 6.

C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfares. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

SECTION 10.11 GASOLINE SERVICE STATIONS

Any gasoline service station in the "LI" Light Industrial District shall adhere to the conditions under Section 15.02 (H).

SECTION 10.12 DELETED

SECTION 10.13 MINING AND EXTRACTION

Mining and extraction includes the extraction of sand, gravel, fill dirt, topsoil subject to the following conditions:

A. The perimeter of the mined area (pit or quarry) shall include a combination of berm and landscaping sufficient to achieve a height of ten (10) feet above the base elevation of the land prior to mining. This height shall be sufficient to provide an opaque screening of any material storage or processing equipment from any adjoining residential use.

B. Extraction and reclamation shall be done in compliance with regulatory and industry standards and shall not compromise support of adjacent land. A complete reclamation plan shall be submitted identifying the proposed use upon expiration of the mining, proposed elevation changes and whether the berm and landscaping are to be removed or retained as part of the development plan.

C. The entire site proposed for the mining and required berms shall be completely enclosed for the safety of the public by a fence at least four (4) feet high and located along the property line.

D. Areas from which materials have been extracted shall be progressively reclaimed as they are worked out or abandoned to a condition entirely free from hazards and consistent in appearance with the surrounding areas in a natural state. Finished slopes and banks shall be graded and planted to prevent erosion. An annual review of operations shall be conducted by the Planning Commission in order to determine progress toward reclamation. The Township Board may require a bond equivalent to the cost of reclaiming the mined area should reclamation not occur.

E. Any conditional use permit issued under this section shall specify routes of ingress and egress, which the Planning Commission shall establish taking into account recommendations of the Calhoun County Road Commission, drain commissioner and health department. The permit shall specify routes and treatments of roadways to reduce dust.

SECTION 10.14 PARKS, CAMPS AND LODGES

Including private and semi-private camps and lodges for active and passive recreation shall comply with the following provisions:

A. No commercial activity of a retail nature shall be conducted on the premises, except as an accessory use.

B. Such use shall be located on a site of not less than five (5) acres in size.

C. Building shall not exceed thirty (30) feet in height and shall be located no nearer to any property line than forty (40) feet. Yards may be utilized for parking provided that such parking shall not be closer than ten (10) feet to any side or rear property line, or closer than twenty (20) feet to any street or highway right of way line.

D. Parking areas located adjacent to any residential or institutional use shall be screened from such use by an approved fence, or masonry wall of not less than four (4) feet nor greater than eight (8) feet in height. In lieu of a separate fence or masonry wall, an evergreen hedge that effectively screens the parking area from adjacent properties may be planted and maintained at a height of not less than four (4) feet.

SECTION 10.15 PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD)

The owner or owners of any tract of land in the AA, RA, RB or MF District comprising an area of not less than five (5) acres shall submit to the Township Planning Commission a concept plan for the use and development of the tract as a Planned Unit Residential Development (PURD). This concept plan shall be used as the basis for review and approval of the conditional use permit for the PURD by the Planning Commission and the Township Board, with this approval followed by approval of the final site development plan by the Planning Commission.

A. Required Standards for Approval:

1. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the underlying district or districts in which the PURD site is located. Net development area is determined by subtracting water, muck and peat areas, and areas set aside for churches, schools and similar facilities and the area proposed for streets from the gross development area. The area of land set aside for permanent open space for common use, natural area or agricultural use area, except as above indicated,

shall be included as a part of the net development area. Any dispute regarding the calculation of net development area may be resolved by the Planning Commission by requiring the applicant to submit a comparison plan. The comparison plan presents a plan for development of the site based upon traditional layout (through Land Division or Subdivision), with this determining the number of lots or units that could otherwise be developed within the specific zoning district in which the project is located.

2. The proposed development will be served adequately by essential public facilities and service, such as highways, streets, police and fire protection, drainage structures, refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. Private roads shall be constructed to county road commission standards related to right-of-way width and use of materials for approval of a paved road. Public water and sewer systems shall serve the development whenever deemed feasible by the township.

3. The proposed PURD is of such size, composition and arrangement that its construction and marketing operation is a complete unit, without dependence on any subsequent unit of development.

4. The common open space, any other common properties, individual properties and all other elements of the planned unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces, and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land. The open space shall be located within the boundaries of, or contiguous to, the parcel/site that is subject to the conditional use permit. Within the “AA” Agricultural District, no less than fifty percent (50%) of the total land area shall be preserved in open space, with open space including land devoted to agricultural purposes.

5. In view of the “conditional use” nature of the PURD amendment procedure, deed restrictions and covenants entered into or proposed to be contracted for by the developer become an appropriate consideration of the Township Planning Commission and Township Board. Additional conditions shall apply for the approval of a PURD in the following zoning districts:

    a. Within the “AA” District, the uses shall be limited to detached single-family dwellings. Required lot area and lot width may be reduced by a maximum fifty percent (50%).

b. Within the "RA" District, the uses shall be limited to detached and attached single-family dwellings, provided the number of units within an attached building does not exceed three (3) and the units are developed in a townhouse style, with only shared side walls consistent with zero-lot line development.

c. Within the "RB" District, the uses shall be limited to detached and attached dwelling units, provided the number of attached units in one building does not exceed eight (8) units.

d. Within the "MHP" and "MF" Districts, the uses shall be limited to those permitted and conditional uses within the zoning district and may include retail uses, provided such use does not exceed more than ten percent (10%) of the total land area of the subject parcel/site.

B. Required provisions in concept plan: The plan, or attachments such as a draft Master Deed, shall contain such proposed covenants, easements, and other provisions relating to the bulk, location and density of residential units, accessory uses there to, and public facilities as may be necessary for the welfare of the planned unit residential development and not inconsistent with the best interests of the entire township.

The applicant may be required to dedicate land for street or parking purposes and, by appropriate covenants, to restrict sections as permanent open space for common use, natural area or agricultural use area. The development, as authorized, shall be subject to all conditions of this ordinance only to the extent specified in the authorization.

C. Tentative Township Board approval: The Township Board, upon the receipt of the Planning Commission's report on the proposed plan, may then give tentative approval to such plan, incorporating with the approval such conditions as the Board deems appropriate and in harmony with the general spirit of this ordinance; promote the public health, safety, morals, convenience, and general welfare. This tentative approval by the Township Board shall be subject to review and approval by the Planning Commission of the final site development plan. This tentative approval shall include a complete listing of any approved reductions in lot area, lot width, yard setbacks or lot coverage associated with the approval of the PURD.

D. Final Site Development Plan Approval: The Planning Commission, following approval by the Township Board, shall grant final approval of the site plan prior to issuance of the conditional use permit. This site plan shall

follow the criteria for site plan review and approval established under Section 6.19 of this ordinance. It shall further include all conditions imposed on the applicant by the Planning Commission and Township Board during initial review and approval of the concept plan.

SECTION 10.16 DELETED

SECTION 10.17 PLANNED COMMUNITY AND REGIONAL SHOPPING CENTERS

Such centers shall be permitted as a conditional use in the HS District only and shall comply with the following provisions:

A. Uses permitted: Any use permitted in the HS Districts, with the addition of the following:

1. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.

2. Recreational facilities incidental to the principal operation of the center and of the nature normally out of doors, provided that there shall be no admission charge for such activities.

B. Site Development:

1. Such development shall occupy a site of not less than ten (10) acres with a minimum street frontage of one thousand (1000) feet.

2. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right of way line than fifty (50) feet.

C. Screening and Transition: When such development is located in or adjacent to a residential district, or when located adjacent to a school, hospital, church or other public institution, or open space, a landscaped strip of land not less than two hundred (200) feet in width shall be provided and maintained on all sides of the site. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center, except that no more than one hundred (100) feet of said strip width on the interior side of the shopping center property may be used for parking. Such strip shall be occupied by plant materials and/or approved fences or masonry walls not exceeding six (6) feet in height. The plans and

specifications for the development shall include the proposed design of said transition strip.

D. Lighting: All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.

E. Signs: All signs shall conform to the provisions of Article 8 with the addition of one (1) sign located on each street frontage and not exceeding one hundred (100) square feet in the area identifying the shopping center. Such sign may be illuminated but not be an intermittent source.

F. Vehicular Approach: Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two (2) driveways each not to exceed thirty (30) feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways that are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than one hundred (100) feet.

G. Parking and Circulation:

1. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the center.

2. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.

3. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.

4. On-site circulation facilities shall be designed so that there shall be no backing up of traffic into public streets.

5. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well-drained surface.

6. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

SECTION 10.18 ESSENTIAL SERVICE BUILDINGS

In every zoning district, except industrial, the following essential service buildings shall be required to have a conditional use permit prior to their construction: high voltage transmission towers, transformer substation, pumping stations, communications relay stations, gas and steam regulating valves and stations and buildings of similar function.

No building shall be used for residential purposes.

An opaque fence or greenbelt may be required by the Township Board when deemed necessary.

SECTION 10.19 BED AND BREAKFAST INNS

Such inns shall be permitted as conditional uses in the AA Agricultural, RA Low Density Residential, and RB Medium Density Residential Districts.

A. Definition: A private residence, owned by the Innkeeper, that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent, is the residence in which the innkeeper resides while renting the rooms to transient tenants, and in which the innkeeper serves breakfast at no extra cost to the transient tenants.

B. Site Development:

    1. Each application for a conditional use permit for a Bed and Breakfast Inn shall be accompanied by a site plan showing conformity to the ordinance and satisfaction of off-street parking requirements in Section 9.06.

    2. The residence shall have at least two (2) exits.

    3. Any room used for sleeping accommodations shall be at least one hundred (100) square feet for no more than two (2) occupants, and shall have at least an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants.

    4. The residence shall comply with all applicable provisions of the state construction code, electrical code, plumbing code and mechanical code, and all state fire prevention codes.

C. Signs: One non-illuminated sign not to exceed six (6) square feet in area shall be permitted to identify by name the Bed and Breakfast Inn and may be placed no nearer to the street right of way line than one half the required front yard depth.

D. Services Limited to Guests: No Bed and Breakfast Inn shall have on its premises any restaurant, gift shop, store or meeting room open to the public, nor shall an innkeeper furnish a meal or sell merchandise other than to a paying tenant.

SECTION 10.20 TEMPORARY SINGLE-FAMILY MOBILE HOME

A. Single-family mobile home and accessory structures may be erected or so used in the AA Agricultural District as a conditional use, as hereinafter provided.

B. Uses allowed by conditional use permit:

1. As a temporary dwelling during the construction of a house.

2. As a dwelling for an employee and his family who is hired as an employee for a commercial farming operation.

3. As a dwelling in close proximity to an established dwelling in order to provide care for a relative and/or friend needing constant attention from the family due to age or illness.

C. No single-family mobile home and accessory structure will be permitted as a conditional use unless:

1. it is situated on the parcel such that it meets all requirements of the AA Agricultural District.

2. it is connected to an adequate water supply and sewage disposal system meeting the requirements of the Calhoun County Health Department.

3. it meets the definition of a dwelling unless the mobile home is less than ten years old, in which case it shall meet the definition of a dwelling but only require a minimum width of fourteen (14) feet.

D. All conditional use permits for single-family mobile homes will be issued for a period not to exceed one year and only by approval of the township board. Request for renewal must be made to the township zoning administrator thirty (30) days prior to the expiration date of the permit in force.

E. If a single-family mobile home is not being used for the purpose for which the permit was issued, the permit will immediately terminate. The owner

will be allowed forty-five (45) days to remove the mobile home from the premises.

SECTION 10.21 AGRI-BUSINESS/AGRI-TAINMENT

Provided that such uses are permitted as a conditional use only in the "AB" Agricultural Business District subject to the following:

Where such use is located adjoining an "AA" Agricultural District, setbacks for buildings and parking areas shall be a minimum of 100 feet from any property line. The setback for buildings and parking areas from the road right-of-way shall also be 100 feet. Where adjoining a residential district, this setback shall be 150 feet.

SECTION 10.22 HIGH-DENSITY ANIMAL FEEDING /INTENSIVE LIVESTOCK OPERATIONS

The development of a high-density animal feeding or intensive livestock operations shall be subject to the State of Michigan Generally Accepted Animal and Management Practices (GAAMP's). In order to be considered for such, the operation shall meet or exceed the feeding and confinement of five hundred (500) or more animal units with an animal unit calculated as follows:

A. One (1) beef or feeder cattle

B. Seven-tenths (.7) mature dairy cattle, whether milked or dry cows.

C. Two and five tenths (2.5) swine each weighing 55 pounds or more.

D. Five-tenths (.5) horses.

E. Ten (10.0) sheep, lamb or goats

F. Fifty-five (55) turkeys

G. One hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system)

H. Thirty (30) laying hens or broilers (if the facility has a liquid manure handling system)

I. Five (5) ducks.

SECTION 10.23 HOME OCCUPATIONS

They shall comply with the requirements under Section 11.02(F) and any specific conditions imposed based upon the proposed occupation in the proposed location.

SECTION 10.24 AIRPORT/LANDING STRIP

They shall comply with all FAA requirements and orient runway location away from more densely populated residential areas.

SECTION 10.25 COMMUNITY AND GOVERNMENTAL BUILDINGS

They shall have all buildings and parking areas setback no less than fifty (50) feet from any residential building and provide screening where any residence is within twenty-five (25) feet of the property line.

SECTION 10.26 WIND ENERGY CONVERSION SYSTEMS

A Wind Energy Conversion System ("WECS"), including all necessary substations, accessory buildings and operation and maintenance offices, shall comply with all of the terms and conditions of this section.

A. **Definitions**. For the purposes of this section, the following terms and phrases shall be defined as provided below:

(1) **Wind Energy Conversion System ("WECS")**. A wind turbine generator or other device or devices designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is used to provide electricity on the site or property on which the WECS is located. A WECS shall also include a MET tower, which is a tower containing instrumentation such as anemometers that is used to assess wind resources.

(2) **Horizontal Axis Wind Turbine (HAWT)**. A WECS designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.

(3) **Rotor**. An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(4) **Nacelle**. The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.

(5) **Tower**. The structure, above grade, that supports the nacelle, rotor assembly, and other components.

(6) **Tower Foundation**. The tower support structure, below grade, that supports the weight of the WECS tower.

(7) **Blade Clearance**. In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor’s swept arc.

(8) **Tower Height**. The height from grade to the highest vertical point of the swept rotor arc. In the case of a WECS with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

9) **Sub-station**. An electrical construction designed to collect and modify electrical energy produced by the WECS for the purpose of supplying it to the local electrical utility.

B. **Application**. Applications for a WECS shall include the following:

(1) A site plan, which, in addition to the site plan requirements of Chapters 10 and 17, shall include the following:

(a) The proposed location, size, height and type of all WECS, including MET towers, and the setback distance between the proposed towers and the nearest residential units and residentially-zoned properties.

(b) The location of all existing structures and buildings within 300 feet of the parcel subject to the special land use request.

(c) The proposed location of all access roads, underground and overhead cabling and utilities.

(d) The physical size and electrical nameplate capacity of the proposed WECS, including the total height and the swept rotor diameter.

(e) Proposed screening, buffering and tower lighting, if required.

(f) A visual representation of the WECS including scale elevations or photographs.

(2) A copy of the applicant's proof of ownership or control of the land, including any lease with the landowner(s) for the WECS. Any such lease must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of WECS operations.

(3) The manufacturer's specifications indicating:

(a) The rated nameplate output, in kilowatts or megawatts, of the wind turbines included in the WECS.

(b) Safety features and sound characteristics.

(c) Type of material used in foundation, tower, blade, and rotor construction.

(4) A noise impact study which includes information on the noise levels to begenerated by the use, measured in db(A) at the property line, the tower site or such other location as directed by the Planning Commission.

5) Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.

(6) An environmental impact study, shadow flicker study and/or avian and wildlife impact study may be required by the Planning Commission. The applicant shall take appropriate measures to mitigate or eliminate adverse effects identified in such studies, including assurance that shadow flicker shall not have a significant adverse effect upon any adjacent property or any occupied building or residence.

(7) A decommissioning plan which includes the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method for ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

C. **Requirements**. A WECS, including MET towers, shall comply with the following requirements:

(1) **Review and Approval Procedures**. A WECS that is 65 feet in height or greater must receive special land use approval from the Planning Commission in compliance with Chapter 10 of this Ordinance. A WECS that does not exceed 65 feet in height shall obtain site plan review

pursuant to Chapter 10 and Chapter 17, but shall not require special land use approval if it complies with the requirements of this Section 10.26 and with the following requirements:

(a) The diameter of the rotor does not exceed 30 feet.

(b) The wind turbine generator is to provide energy only to the property where the tower is located, not to any other lands.

(c) An individual tower complying with this subsection may, on an intermittent basis, supply excess power to the grid; provided, however, the individual tower shall not in any calendar year supply a net surplus of power to the grid.

(d) If the WECS is installed on a building or structure, the diameter of the rotor shall not be greater than twenty (20) feet and the WECS height shall not exceed 50 feet from grade. The WECS must be safely and permanently secured to the building or structure.

(2) **Setbacks**. WECS towers shall comply with the minimum required building setbacks for the district in which the WECS tower is located or a setback equal to two (2) times the height of the highest WECS, whichever is greater. Notwithstanding the foregoing, a MET tower shall be set back no closer than a distance equal to the height of the MET tower. For the purposes of determining whether a proposed WECS or MET tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the WECS may be located on smaller leased parcels within such lot or parcel.

(3) **Setback Modifications**. Setbacks may be reduced or increased from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a modification of setbacks, the feasibility of alternate locations, the proximity of existing dwellings, and the potential for adverse impacts that noise, shadows and other features may have on adjacent uses.

(4) **Noise**. A WECS regulated under the terms of this section shall be designed, located and operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. A WECS shall not exceed 55 db(A) at the property line closest to the WECS. Exceptions for neighboring property may be permitted if the written consent of the property owners is provided. The sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms.

Constant velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning noise generated when the revolutions per minute of such turbines exceed 24 rpm's, and the Planning Commission may decline to approve any such variable speed turbines.

(5) **Lighting**. WECS towers shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration or other state or federal authority having jurisdiction. The minimum FAA lighting standards shall not be exceeded and all lighting shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Towers that are lighted shall be avoided unless no feasible alternative is available.

(6) **Shadow Flicker**. Any WECS shall be designed, located and installed so that shadow flicker does not have a significant adverse effect upon adjacent property, upon any occupied building or residence and shall be designed, located and operated so as to cause no serious effect on other lands or land uses by reason of the impact of its shadow.

(7) **Rural View, Towers in Front Yard**. Towers shall only be placed, to the extent possible, at locations that do not dominate the view from existing streets or detract from the rural view. Locations in front yards are to be avoided. A tower shall not be located in any front yard unless it is set back at least 200 feet from the front lot line.

(8) **Tower Height**. Any WECS, including the foundation, the tower, the rotor and all other components shall have a total height not exceeding 199 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position; provided, however, the Planning Commission may modify the total height to permit a lighted tower that exceeds 199 feet upon a showing that the tower will be harmonious with adjacent, neighboring land uses and will not have a substantial adverse effect on such adjacent or nearby lands or land uses.

(9) **Compliance with Law**. All WECS and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations, including the Michigan Tall Structures Act and all airport zoning requirements.

(10) **FAA Standards**. All structures shall comply with applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.

(11) **Building Codes and Maintenance**. All structures constructed shall comply with the standards contained in applicable state and local building codes and shall be regularly maintained in good, safe working order. The applicant shall maintain a maintenance log that the Township can review upon request.

(12) **Tower Foundation**. All towers shall be permanently secured to a stable foundation.

(13) **Tower Grounding**. All towers shall be grounded to protect against damage from lightning.

(14) **Tower Appearance**. All wind turbines and towers shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.

(15) **Blade Clearance**. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind turbine employing a horizontal axis rotor (HAWT).

(16) **Tower Construction**. A freestanding tubular monopole tower shall be required for any tower that is more than 50 feet in height. An anti-climbing device or design shall be used on all towers, regardless of their height.

(17) **Tower Graphics**. No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.

(18) **Power Lines**. All power lines from a WECS and connecting to a sub-station or grid, shall be underground, unless otherwise permitted by the Planning Commission.

(19) **Safety**. All electrical and mechanical components of the system shall be securely locked. Spent lubricants and cooling fluids shall be promptly and safely removed from the premises. Signage on the access roads shall warn visitors of the danger of falling ice.

(20) **Electromagnetic Interference**. No WECS shall be installed in any location where its proximity with existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected parties that will restore reception to the level present before operation of the WECS. No WECS shall be installed in any location within the line of site of an existing microwave

communication link where its operation is likely to produce electromagnetic interference in the link operation unless the interference is insignificant.

D. **Discretionary Conditions**. The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

(1) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof. Fencing may be required by the Planning Commission to secure the site and tower.

(2) The prohibition on the construction or occupancy of dwellings on the lands where the WECS is located, within the separation distances specified by this section.

(3) The preservation of existing trees and other existing vegetation not required to be removed for installation of the WECS.

(4) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS tower or accessory buildings or structures.

(5) The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the special land use or site plan approval, including but not limited to the timely and complete removal of a WECS, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS, until the cessation of operations and the removal of the same.

E. **Removal**.

(1) A WECS or other individual device, structure or equipment regulated under the terms of this section shall be removed not later than when the device or equipment is no longer in operation or when it has been abandoned.

(2) For purposes of this section, a WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months. Operation of the WECS for less than 168 hours shall not be considered production for purposes of this subsection.

(3) The failure to timely remove a WECS or any device, structure or equipment regulated by the terms of this section shall be a violation of this Ordinance.

(4) In the event that the owner or operator of a WECS fails to remove the same after the ceasing of operations or after abandonment thereof, the Township may proceed with all appropriate enforcement and remedial action, including but not limited to the obtaining of funds pursuant to the applicable performance bond or letter of credit, and the use of such funds to accomplish the removal of all non-operating or abandoned towers, wind turbine generators, accessory structures and other devices and equipment regulated hereunder.

F. **Inspections**. Upon the provision of reasonable prior notice to the site operator, the Township zoning administrator and/or his or her designated representative may inspect any property for which special land use or site plan approval has been granted pursuant to this section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.

G. **Prohibited Structures**. The following structures are prohibited as a part of any WECS regulated under the terms of this section:

(1) Vertical axis wind turbines, commonly known as a “VAWT” or “Darrieus” wind turbine.

(2) Wind turbines (HAWT’s) with a rotor design consisting of a number of airfoil rotor blades other than three.

(3) Wind turbines utilizing a lattice tower structure, unless the WECS does not exceed 50 feet in height.