

# ARTICLE 7

## SUPPLEMENTAL REGULATIONS

### Section 7.0 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “\*” in the Table of Permitted and Special Land Uses are included in this Article.

### Section 7.1 Animal Shelters & Kennels

- A. All kennels shall be operated in conformance with all applicable County and State regulations.
- B. Animal shelters and kennels shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, whichever is greater.
- D. If, in the Zoning Administrator’s determination, the kennel presents a nuisance to neighboring properties, he/she may require the screening elements. If required, outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least six (6) feet in height.
- E. Fences for outdoor areas shall be a minimum of six (6) feet in height.
- F. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- G. Animals shall be kept in a building between the hours of 10 p.m. and 8 a.m. if within five hundred (500) feet of a residential use or district.

### Section 7.2 Gas Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change

- A. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street. Entrances shall be no less than twenty-five feet (25') from a street intersection (measured from the road right-of-way) or from adjacent residential districts and not less than fifteen (15') feet from any adjoining property lines.

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- B. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.
- C. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements.
- D. Gasoline pumps, air and water hose standards and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines and shall be arranged so that motor vehicles are 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.
- E. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. Junk parts and junk vehicles shall not be kept on the outside of the building
- F. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- G. All vehicle servicing or repair shall be conducted within a building.
- H. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.
- I. Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the Planning Commission and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aiseways, service bays, loading, landscaping or sidewalks.

### Section 7.3 Bed and Breakfasts

#### A. GENERAL REQUIREMENTS

1. The Bed & Breakfast establishment shall be located in a single-family residence.
2. The owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence at all times during periods of operation, except for temporary absences, in which the owner's or resident manager's designee must be on the premises. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence.
3. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.

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4. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
5. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with State law.
6. A site plan shall be provided including a floor plan of the structure providing the following information:
  - a. Owner/ resident manager and guest on-site parking
  - b. Guest entrance to the structure
  - c. Outdoor areas for use by guests
  - d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
  - e. Additional information as may be deemed necessary by the Zoning Administrator or Planning Commission.
7. All on-site parking shall be constructed in accordance with the parking requirements of **§3.20**.
8. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
9. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.
10. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.
11. Rental of recreational equipment including but not limited to snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.

12. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

**Section 7.4 Biofuel Production Facilities on Farms**

- A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:
  - a. The biofuel production facility is located on a farm.
  - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
  - c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires special land use approval under subsections (3) to (5):
  - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b) but that does not meet the requirements of subsection (1)(c).
  - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b).
3. An application for special land use approval for a biofuel production facility described in subsection (2) shall include all of the following:
  - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
  - b. A description of the process to be used to produce biofuel.
  - c. The number of gallons of biofuel anticipated to be produced annually.
  - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

- e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.
  - f. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
  - g. Any additional information requested by the Planning Commission or Zoning Administrator.
- 4. The Township shall hold a hearing on an application for special land use approval under subsection (2) not more than 60 days after the application is filed.
  - 5. Special land use approval of a biofuel production facility described in subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements: Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
  - 6. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production: Air pollution emissions.
  - 7. Transportation of biofuel or additional products resulting from biofuel production.
  - 8. Use or reuse of additional products resulting from biofuel production.
  - 9. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
  - 10. The biofuel production facility includes sufficient storage for both of the following: Raw materials and fuel.
  - 11. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
  - 12. This section does not authorize biofuel production facilities that are not located on farms.

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### Section 7.5 Campgrounds & RV Parks

- A. The parcel shall provide direct vehicular access to a public street. For this purpose, the term "parcel" shall mean the entire campground or RV Park.
- B. All sanitary stations, portable toilets, or any sanitary facilities shall be at least one hundred (100) feet from the lot line.
- C. The Planning Commission may require that the perimeter of the campground or RV Park be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- D. Campsites shall be located at least fifty (50) feet from property lines.
- E. All campgrounds and RV parks shall comply with State of Michigan and District Health Department requirements.

### Section 7.6 Car and Truck Washes

- A. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. Such facility shall only be located on property abutting a major thoroughfare or a street with access to such major thoroughfare.
- C. When property lines abut a residentially used property, screening shall be installed pursuant to **§3.18**.
- D. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty feet (50') from a residential area.
- E. Entrances: Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

### Section 7.7 Child Care Centers; Nursery Schools; Group Child Care Homes

- A. **CHILD CARE CENTERS, NURSERY SCHOOLS, AND GROUP CHILD CARE HOMES** shall meet the following conditions:
  - 1. An outdoor play area shall be provided for all facilities caring for one or more children who individually receive care for more than four (4) hours per day. The Planning Commission may require that the play area be screen by a heavily planted greenbelt from any abutting residential uses. In addition, play areas shall:

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- a. Have a minimum area of not less than one hundred and fifty (150) square feet per child cared for;
  - b. Be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area;
  - c. Be located in the side or rear yard area.
2. A Special Use Permit for a Group Child Care Home shall be issued if the following conditions are met:
- a. The facility is not located closer than fifteen hundred 1,500 feet to any of the following:
    - (1) Another licensed group day care home.
    - (2) An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
    - (3) A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
    - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  - b. The facility has a minimum of not less than one hundred and fifty (150) square feet of fenced outdoor space per child.
  - c. The facility maintains the property consistent with the visible characteristics of the neighborhood.
  - d. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

**B. FAMILY CHILD CARE HOMES** shall meet the following conditions:

Play areas shall have a minimum area of not less than one hundred fifty (150) square feet per child; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.

**Section 7.8 Drive-Through/Drive-Up Businesses**

- A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

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- B. The primary access shall be on a major thoroughfare. Secondary access may be on a side street which has direct access to a major thoroughfare.
- C. Back up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

### Section 7.9 Funeral Home/Mortuary

- A. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- B. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
- C. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

### Section 7.10 Golf Courses

- A. The site plan shall be laid out to achieve a relationship between the public road on which the use is located and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
- B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than seventy-five (75) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may approve modification of this requirement.
- C. A shelter building with toilet facilities shall be provided which meets all requirements of the Alcona County Health Department.

### Section 7.11 Home Occupations and Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.



## A. GENERAL STANDARDS

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is not required; however regulations contained within this Ordinance shall apply.
  
2. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry and shall require a Special Use Permit. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
  
3. Home Occupations or Cottage Industries may be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.
  
  - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
  
4. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition may be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
  
5. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
  
6. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
  
7. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.

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8. No such Home Occupation or Cottage Industry shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.
9. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
10. The Planning Commission may require that sufficient solid waste receptacles be provided and sufficiently screened from view. The property must be maintained free of debris.
11. Outdoor display of goods may be permitted.
12. The area in which goods and/or materials is stored outdoors shall be kept clean and free of debris. The Planning Commission may require screening of such outdoor storage areas.
13. Parking requirements shall be decided on a case by case basis. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Cottage Industry permit.

### **B. TERMINATION, EXTENSIONS, REVISIONS, AND INSPECTIONS.**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.

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4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

**Section 7.12 Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment and Wrecking Yards**

For this use, the following more restrictive provision shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

- A. The site shall be a minimum of five (5) acres in size.
- B. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
- C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
- D. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required setback shall be doubled.
- E. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- F. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
- G. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

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### H. Screening:

1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.
  2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
  3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
  4. A landscaped strip shall be maintained between the fence and property line in the following yards:
    - a. All front and corner side yards;
    - b. The front 1/3 of any side yard; and
    - c. Any yard abutting a residential zoning district or use.
- I. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.

### Section 7.13 Manufactured Housing Communities

- A. Manufactured housing communities 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 manufactured homes in manufactured housing developments 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. **AREA, HEIGHT AND BULK REQUIREMENTS:** All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

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- D. The underside or chassis of all manufactured homes in manufactured housing developments 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. Skirting material shall be consistent with the siding of the manufactured housing unit.
- E. All utility connections shall comply with State and Local codes.
- F. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Township. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured housing community plans.
- G. The Township shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the municipality's ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable Township requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.

### Section 7.14 Medical Marijuana Primary Caregiver Facilities

#### A. Purpose and Intent.

It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marijuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of Marijuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Greenbush Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of Marijuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

#### A. Findings. This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of Marijuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of Marijuana under the provisions of the MMMA.

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2. Despite the provisions of the MMMA, Marijuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Greenbush Township.
3. In other States where medical Marijuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where Marijuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple Marijuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. Greenbush Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

### **B. Permitted Use.**

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use as a home occupation, subject to the zoning permit requirements of **Article 9**.

### **C. Review Standards.**

An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

1. **Primary Caregiver Facility.** All Marijuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to subsection "5" hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
2. **Limits on Quantities.** A Primary Caregiver shall not possess more Marijuana than 2.5 ounces or 12 Marijuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.

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4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than one thousand (1,000) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
5. **Dispensing Medical Marijuana.** No medical Marijuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities.**
  - a. A Primary Caregiver Facility shall not be used as a medical Marijuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical Marijuana shall be permitted on site. No medical Marijuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.
  - b. No alcoholic beverages shall be sold, conveyed or consumed on the premises of the Primary Caregiver Facility.
  - c. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

**Section 7.15 Mining, Quarries, and Gravel Pits (Resource Extraction)**

- A. Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
  1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
  2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
    - a. The relationship of extraction and associated activities with existing land uses.
    - b. The impact on existing land uses in the vicinity of the property.

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- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

**Section 7.16 Motels and Hotels**

- A. Motels and Hotels shall have direct access to a County Primary or State Trunk line Highway, as opposed to a County local road as defined by the County Road Commission.
- B. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet.
- C. There shall be at least eight hundred (800) square feet of lot area per guest room.
- D. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- E. Motels and Hotels shall provide customary services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

**Section 7.17 Multiple Family Dwelling Units (Apartments; Condominiums)**

- A. Front Yard Setback: Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the multiple-family dwelling unit abuts of forty (40) feet; the total area of which shall be landscaped.
- B. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.



**SUPPLEMENTAL REGULATIONS**

- C. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
- D. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
- E. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.

**Section 7.18 Nursing Homes and Assisted Living Facilities**

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

- A. Are allowed as “Permitted Uses” or “Uses Subject to Special Use Permit” in the following zoning districts: R-2, R-3, R-4, F, & C.
- B. The minimum lot size for such facilities shall be five (5) acres.
- C. Such uses shall front on a State or year round County maintained County primary road and the main means of access for residents or patients, visitors, and employees shall be via the maintained road.
- D. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bedroom 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.
- E. Nursing homes, convalescent homes, rest homes, and orphanage houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

**Section 7.19 Offices and Showrooms**

Offices and showrooms of plumbers, electricians, decorators or similar trades are allowed as “Permitted Uses” or “Uses Subject to Special Use Permit” in the “C” zoning district. They shall be subject to the following standards:

- A. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.
- B. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

**SUPPLEMENTAL REGULATIONS****Section 7.20 Outdoor Recreational Facilities - Commercial**

- A. Such uses shall be located on a site of at least one acre in area, be at least one hundred fifty feet (150') from any Residential District,
- B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

**Section 7.21 Outdoor Sales Facilities**

Outdoor sales and rental lots for automobiles, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for sale or rental of new and/or used units, subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Display lot lighting shall comply with terms of **§3.17** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- C. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- D. Adequate parking area shall be provided on site.

**Section 7.22 Public Parks, Playgrounds and Recreation Areas**

Entertainment venues, community activities and farmer's markets are permitted in parks, playgrounds, and recreation areas. Such activities shall be approved by the Greenbush Township Board on a case-by-case or on an annual basis. No zoning permit is required.

**Section 7.23 Planned Unit Developments (PUD)****A. PURPOSE**

Greenbush Township recognizes that many site developments do not readily fit within the confines of the use and design standards of typical zoning district classifications. A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the Township can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the use also provides the Township with increased oversight and guidance in the design process. To this end the use of PUD's is intended to:

1. Provide flexibility in development regulations.
2. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.
4. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Master Plan.
7. Promote efficient use of public services.
8. Promote a more useful pattern of open space and recreation areas.
9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

**B. ELIGIBILITY**

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.
2. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.

## SUPPLEMENTAL REGULATIONS

3. Minimum size requirements: one (1) acre, except for a PUD containing any industrial uses shall be a minimum five (5) acres in size. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
4. Adequate public utilities – streets, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable Township policies, regulations and ordinances.

### C. DEVELOPMENT STANDARDS:

1. **USES:** Compatible residential, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **OPEN/GREEN SPACE:**
  - a. Common Open Space: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in subsection (b) below.
  - b. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
3. **UTILITY REQUIREMENTS:** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

4. **INTERNAL DESIGN STANDARDS:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

5. **EXTERNAL EFFECTS:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **PARKING:** Off-street parking, loading, and service areas shall be provided in accordance with §3.20 of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.
7. **ARRANGEMENT OF COMMERCIAL USES:** When a planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

**D. PROCEDURES**

1. **PRE-APPLICATION MEETING:** The developer shall meet with the Zoning Administrator, Township Supervisor, and Planning Commission Chair prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Master Plan.
2. **SUBMISSION OF PRELIMINARY SITE PLAN:** The developer shall submit six (6) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
  - a. General footprint of proposed and existing buildings.
  - b. Indication of proposed uses and their general locations.
  - c. General layout of streets, drives, parking areas and pedestrian paths.
  - d. Individual parcels, if applicable.

## SUPPLEMENTAL REGULATIONS

- e. Proposed setbacks for district perimeters and individual buildings within the development.
- f. Proposed perimeter buffer zones and screening.
- g. Conceptual landscape plan.
- h. Development phases, if applicable.
- i. Type, estimated number and density range for residential development.
- j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
- k. Additional supporting documentation including a written narrative describing the project.

### 3. PRELIMINARY SITE PLAN APPROVAL

- a. **Public Hearing:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with §9.5 of this Ordinance.
- b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

### 4. FINAL SITE PLAN APPROVAL:

- a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit six (6) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.
- b. The final site plan shall include all site plan data required in §5.4 in addition to the following:
  - (1) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit;

height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.

- (2) Preliminary building plans, including floor plans and exterior elevations.
  - (3) Landscaping plans.
  - (4) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
- d. The Planning Commission shall conduct a public hearing in accordance with **§9.5** of this Ordinance.
- e. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:
- (1) The proposed development may be initiated within two (2) years of the date of approval.
  - (2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.
  - (3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
  - (4) Any proposed commercial development can be justified at the locations proposed.
  - (5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

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- (6) The planned unit development is in general conformance with the master plan of the Township.
  - (7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
  - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **AMENDMENT TO AN APPROVED PUD:** Amendments to a final approved site plan for a PUD shall follow the regulations in **§5.7**.
- E. **CLUSTER HOUSING PROVISION FOR SMALL PARCELS:** On parcels less than five (5) acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district. The parcel under consideration for this Cluster Housing Provision shall have a minimum frontage of 66 feet on a public street.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in subsection (D). The Planning Commission shall hold one public hearing and either approve, approve with conditions, or deny the application within 30 days of review. Criteria for the Planning Commission's approval shall be:

1. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and
2. The planned development is in general conformance with the land use plan for the Township; and
3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

### Section 7.24 Rooming and Boarding Houses

- A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.



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- B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
- D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- E. Board shall not be provided to other than those rooming in the residence.
- F. Off-street parking shall be required in accordance with **§3.20**.
- G. The establishment shall have at least two (2) exits to the outdoors.
- H. The boarding house shall not alter the residential character of the building or structure.

### Section 7.25 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 allowed as "Permitted Uses" or "Uses Subject to Special Use Permit" in the following zoning districts: **F, EI, & I** provided the following standards are met:

- A. 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.
- B. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer than five hundred (500) feet to an off-premises residence, unless the owner of the residence signs a statement agreeing to a lesser setback.
- C. 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.
- D. 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 any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.
- E. 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.

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### Section 7.26 Seasonal Use Sales

The proposed use, including the erection of any temporary building or structure, will be allowed if the seasonal user does the following:

- A. Provide adequate automobile and pedestrian traffic flow.
- B. Provide adequate lot access for fire protection purposes.
- C. Not adversely affect the protection of public health, safety, and general welfare.
- D. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

### Section 7.27 Secondary Dwelling Units

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in the Forestry District. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner occupied single family homes in the Township. The following regulations shall apply:

- A. One (1) secondary dwelling unit is allowed per lot.
- B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
- C. The secondary unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The secondary dwelling unit shall be provided electricity, plumbing, and heat.
- E. The secondary unit shall contain only one (1) bedroom.
- F. The secondary unit shall be a self-contained unit and shall be:
  1. located above a garage, or
  2. attached to the primary dwelling or garage, or
  3. totally within a primary dwelling
- G. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The secondary unit shall conform to the Alcona County building code standards.

- I. One additional parking space shall be provided on-site for the secondary dwelling unit.

**Section 7.28 Sexually Oriented Businesses**

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 Ordinances, 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 greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. 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.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.

- F. The proposed use must meet all applicable written and duly promulgated standards of the 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.
- G. 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.
- H. 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.
- I. 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.”
- J. 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 sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. 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 (1) 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 such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

**SUPPLEMENTAL REGULATIONS****Section 7.29 Stables**

A. For breeding, rearing, and housing of horses, mules and similar domestic animals, the minimum lot size, including a dwelling, shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of five (5) acres or more.

**Section 7.30 Veterinary Clinic/Animal Hospital**

- A. Are allowed as “Permitted Uses” or “Uses Subject to Special Use Permit” in the following zoning districts: **F & C**.
- B. Veterinary clinics or animal hospitals shall be operated in conformance with County and State regulations and shall be on sites of at least 1 acre.
- C. 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, whichever is greater.
- D. Outdoor animal enclosures 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.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
- F. All principal use activities shall occur within an enclosed main building.

**Section 7.31 Warehousing & Storage**

- A. All storage shall be within an enclosed building.
- B. The storage of dangerous, toxic or flammable materials shall not be permitted.
- C. A caretaker dwelling unit and/or office may be permitted on-site.

**Section 7.32 Wind Energy Systems****A. PURPOSE AND GOALS**

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section’s goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.

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2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

### B. TECHNOLOGICAL ADVANCES AND DESIGN STANDARDS FLEXIBILITY

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

### C. SMALL ON-SITE WIND ENERGY SYSTEMS

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure. The following site development standards shall apply:

#### 1. DESIGN & INSTALLATION

All wind turbines (ground and roof-mounted) shall comply with the building code currently adopted by Alcona County. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer's specifications.

#### 2. PLOT PLAN SUBMITTAL

An application for the installation of a Small On-Site Wind Energy System shall include a plot plan including the following information:

- a. Location of the proposed wind turbine.
- b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
- c. Location and approximate height of trees within fifty (50) feet of the wind turbine.
- d. Distance from other wind turbines on adjacent lots, if applicable.

#### 3. MINIMUM LOT SIZE

- a. **Ground Mounted Horizontal Axis Wind Turbine:** Minimum lot width of one hundred fifty (150) feet and at least three-fourths (3/4) acre in area.

**4. HEIGHT**

The maximum height above ground for both the Horizontal and Vertical Axis Wind Turbines shall be determined on a case by case basis dependent upon the site and manufacturer’s specifications and recommendations.

**5. MULTIPLE WIND ENERGY TURBINES**

a. **Ground Mounted:** No more than one on any lot of less than one (1) acre in size. For lots one (1) acre and over in area, the number of turbines shall be determined by the spacing requirement of the manufacturer and shall be approved by the Planning Commission.

b. **Roof Mounted:** A maximum of two (2) may be installed on a building.

**6. ROTOR CLEARANCE**

A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

**7. GUY WIRES**

The use of guy wires shall be prohibited.

**8. NOISE**

Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

**9. VIBRATION**

Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

10. **SPACING:** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications.

**11. RECEPTION INTERFERENCE**

Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.

**12. SHADOW FLICKER**

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

**13. POTENTIAL ICE THROW**

Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

## SUPPLEMENTAL REGULATIONS

### 14. VISUAL IMPACT

All visible components of a small onsite wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

### 15. SAFETY

A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.

### 16. OTHER REGULATIONS

On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

## E. COMMERCIAL WIND ENERGY FACILITIES AND ANEMOMETER TOWERS:

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 5 and 6**.

### 1. PRINCIPAL OR ACCESSORY USE

A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

### 2. 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. 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 approval.

### 3. DESIGN & INSTALLATION

All wind turbine generators shall comply with the building code currently adopted by Alcona County. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.



Guy wires may be utilized to support a temporary (18 months or less) anemometer tower, if demonstrated by the applicant to be necessary to maintain the safety of the structure.

#### 4. 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 wind energy setbacks and any other standards of this Article.

#### 5. SETBACKS

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

- a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. 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 sixty-five (65) 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.
- b. **Setback from Road:** 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 a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
- c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure located on property not owned or leased by the applicant a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
- d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total wind turbine height, whichever is greater, determined from the existing power or communications lines.
- e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

**6. MAXIMUM HEIGHT**

- a. The maximum wind turbine generator or anemometer tower height shall be determined on a case by case basis dependent upon the site and manufacturer's specifications and recommendations.
- b. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

**7. TOWER SEPARATION**

Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

**8. MINIMUM GROUND CLEARANCE**

The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifty (50) feet.

**9. MAXIMUM NOISE LEVELS**

The sound pressure level generated by the wind energy system shall not exceed sixty-five (65) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds sixty-five (65) dB(A), the standard shall be ambient plus five (5) dB(A).

**10. MAXIMUM VIBRATIONS**

Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

**11. SHADOW FLICKER**

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

**12. POTENTIAL ICE THROW**

Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

**13. SIGNAL INTERFERENCE**

No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

**14. VISUAL IMPACT, LIGHTING, POWER LINES**

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer’s construction and installation standards.
- b. The design of the wind energy facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
  - (1) Shall be the intensity required under State or federal regulations.
  - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
  - (3) May be a red top light that does not pulsate or blink.
  - (4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- b. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- c. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County streets upon approval of the Planning Commission, near substations or points of interconnection to the electric grid or in other areas as necessary.

**15. SAFETY**

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall contain a barrier to prevent climbing by unauthorized personnel.

- c. All access doors to wind turbine towers and electrical equipment shall be locked.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
- f. Wind turbine generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

**16. ADDITIONAL STATE, FEDERAL, OR LOCAL 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, Federal Energy Regulatory Commission, and any other agency of the state, federal, or local government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use application is approved.

**17. HAZARD PLANNING**

An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
- b. Location of landscaping to 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.
- c. A listing of any hazardous fluids that may be used on site shall be provided in an electronic format, including Material Data Safety Sheets (MDSS).
- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

**18. APPROVALS**

All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.

**19. REMOVAL OF WIND TURBINE GENERATORS**

- a. The applicant shall submit a decommissioning plan. The plan shall include:
  - (1) The anticipated life of the project.
  - (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
  - (3) The method of ensuring that funds will be available for decommissioning and restoration.
  - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is non-operational 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 of abandonment from the Township. 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.
- c. 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.
- d. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

**20. EQUIPMENT REPLACEMENT**

The wind turbine generator in its entirety or major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

**Section 7.33 Wireless Communications Equipment and Support Structures**

**A. Compliance with Michigan Zoning Enabling Act**

1. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment (WCE) is a permitted use of property and is not subject to Special Land Use approval or any other approval if the following requirements are met:
  - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b. The existing wireless communications support structure (WSS) or existing equipment compound is in compliance with this Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.
  - c. The proposed collocation will not do any of the following:
    - 1) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
    - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
    - 3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.
2. New wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) or (d) are a permitted use of property upon Special Land Use approval under subsections 3 to 6 below.
3. An application for Special Land Use approval of wireless communications equipment described in subsection 2 (above) shall include all information required by **Article 6**.
4. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator

makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

5. If, before the expiration of the 14-day period under subsection 4, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
6. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
7. Special land use approval of wireless communications equipment described in subsection 2 may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
8. If the Township requires special land use approval for wireless communications equipment that does not meet the requirements of subsection 1(a) or for a wireless communications support structure, subsections 4 to 6 apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.
9. The Township may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

Unless otherwise provided, telecommunication towers, alternative tower structures and antennas shall comply with all of the following standards.

**B. USE AND ZONING DISTRICT LIMITATIONS**

Telecommunication towers, alternative tower structures and antennas require a site plan and a decommissioning plan. Installations shall be enclosed by a 6' fence to prevent unauthorized access to the site.

**C. VISUAL IMPACT**

The application for special approval for the WSS shall include a visual impact statement, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the WSS from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

**SUPPLEMENTAL REGULATIONS****D. HEIGHT AND CONSTRUCTION**

1. A WSS shall be exempt from building height limits established by zoning district regulations, provided that the WSS height shall not exceed the minimum height necessary to serve its intended functions.
2. The WCE, WSS and any ancillary building housing equipment needed for operation of the WSS 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 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.
3. A WSS shall be monopole construction with no guy wires.

**E. LIGHTING**

1. The applicant shall provide documentation of any lighting to be installed on the WSS. If lighting is required or proposed, the WSS 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.
2. The color and intensity of WSS lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
3. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
4. Lighting may consist of a red top light that does not pulsate or blink.

**F. COLOR**

WCE shall be painted so as to be as unobtrusive as possible. The painting of the WSS in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

**G. HEIGHT DECREASE.**

If the height required for the WSS to serve its intended function decreases from the installed height due to technological advancement, additional WSS installations at other locations, or other factors, the Township may order that the WSS be lowered to such decreased minimum height.

**H. SIGNS**

No signs other than signs required pursuant to federal, state or Township ordinance shall be allowed on an antenna or WSS, WCE or site.



**SUPPLEMENTAL REGULATIONS****I. SETBACK REQUIREMENTS**

1. The WSS shall be set back not less than the distance equal to the height of the WSS measured from the base of the WSS to all points on each property line.
2. The WSS and any supporting or appurtenant structures shall be no closer to any building, than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
3. The Planning Commission may reduce the required setbacks for WSS's that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the special use application. The Township may retain the services of an independent engineer to review the WSS design and requested setback. The costs associated with an independent review shall be paid for by the applicant.

**J. FCC/FAA/OTHER REGULATIONS**

The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The WSS shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

**K. USE**

The owner/operator of the WSS and WCE shall agree to permit use of the WSS 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 WSS.

**L. REMOVAL OF ABANDONED TOWERS**

Any WSS that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such WSS 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 WSS, the owner shall restore the site to its original condition. Any foundation 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 WSS within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the WSS at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the WSS and attendant accessory structures as a condition of a special use permit given pursuant to this section.

**M. ANTENNA CO-LOCATION ON AN EXISTING WSS**

1. No antenna or similar sending/receiving devices appended to a WSS, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the WSS thereby jeopardizing the tower's structural integrity.
  
2. The installation and/or operation of the above mentioned, WSS or WCE shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.