

ARTICLE 7

SPECIAL LAND USE SPECIFIC PROVISIONS

SECTION 701 SPECIAL LAND USES AND SPECIFIC PROVISIONS

The following provisions apply to certain uses of land permitted by special land use as listed in zoning districts provided under Article 4. The review and approval process is as provided under Article 6 of the Ordinance. Some of the uses permitted by special land use in Article 4 do not have specific standards and are considered generally under the review procedures and standards of approval provided under Article 6. The provisions provided for the following uses shall be applied in addition to any other applicable provisions, standards or regulations contained elsewhere in this Ordinance unless specifically noted.

SECTION 702 ADULT GROUP HOME

- A. It is the intent and purpose of this section to establish specific standards for group homes in order to ensure that the residential character of the neighborhood, as well as the expected personal enjoyment of property by owners of residential structures in the neighborhood, is protected and encouraged.

- B. Dimensional Standards
 - 1. The property petitioned for such use shall have a minimum lot area of one thousand five hundred (1,500) square feet per resident, but shall not be less than the minimum area required in the underlying district.

 - 2. A group home shall be located no closer than one thousand five hundred (1,500) feet to another group home.

- C. Performance Standards
 - 1. The property and structure shall be developed and maintained in a manner compatible and consistent with the character of the neighborhood where it is located.

 - 2. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.

 - 3. Interior layout of the structure and provisions for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.

 - 4. The structure shall have an identified area designed to provide privacy for visiting individuals.

SECTION 703 ADULT USES

- A. It is the intent and purpose of this section to ensure that adult uses, which may have serious objectionable operational characteristics, will not intervene or interfere with the stable and continuous growth of the community and surrounding areas because of their potentially disruptive effect and impact on the personal enjoyment of adjacent property by adjacent property owners and their patrons. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the residential neighborhoods or commercial centers.

The location and the manner of which such uses are implemented could act to discourage economic investment in the immediate vicinity of the adult use, affect property values, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. The following provisions are established to prevent the concentration of such uses and the proximity of such uses to institutional and neighborhood uses.

B. Dimensional Standards

1. An adult use establishment shall be located, as measured horizontally between the nearest point of each property, no closer than one thousand (1,000) feet from:
 - a. any other adult use;
 - b. a public, private or parochial nursery, primary, secondary school, licensed child care facility, group home, public or private park and/or playground, or common area intended for recreational use;
 - c. any residential district or use; or
 - d. an amusement center or similar facility, such as a billiard hall, theater, recreational retail, etc., that are frequented by persons under the age of eighteen (18).
2. An adult use establishment shall not exceed a gross floor area of three thousand (3,000) square feet and must be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.

C. Performance Standards

1. The site layout and structure shall be designed, constructed and maintained so that display, decoration or signage depicting or describing activities or merchandise within the structure cannot be observed by a pedestrian, occupant of a vehicle, or from an adjacent land use. Such provisions are intended to

protect minors from viewing material, message or depiction that is by law or reasonably assumed to be considered as not being age-appropriate.

2. No person shall reside or permit any person to reside within the same structure or premises of an adult use establishment.
3. Additional screening and buffering above and beyond provisions outlined elsewhere in this Ordinance for non-residential land uses may be applied by the Planning Commission or Township Board if it is found that such screening and buffering is necessary to meet the intent of this section and this Ordinance.
4. The Planning Commission and Township Board may consider other appropriate conditions, such as hours of operation or the holding of special events, that may be appropriate pursuant to the intent and purpose of this section.

SECTION 704 AMUSEMENT CENTER

- A. It is the intent and purpose of this section to establish standards for a broad category of principal uses, such as arcades, billiard/pool halls, where persons congregate for purposes of recreation. Due to the potential of these uses to attract activities, such as loitering, vandalism and truancy, the following standards are set forth to avoid and/or mitigate potential nuisances. It is not the intent of this section to regulate such uses that are accessory to a principal use, such as a pool table in a bar or skill/vending machines in a restaurant.
- B. Dimensional Standards
 1. Amusement centers shall not be located closer than fifty (50) feet from a single-family structure located on property that is zoned for single-family residential purposes or one hundred (100) feet from a property utilized as a public or private school.
- C. Performance Standards
 1. The amusement center shall have available access to a pedestrian sidewalk, as well provide accommodations for bicycle racks for non-motorists.
 2. Children under the age of sixteen (16) may not remain on the premises after 10:00 P.M. nor during normal school hours. The petitioner shall outline a process and procedure for addressing truancy issues.
 3. The operator shall demonstrate the ability to prevent problems related to potential noise, litter, loitering, crowds or similar types of issues that could

potentially create a need for law enforcement. The petitioner shall outline process and procedure for addressing such operational issues.

SECTION 705 BED AND BREAKFAST

- A. It is the intent and purpose of this section to ensure that the commercial nature of a bed and breakfast is harmonious and compatible with a residential neighborhood where it may located.
- B. Performance Standards
 - 1. Each premise shall be principally occupied and operated by the owner of the premise.
 - 2. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests.
 - 3. Parking shall be arranged so as not to create a negative impact on adjacent properties or necessitate on-street parking.
 - 4. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more then thirty (30) days in any one (1) year.
 - 5. The exterior appearance of the structure shall not be substantially altered from its original residential character prior to conversion to a bed and breakfast.
 - 6. Retail sales are not permitted beyond limited souvenir and personal hygiene items for overnight patrons. Meals shall not be served to the public at large but only to patrons. No receptions, private parties or activities for which a fee is paid shall be permitted.

SECTION 706 PRIVATE ROAD

- A. It is the intent and purpose of this section to establish standards for private roads that are petitioned to provide access, road frontage and/or minimum lot width requirements for parcels given the parameters of the zoning district in which the parcels are located. It is the intent of this section to ensure the long-term viability of a private road by setting forth requirements for location, construction and continual maintenance. Private roads are intended to provide access for three (3) or more lots created by simple land division, not for development of plats or site condominiums. Shared driveways serve two (2) lots or parcels and are permitted by right.
- B. Dimensional Standards

1. A private road shall not extend more than one thousand three hundred (1,300) feet from the public road right-of-way from which it attains access to the top of the approved turn-around, or cul-de-sac.
2. A private road shall have a recorded easement of at least sixty-six (66) feet. A complete statement of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and drives shall be submitted with petition for special land use approval.
3. A seventy-five (75) foot radius right-of-way with fifty (50) foot radius drive surface shall be provided for cul-de-sacs.
4. The width of the private road shall have eighteen (18) foot of driving surface and three (3) foot shoulders.
5. The private road shall be constructed with a minimum of six (6) inches of sand meeting MDOT Class II standards and surfaced with six (6) inches of gravel, crushed limestone, stone, or concrete meeting MDOT Class 22A and 23A standards. If paved, a minimum three (3) inches of asphalt is required in addition to the above standards.
6. Prior to construction, all organic or unstable material from the road bed shall be removed.

C. Performance Standards

1. A private road shall not serve more than six (6) parcels.
2. Any parcel having access onto the private road shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
3. The connection between the public road right-of-way and the private road shall conform to the standards and specifications set forth under separate rules and regulations regarding intersection with a public right-of-way. If intersection with a county maintained road, the requirements of the Gratiot County Road Commission (“GCRC”).
4. All parcels that have access from a private road shall have their individual addresses posted on each property and also posted together at the entrance of the private road where it intersects with the public road.
5. The private road shall be adequately drained so as to prevent flooding or erosion. Ditches shall be located within the rights-of-way and drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies.

- a. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course and all requirements of other Township Ordinances, standards and requirements are adhered to.
 - b. Connection to county designated drains shall be approved by the Gratiot County Drain Commissioner (“GCDC”) prior to the issuance of a permit. Connection to culverts and ditches within public road rights-of-way shall be approved by the GCRC prior to the issuance of a permit.
6. The private road easement shall provide adequate space for ingress, egress, drainage, and installation and maintenance of public and private utilities.
7. A maintenance agreement must be provided for review and approval. Following any approval, such agreement shall be filed and recorded with the Gratiot County Register of Deeds. All parcels accessing the private road shall be part of the agreement.
 - a. The agreement will specifically address the liability and responsibility of the parties subject to the agreement to maintain the private road pursuant to the specifications provided for in this Ordinance and other applicable ordinances, including but not limited to the responsibility of removing snow, maintaining width and surface for ingress and egress of emergency vehicles, ensuring adequate drainage, etc.
8. Prior to the granting of land divisions for parcels that are served by the private road or prior to use of the private road following construction, the applicant shall provide a certification letter from a professional engineer registered in the State of Michigan that the private road was constructed in compliance with the provisions of this Ordinance.

SECTION 707 CAMPGROUND

- A. It is the intent and purpose of this section to establish standards for public or privately owned and operated campgrounds providing temporary recreational quarters for campers on a daily, weekly or seasonal basis, while also preventing or mitigating potential impacts to the personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses. Requirements are in accordance with or in addition to rules and regulations established by the Michigan Department of Environmental Quality (“MDEQ”) under Public Act 368 of 1978.
- B. Dimensional Standards
 1. The minimum site area for a campground shall be five (5) acres.

2. A minimum forty (40) feet setback for structures shall be maintained around the perimeter of the site. If underlying zoning district prescribes a greater setback, the larger of the two (2) setbacks shall be required. This area shall be used for purposes of screening and buffering when adjacent to property zoned or utilized for residential purposes.
3. Required yards may be utilized for access drives and parking provided that a minimum buffer of ten (10) feet is maintained from a side or rear property line and twenty (20) feet from a public road right-of-way. When located adjacent to residential or institutional property, the side and rear yard buffer shall include a fence, wall, or hedge no less than four (4) feet in height.
4. Each individual campsite within the campground shall contain a minimum of twelve hundred (1,200) square feet and have available a designated area for grilling or campfire and a picnic table.
5. A common use area shall be provided the area of which shall be no less than four hundred (400) square feet per campsite.

C. Performance Standards

1. A permanent structure for commercial and retail activity is permitted only if accessory to the principal campground use. The size and intensity of such to be reviewed and approved by the Planning Commission and Township Board in direct proportion to the number and type of camping facilities provided.
2. No vehicle fueling station or propane filling station shall be permitted. Propane tank exchange is acceptable.
3. The campground shall be seasonal and only open for camping from one (1) week prior to Memorial Day and one (1) week following Labor Day. There shall be no permanent storage of tents, campers, travel trailers at the site unless in an approved storage area.
4. One permanent dwelling structure occupied by the owner, manager or an employee shall be permitted.
5. Toilet and bathing facilities shall be provided pursuant to the requirements of the Gratiot County Health Department (“MCHD”), MDNRE or other agency responsible for review and approval of such facilities.

SECTION 708 CHURCHES AND RELIGIOUS INSTITUTIONS

- A. It is the intent and purpose of this section to establish standards for the development of property and structures for purposes of assembly of patrons for religious purposes

because such assembly can involve a significant number of vehicles and pedestrians and occur at various times of the day.

B. Dimensional Standards

1. All structures for purposes of assembly, education or gathering shall be set back no less than forty (40) feet from any side or rear yard where the adjoining property is zoned, used and planned for residential use.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. In the event that education facilities and/or programs are offered, student and participant drop-off shall occur on site and be located in designated areas exclusive of travel lanes.

SECTION 709 COMMERCIAL RECREATION (OUTDOOR)

A. It is the intent and purpose of this section to establish standards for outdoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established uses unless certain standards and conditions are considered. Such uses include, but are not limited to miniature golf courses, driving ranges, amphitheaters, survival games, batting cages, and animal, automobile, motorcycle, golf cart racing.

B. Dimensional Standards

1. The minimum site area for such uses shall be no less than two (2) acres. The Planning Commission and Township Board shall have the ability to require additional site area upon finding that the minimum acreage can not appropriately accommodate the intended use without causing negative impacts to the use and personal enjoyment of adjacent property.
2. Side and rear yards shall be at least thirty (30) feet. The first ten (10) feet of such yards shall be kept free of off-street parking and shall be landscaped.
3. No spectator seating shall be located within thirty (30) feet of any lot line.
4. Racing tracks and drive-in theaters shall be enclosed and the entire periphery with an obscuring screen fence at least eight (8) feet in height.
5. All such recreational uses shall be located at least five-hundred (500) feet from any other similar use.

6. Adequate trash receptacles shall be provided as needed throughout the site. No temporary sanitary facility or trash receptacle shall be located within fifty (50) feet of any property utilized for residential purposes.

C. Performance Standards

1. Accessory uses, such as refreshment stands, limited retail selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms are permitted and shall be proportional to the activities and number of patrons anticipated.
2. Outside storage shall be screened and buffered dependent upon the present and anticipated future use of adjacent property.
3. Sites shall be periodically cleared of debris so that litter does not accumulate or be distributed to adjacent properties.
4. Central loudspeakers and paging systems are prohibited where audible from residential zoned or used property. The petition shall identify all noise generators to be implemented as part of the development and provide relative information concerning the intensity, duration and distance of travel for the generated sounds.
5. Operating hours for all uses shall be determined by the Planning Commission and Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 7:00 A.M. to 10:00 P.M.

SECTION 710 COMMERCIAL RECREATION (INDOOR)

- A. It is the intent and purpose of this section to establish standards for indoor commercial recreational uses. These uses can exhibit characteristics, such as noise, traffic and hours of operation that could impact the personal enjoyment of adjacent properties and established uses unless certain standards and conditions are considered. Such uses include, but are not limited to bowling alleys; ice or roller blade rinks; indoor sporting activities (such as tennis, soccer, etc); and athletic clubs; etc.

B. Dimensional Standards

1. Minimum site area for such uses shall be no less than one (1) acre.
2. Front, side and rear yards shall be at least thirty (30) feet unless a greater setback is required by the underlying zoning district.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Accessory uses, such as refreshment stands, food service, and retail shops selling or renting items related to the above uses are permitted proportional to the anticipated number of patrons and intensity of use.
3. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours per day shall be from 6:00 A.M. to 12:00 A.M.

SECTION 711 COMMUNICATION TOWERS

A. It is the intent and purpose of this section to establish standards for the implementation of communication towers, including but not limited to, wireless (cellular) communication towers, television broadcasting and receiving towers, and radio broadcasting and receiving towers. These standards aim to prevent the over development and concentration of such towers, mitigate the impact on adjacent land uses and to prevent such structures from remaining in the community following technological obsolescence.

B. Dimensional Standards

1. The parcel in which the communication tower is proposed to be located shall have a minimum lot area of one (1) acre.
2. From residential planned, zoned or utilized property, a communication tower shall be setback one-half ($\frac{1}{2}$) the height of the tower. From non-residential planned, zoned or utilized property, a communication tower shall meet principal structure setbacks of the underlying zoning district.
3. The base of the communication tower and wire/cable supports shall be fenced with a minimum six (6) foot chain link fence.
4. All communication towers shall be located at least one hundred (100) feet from any residential dwelling unit.
5. Minimum spacing between communication towers of a similar nature shall be one (1) mile, including from those towers located in other jurisdictions.
6. Heights of communication towers shall not exceed three hundred (300) feet from grade unless an additional height can be substantiated as necessary for the intended operation and in support of a larger network.

7. An access drive servicing the proposed communication tower and accessory facilities shall be a minimum of twelve (12) feet wide and be constructed and maintained in a manner similar to the standards set forth herein for private roads.

C. Performance Standards

1. The petitioner shall demonstrate the need for the communication tower and how such facility participates in a greater network. The petitioner shall also describe co-location opportunities in the vicinity of the proposed communication towers.
2. All communication towers constructed shall be engineered and constructed to accommodate additional users of similar technologically.
3. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access to the structure.
5. All towers must meet the standards of the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission and be in compliance with the Michigan Tall Structures Act.
6. Accessory structures are limited to uses associated with operation of the tower.
7. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
8. Existing on-site vegetation shall be preserved to the maximum extent practicable.
9. A maintenance plan and any applicable maintenance agreement shall be presented with the petition for approval. Such plan shall be designed to ensure the long term, continuous maintenance of the facilities petitioned.
10. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
11. The tower and antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility.

12. The petitioned communication tower shall be evaluated for cost of removal and an appropriate security posted to ensure the possible future removal of the communication tower upon abandoning of the use for which it was originally intended.

SECTION 712 ADULT CONGREGATE CONVALESCENT

- A. It is the intent and purpose of this section to establish standards for adult congregate convalescent facilities (including but not limited to assisted-living facilities, nursing homes and convalescent centers) while mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.
- B. Dimensional Standards
 1. A minimum lot size of no less than two (2) acres.
 2. No principal structure shall be closer than thirty (30) feet to any lot line unless a greater setback is required by the underlying zoning district.
 3. No more than fifty (50) percent of the site area shall be covered by principal and accessory structures.
 4. Parking areas shall not be located within twenty (20) feet of any property zoned or used for residential purposes.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
 3. The interior layout and provision for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents bedroom.
 4. The structure shall have an identified area designed to provide privacy for visitors of the resident.
 5. Appropriate areas shall be provided for access by emergency vehicles.

SECTION 713 ACCESSORY APARTMENT

- A. It is the intent and purpose of this section to establish standards for the permitting of accessory apartments in single-family neighborhoods for use by extended family, or licensed caregiver, as a means of providing care for either the occupant of the accessory apartment or the principal structure who may be elderly or by some other reason require daily assistance and care. An accessory apartment shall be an addition to or conversion of a portion of the principal residential structure on the property and shall not include self-contained, mobile travel trailers or mobile homes.

- B. Dimensional Standards
 - 1. Dwelling units shall meet all applicable floor areas as outlined in Section 415.

- C. Performance Standards
 - 1. Separate sale or ownership of the accessory apartment, by whatever means of property or land transfer, from the primary dwelling on a lot or parcel is prohibited.
 - 2. The property owner may reside in either the accessory apartment or the principal dwelling unit. Under no circumstance shall a non-relative, other than a licensed caregiver, occupy the accessory apartment, nor shall there be paid rent for use of the accessory apartment.
 - 3. Adequate provision for waste water disposal per the Gratiot County Health Department.
 - 4. Dwellings modified in conjunction with an accessory apartment shall retain the appearance of a single family detached dwelling.
 - 5. For the tenure of the current property owner, a legally recorded deed restriction shall be filed with the Gratiot County Register of Deeds that the person occupying said structure is related, or a licensed caregiver, and that one of the subject persons requires daily assistance from the other person.
 - 6. The Planning Commission may recommend and the Township Board may impose any other reasonable conditions deemed necessary to protect the use and personal enjoyment of adjacent properties, cohesiveness of the neighborhood, and to protect the value of other properties.

SECTION 714 GOLF COURSES AND COUNTRY CLUBS

- A. It is the intent and purpose of this section to establish standards for the development and use of golf courses and country clubs, as well as their associated accessory uses (driving ranges, dining halls, associated retail sales and service, maintenance

structures and outdoor storage, etc.) to mitigate potential impacts to the use and personal enjoyment of adjacent property. These potential impacts can include noise, traffic, trespass, and hazards.

B. Dimensional Standards

1. Minimum site area shall be ten (10) acres for a nine (9) hole course and twenty (20) acres for an eighteen (18) hole course.
2. All principal or accessory buildings and parking areas shall be not less than one hundred (100) feet from any lot line of a residentially zoned or utilized property that is not part of the golf course development concept.
3. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation, fencing or other device to minimize projectiles entering onto adjoining properties.

C. Performance Standards

1. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
2. Major accessory uses such as a dining area and bar shall be housed in a single structure that is associated with the club house. Minor accessory uses strictly related to the operation of the golf course itself such as a maintenance structure or retail sales and services may be located in separate structures.
3. All ingress and egress to the site shall be from a paved street.
4. No outdoor loudspeaker or call system shall be audible to adjoining property.
5. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman, or caretaker.
6. Restroom facilities for use by patrons shall be conveniently located and be approved or permitted by the Gratiot County Health Department.

SECTION 715 GROUP DAY CARE HOMES / DAY CARE CENTERS

- A. It is the intent and purpose of this section to establish standards for group day care homes and day care centers to meet the necessary demands of the community for adult and child care while also preventing or mitigating potential impacts to the use and personal enjoyment of adjacent property and to ensure that such facilities are compatible with surrounding land uses.

B. Dimensional Standards

1. A group day care home or day care center shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - a. Another licensed group day care home or day care center.
 - b. A licensed group home.
 - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house or other similar facility that houses persons under the jurisdiction or supervision of the State of Michigan Department of Corrections.
2. Appropriate fencing for the safety of attendees of the group day care home and the day care center shall be maintained and outdoor recreation areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.

C. Performance Standards

1. The property is to be maintained in a manner that is consistent with the visible characteristics of the neighborhood where located.
2. Hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 P.M. and 6:00 A.M. shall be limited so that the drop-off and pick-up of attendees is not disruptive to neighboring residents.
3. A readily identifiable drop-off and pick-up area shall be provided off of a public street and shall be of sufficient size so as to not create congestion on the site or within a public right-of-way.
4. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
5. All ingress and egress to the site shall be from a paved street.

SECTION 716 JUNK AND SCRAP YARD

- A. It is the intent and purpose of this section to establish standards for use of property for the purposes of storing, separating and selling junk and scrap without causing impact to the use and personal enjoyment of adjacent property. The term junk and scrap yard

shall not include general trash, rubbish and debris nor be considered a transfer station for such uses.

B. Dimensional Standards

1. The minimum lot or parcel size for a junk or scrap yard shall be twenty (20) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or all sides of the area used to manage, process or store material. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. All enclosed areas shall be set back at least fifty (50) feet as a buffer from any lot line. The buffer area shall be appropriately landscaped as if a conflicting land use to all other districts and available uses.

C. Performance Standards

1. Junk and scrap yards shall not be located adjacent to residentially zoned properties, schools, day care facilities, churches, hospitals, convalescent nursing homes, or other similar uses permitting assembly.
2. Ingress and egress to the facility shall be only from a primary road as defined by the Gratiot County Road Commission.
3. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time idles or parks on a public right-of-way awaiting entrance to the site.
4. All activities shall be confined within an enclosed area. There shall be no stocking of material above the height of the fence, wall, or berming, except that movable equipment used on the site may exceed that height. No equipment, material, or lighting shall be used or stored outside the enclosed area.
5. All vehicular travels areas and loading areas within any junk yard shall be paved or consist of gravel that is oiled, watered, or chemically treated to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
6. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.

SECTION 717 KENNELS, COMMERCIAL

- A. It is the intent and purpose of this Section to establish standards for operation of commercial kennels that because of the nature of their business may have the potential to impact the personal enjoyment and use of adjacent property.
- B. Dimensional Standards
 - 1. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- C. Performance Standards
 - 1. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions. Kennel facilities shall be constructed of masonry or comparable sound-proofing material; mechanical ventilation shall be provided in all areas; wall, floors, and ground surfaces shall be covered with non-absorbent tile; and floor drains are to be directly connected to public sanitary sewer system or approved on-site system.
 - 2. The kennel shall meet the following operating standards:
 - a. animal odors and habitual barking noise shall not be detectable beyond the lot lines of the property in which the kennel is located;
 - b. dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses;
 - c. the premises shall be kept in a clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor; and
 - d. such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).
 - 3. Under no circumstance shall the housing of exotic and/or dangerous animals where federal or state licensing is required be permissible to be housed under the provisions of this section or any other section of this Ordinance.

SECTION 718 RECYCLING FACILITY (SMALL OR LARGE)

- A. It is the intent and purpose of this section to establish standards for the use of property for purposes of collecting materials for recycling. The two (2) types of recycling facilities addressed in this Section are “small collection” and “large collection”. Definitions for the two (2) types are provided under Article 15.
- B. Dimensional Standards

1. Small collection facilities shall not occupy more than five hundred (500) square feet and, if applicable, encumber no more than five (5) parking spaces in an existing parking lot.
2. The minimum lot area for large collection facilities shall be no less than twenty (20,000) square feet.
3. No area used for the storage, disposal or placement of recyclable materials shall be located closer than thirty (30) feet of a property zoned or utilized for residential purposes, or if greater, the same setback for a principal structure pursuant to the zoning district where located.

C. Performance Standards

1. Ingress and egress shall be only from a paved street. For large collection facilities, access is limited to primary roads as classified by the Gratiot County Road Commission.
2. All areas subject to vehicular use shall be paved. For those areas utilized for storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.
4. Small collection facilities shall only accept glass, metals, plastic containers, papers or other similar items. Large collection facilities shall accept items as accepted by small collection facilities, but also larger items, such as appliances, furniture, yard waste and other similar material. Acceptance of vehicles, construction equipment, agricultural equipment for scrap is not permitted.
5. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured and maintained in good condition. Containers are to be fabricated of material that is water proof and rust proof, covered and secured when the site is not attended, and be of a capacity sufficient to accommodate materials accepted.
6. All areas shall be kept free of litter, debris and other undesirable material that could be considered detrimental to personal use and enjoyment of adjacent property.
7. The operations of large collection facilities shall be screened from view. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or all sides of the area used to

manage, process or store material. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

8. Large collection facilities shall not have hours of operation beyond the hours of 9:00 A.M. and 7:00 P.M. Large collection facilities must have an attendant on-site during the hours of operation.
9. Small collection facilities are not to employ power-driven processing equipment. A large collection facility may employ power-driven processing equipment, but only for the purpose of effectively storing the material, such as compaction, shredding and baling. Such power-driven processing equipment must be approved by the petitioner to not create a negative impact on the use and enjoyment of adjacent property.

SECTION 719 MINI-STORAGE FACILITY

- A. It is the intent and purpose of this section to establish standards for the use of property for self storage facilities, including mini-storage units accessible by vehicle and climate controlled storage within a structure. The intent of the standards is to prevent and mitigate possible impacts of these uses on adjacent properties from congestion, traffic, debris and noise.
- B. Dimensional Standards
 1. The minimum lot size shall be one (1) acre.
 2. A mini-storage unit within a mini-storage facility shall not exceed ten (10) feet in width or twenty (25) feet in depth.
 3. There shall be a minimum of thirty five (35) feet of travel area if the driveway is two-way between storage units for parking, loading and fire lane purposes.
 4. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
 5. A ten (10) foot landscaped buffer shall be required adjacent to any public streets.
- C. Performance Standards
 1. All ingress and egress to the site shall be from a paved street.
 2. When located in any non-residential zoning district, the facility shall be located on a primary road as defined by the Gratiot County Road Commission.

3. All personal and business storage shall be within an enclosed structure. There shall be no outside storage of household or similar items. Vehicles, recreational vehicles, and boats may be stored in a defined area dedicated for such use.
4. Storage of goods shall be limited to personal or business property and not to include any perishable items no matter there method of containment. No business or enterprise shall be operated from the facility, or commercial distribution allowed requiring the regular delivery or pick-up of goods.
5. No storage of hazardous, toxic, corrosive, flammable or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
6. All mini-storage units shall have defined travel lanes and loading areas to them. All travel lanes and loading areas are to be paved. Outdoor storage areas for recreation vehicles, vehicles and boats may be graveled.
7. No retail, wholesale, fabrication, manufacturing or service activities may be conducted from the storage units by the lessors or lessees.

SECTION 720 OPEN AIR BUSINESS

- A. It is the intent and purpose of this section to establish standards for the use of property for open air businesses, such as landscaping supplies, agricultural equipment, lumber yards, home and garden centers, mobile home sales and flea markets.
- B. Dimensional Standards
 1. Minimum lot area for open air businesses shall be twenty thousand (20,000) square feet.
 2. No loading and unloading activities shall be permitted within fifty (50) feet of the lot line of a property zoned or utilized for residential purposes.
 3. All structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure or legal non-conforming structure.
 4. No more than two (2) driveways onto a street shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
 5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor display of materials and goods.
- C. Performance Standards

1. All areas subject to vehicular use shall be paved. For those areas utilized for display and storage, the Planning Commission and Township Board may allow for an alternative surface depending upon the nature of the business, product to be displayed and the anticipated intensity of the use.
2. Storage yards associated with home and garden centers, lumber yards and landscaping supply shall be screened appropriately to obscure the view from public streets and adjacent properties.
3. Storage or display of goods and materials shall not occur in the required setbacks with the exception of the front yard whereas such display of goods and materials shall not be closer than ten (10) feet from the right-of-way.
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
5. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items to be displayed shall occur within an enclosed structure.

SECTION 721 PRIVATE NURSERY, PRIMARY OR SECONDARY SCHOOL

- A. It is the intent and purpose of this section to establish standards for the development of private parochial or other schools to mitigate potential impacts on adjacent properties. Schools, whether private or public, can become activity centers for the community and have the potential to generate noise and congestion at various times of the day and week.
- B. Dimensional Standards
 1. The minimum lot or parcel size shall be one (1) acre.
 2. No more than forty (40) percent of the site area shall be covered by structures.
 3. The principal structure shall be no closer than fifty (50) feet from any lot line or right-of-way.
 4. Service structures and facilities shall not be located within fifty (50) feet of a residential zoned property.
 5. Parking areas and travel lanes shall not be located within thirty (30) feet of a residential zoned property.
 6. No parking shall be allowed within the twenty five (25) feet of the right-of-way.

C. Performance Standards

1. All ingress and egress to the site shall be from a paved street.
2. Student drop-off and vehicular turn-around facilities shall be appropriately provided to prevent on-site congestion and to mitigate impact to off-site traffic.
3. Appropriate buffering and screening shall be necessary where improvements, such as structures and recreation areas, are within close proximity to residential development.

SECTION 722 VEHICLE FUELING STATION/VEHICLE WASH

A. It is the intent and purpose of this section to develop standards for the siting and use of vehicle fueling stations and vehicle washes to mitigate potential impacts on adjacent property. The use of property for such purposes can include characteristics, such as noise, fumes, traffic and lighting that can potentially impact the use and personal enjoyment of adjacent property.

B. Dimensional Standards

1. In addition to the minimum lot size of the district, vehicle fueling stations shall have an additional one thousand (1,000) square feet of lot area for each pump over four (4) pumps provided on site.
2. All structures, fueling pumps and/or wash bays shall be located not less than thirty (30) feet from any lot line or street right-of-way. Accessory facilities, such as pay phones, vacuums, or air pumps shall meet the same setback.
3. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
4. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
5. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.

C. Performance Standards

1. Convenience retail within a fully enclosed structure is permitted in conjunction with the operation of a fueling station. Retail items shall not be displayed outside unless directly related to the operation of a vehicle. Propane

exchange cages are permitted adjacent to the principal structure as long as such location does not interfere with pedestrian paths.

2. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.

SECTION 723 VEHICLE REPAIR AND SERVICE

A. It is the intent and purpose of this section to address those uses that involve the maintenance, service and repair of automobiles and recreational vehicles. These uses, although typical in a community, potentially can impact the use and personal enjoyment of adjacent properties depending on the intensity of use, the type of repair and service offered, and the layout of the intended development in relation to adjacent properties.

B. Dimensional Standards

1. In addition to the minimum lot size of the district, automobile repair and service stations shall have an additional one thousand (1,000) additional square feet of lot area for each additional bay over two (2) bays used for repair and service.
2. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
3. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
4. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.

C. Performance Standards

1. Primary ingress and egress to the development shall be only from a paved street.
2. Depending on the intensity of the use, its proximity to other uses and the types of repairs and vehicles being repaired, screening and buffering standards greater to those cited elsewhere in this Ordinance may be required to mitigate the impact of the petitioned use.
3. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.

4. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than fourteen (14) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
5. Vehicle travel lanes and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage. Identified storage areas may be gravel at the discretion of the Planning Commission and Township Board depending upon the intensity of the use anticipated..
6. Vehicle service and repair facilities without the distribution or sale of gasoline may also offer the sale of vehicles in conjunction with a special land use for vehicle sales and rental.
7. No public address system shall be audible from any abutting residential parcel.
8. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

SECTION 724 VEHICLE SALES AND RENTAL

- A. It is the intent and purpose of this section to address those uses that involve the sale, rent and display of motorized vehicles, such as automobiles, trucks, tractors and recreational vehicles. These uses potentially can impact adjacent properties depending on the intensity of use, the type of sales offered, and the layout of the intended development in relation to adjacent properties, lighting and advertising. If the petitioned use also includes service and repair, the standards set forth in other sections regarding vehicle service and repair shall also be met.
- B. Dimensional Standards
 1. All access drives, parking and paved areas shall maintain a ten (10) foot setback from an adjoining property line.
 2. The maximum widths of all driveways at the right-of-way shall be no more than thirty (30) feet.
 3. No more than two (2) ingress/points at no less than forty (40) feet apart at their closest edge shall be permitted.
- C. Performance Standards

1. Ingress and egress shall only be from a paved street.
2. Depending on the intensity of the use, screening and buffering standards greater to those cited elsewhere in this Ordinance may be required to mitigate the impact of the petitioned use.
3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.
4. No public address system shall be audible from any abutting residential parcel.
5. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground and infiltrating into the groundwater system.

SECTION 725 VETERINARIAN CLINIC (LARGE & SMALL)

- A. It is the intent and purpose of this section to establish standards for the use of property as veterinarian clinics, both large and small. See Article 15, Definitions. Due to treatment and housing of animals, veterinarian clinics have the potential to impact the use and personal enjoyment of adjacent properties and these standards are intended to mitigate those potential impacts.
- B. Dimensional Standards
 1. Structures where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located closer than one hundred (100) feet to any adjacent residentially zoned or used property or any structure used by the general public.
- C. Performance Standards
 1. Between the hours of 10:00 P.M. and 7:00 A.M., no animals shall be permitted occupy a run, paddock or other open area and must be housed in a fully enclosed structure with appropriate sound proofing and waste disposal.
 2. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

SECTION 726 PLANNED SHOPPING CENTER

- A. It is the intent and purpose of this section to establish standards for Planned Shopping Centers, which due to the intensity of use and clustering of services, could have the potential to impact the use and personal enjoyment of the adjacent properties due to traffic, congestion and noise.

- B. Dimensional Standards
 - 1. A landscaping strip of no less than ten (10) feet in width is required along all sides of the site abutting a residential zoned or used lot and/or an institutional use and along all public rights-of-way.

 - 2. Irrespective of setbacks established by the zoning district in which the proposed use is located, no structure shall be located closer to any property line of the shopping center than a distance equal to twice its height.

- C. Performance Standards
 - 1. Ingress and egress to the development shall be only from a paved street.

 - 2. Uses permitted in the Planned Shopping Center include those permitted by right in the underlying district. Other uses are not permitted. If a use is listed as a special land use in the underlying district, a separate special land use approval is necessary in order to implement or operate.

 - 3. Areas of vehicle travel and parking shall be surfaced with concrete or paved to control dust and provide adequate drainage.

SECTION 727 HOME BASED BUSINESS

- A. A home based business, which is a home occupation that has employees other than those residing in the household and may take place within a dwelling and an accessory structure, shall be permitted in all residential and agricultural districts by special land use. Home based businesses shall satisfy the following conditions:
 - 1. No equipment or process shall be used in such home based business which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling.
 - a. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

 - 2. No outdoor storage shall be permitted.

3. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home based business. An advertising sign is permitted pursuant to provisions provided in Article 12.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home based business shall be met off-street in a typical residential driveway of sufficient size.
5. The regulation of home based businesses as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
6. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home based business.
7. The home based business shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit, but may occupy one hundred (100%) percent of an accessory structure.
8. The home based business shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.
9. There shall be no equipment or machinery used in connection with a home based business which is industrial in nature. However, the following may be authorized as home based businesses if approved under the terms of this Section: motor vehicle repair; small engine and equipment repair, such as for lawnmowers, vacuums, chainsaws and snow blowers; farm machine repair; light machining, fabrication and similar processes; fire wood processing; fur tanning and trading; wild game processing; and other similar home based businesses in compliance with the provisions of this Section and which are conducted without adverse effects on other lands or the public streets.
10. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

**SECTION 728 CONTRACTOR'S ESTABLISHMENT WITH
 OUTSIDE STORAGE**

- A. It is the intent and purpose of this Section to establish standards for the use of property for contractor's establishments with outside storage, such as excavation, asphalt and concrete, plumbing and similar operations.

B. Dimensional Standards

1. Minimum lot area shall be two (2) acres.
2. No loading and unloading activities shall be permitted within thirty-five (35) feet of the lot line of a property zoned for residential purposes.
3. Irrespective of the setbacks set forth in the underlying district, all structures shall have a front yard setback of fifty (50) feet unless such petitioned use utilizes an existing structure.
4. No more than two (2) driveways onto a street shall be permitted per site.
5. Not more than fifty (50) percent of the lot shall be covered by structures and outdoor storage of material and equipment.

C. Performance Standards

1. All areas subject to vehicular use shall be paved. For those areas utilized for storage, gravel surfacing may be utilized depending upon the nature of the business, storage and the anticipated intensity of the use.
2. Storage or display of material and equipment shall not occur in the required front yard setback.
3. Depending on the intensity of the use, its proximity to other uses and the types of material and equipment stored, additional screening and buffering standards to mitigate the impact of the petitioned use may be required above and beyond minimum requirements in Article 10 of this Ordinance.
4. All repair, assembly, disassembly or maintenance of vehicles, equipment or other items shall occur within an enclosed structure.

SECTION 729 COMMERCIAL & RESIDENTIAL MIXED-USE

A. It is the intent and purpose of this section to establish standards for the mixed-use of property in the central business area of the Township to permit residential opportunities in conjunction with non-residential operations, such as retail and office uses. Such residential opportunities, include apartments, studios, lofts and condominium units and other similar dwelling units on the second floor of structures having first-floor non-residential use. Home occupations are also permitted in association with these residential opportunities.

B. Dimensional Standards

1. Dwelling units shall meet all applicable floor areas as outlined in Section 415.

C. Performance Standards

1. Principal ingress and egress to dwelling units shall be exclusive from primary ingress and egress to non-residential use occupying the same building.
2. Dwelling units shall not occupy a structure, or be accessible from another structure, that contains an adult use as regulated herein.
3. Each dwelling unit shall have an appropriate amount of allocated off-street parking spaces available. On-street parking shall not be utilized for calculation purposes in meeting the minimum requirements for allocated parking.

SECTION 730 MINERAL EXTRACTION

A. It is the intent and purpose of this section to establish standards for use of property for the purposes of mineral extraction and to mitigate the impact of the use on the use and personal enjoyment of adjacent property. The phrase mineral extraction shall not include oil and gas exploration and extraction.

B. Dimensional Standards

1. The minimum lot or parcel size for mineral extraction operation shall be five (5) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the perimeter of the site or the perimeter of the area used to extract, manage, process or store material.
3. No mining or mineral extraction, management, processing or storage shall be conducted within twenty (20) feet of any property line.

C. Performance Standards

1. Adequate parking and unloading facilities shall be provided at the site so that no vehicle at any time idles or parks on a public right-of-way awaiting entrance to the site.
2. All vehicular travel areas and loading areas shall be paved or consist of gravel that is oiled, watered, or chemically treated to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

**SECTION 731 WIND ENERGY CONVERSION SYSTEMS/UTILITY SCALE
WIND FARM**

- A. Wind Energy Conversion System (“WECS”) shall mean any device (such as a wind generator, windmill, or wind turbine) that converts wind energy to a form of usable energy.
1. Commercial WECS shall mean any WECS turbine and accessory structure or use that is designed and built to exclusively provide electricity to the electric utility’s power grid and is not accessory to any other use. The commercial WECS is a principal use of property. Accessory structures and uses associated with a commercial WECS include sub-stations, collection lines, transmission lines, drive etc.
 2. WECS Testing Facility (“Testing Facility”) shall mean the structure and equipment used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind and other data. Such shall be permitted by administrative site plan approval.
 3. Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
 4. Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
 5. Utility Scale Wind Farm shall mean wind farms that produce greater than twenty (20) kilowatts of energy.
 6. Facility Abandonment shall mean a WECS that no longer converts wind into energy for a one (1) year period of time.
 7. Participating Parcel shall mean a parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to , or to meet setback requirements for wind energy facilities and systems.
 8. Non-Participating Parcel shall mean a parcel of record that is not in any manner used, occupied, maintained, let, leased or authorized to be used for wind energy systems or facilities.
 9. Decibel Measurement or dB(A) is defined as the sound pressure level in decibels. Refers to the “a” weighted scale defined by the American National Standards Institute (“ANSI”). A method for weighting the frequency spectrum to mimic the human ear.

10. Height is defined as the measurement from the base of a WECS to the greatest extent of any part or moving parts of the WECS.
- B. Agricultural WECS that are accessory to permitted farm and agricultural operations shall be exempt from the general standards, provisions and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards. Such compliance shall be verified upon application of a zoning permit.
- C. The following standards shall apply to all Commercial WECS and Utility-Scale Wind Farms unless otherwise specifically noted:
1. Design Safety Certification. The safety of the design of all Testing Facilities, private and commercial WECS turbines shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the application for development.
 2. Controls and Brakes. All private and commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
 3. Electrical and Building Codes. All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All WECS, including Testing Facilities, shall comply with local building permit requirements.
 4. Property Line Setbacks. All commercial WECS must be setback from a non-participating property lines a distance equal to or greater than one hundred fifty percent (150%) of the height of the WECS from the base of the structure to the nearest non-participating property line. All commercial WECS turbines must be setback from a participating property line a distance equal to or greater than the required minimum setback for a principal structure in that district. This measurement shall also be from the base of the structure to the participating property line.
 5. Structure Setbacks. All commercial WECS must be setback a distance equal to or greater than two hundred (200) percent of the height of the WECS from a principal structure on a non-participating parcel that is currently used for residential, commercial or assembly purposes. All commercial WECS must be setback one hundred (100) percent from a principal structure on a participating parcel that is used for residential, commercial or assembly

purposes. Such measurement shall be from the base of each structure at their closest point to the principal structure.

6. Public Right-of-Way. All commercial WECS must be setback a distance equal to or greater than one hundred (100) percent of the height of the WECS from a public road right-of-way as measured from the base of the structure to the nearest right-of-way.
7. Height. Commercial WECS shall not exceed five hundred (500) feet in height.. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.
8. Installation Certification. The Professional Engineer shall certify that the construction and installation of the Testing Facility, private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
9. Climb Prevention. All Testing Facilities, private and commercial WECS must be unclimbable by design or protected by anti-climbing devices such as fences with locking portals at least six feet high or anti-climbing devices.
10. Interference. It shall be the responsibility of the applicant to submit acceptable documentation as part of the special land use application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception.
11. Fire Risk. All commercial WECS must adhere to all applicable electrical codes and standards, remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
12. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of commercial WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
13. Noise Levels. The noise generated from a commercial WECS measured at a non-participating property line shall not exceed fifty-five (55) d(B)A. The noise generated from a WECS measured at the exterior of a principal structure located on a non-participating property shall not exceed forty-five (45) decibels.
14. Liability Insurance. The owner or operator of the commercial WECS shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation. The amount of the policy shall be established as a condition of special land use approval.

15. No WECS shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.
 16. No WECS shall have lighting of any kind unless required by standards referenced in this Section or the Federal Aviation Administration (“FAA”) for purposes of safety or operation.
 17. All facilities must be maintained in an operational state. Any WECS that is found to be abandoned, inoperable or in a state of disrepair that would be a potential threat to public health, safety and welfare shall be removed from the site.
 18. Color and Appearance. Structures and blades shall be painted a neutral color that is acceptable to the Township or otherwise required by law.
 19. Annual Inspection. Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public.
 20. Migratory Birds. The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS may present to migratory birds. The study as part of the special land use approval application must provide assurances that the commercial WECS does not negatively impact the path of migratory birds.
- D. Decommissioning Plan and Escrow. The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:
1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Township.
 2. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed

by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment.

3. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.