

ARTICLE 6

SPECIAL PROVISIONS

Section 6.1 Intent.

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located. This Article provides standards for both permitted and special uses which must be adhered to in addition to other standards of this ordinance. See Article 2 (Definitions) and Article 4 (Zoning District Regulations) for additional information related to the uses denoted within this Article.

Section 6.2 Adult and Child Day-Care Facilities.

- (a) Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (b) Adult group day-care home with greater than six (6) adults shall meet all of the State requirements.
- (c) Adult day-care centers are subject to the following conditions:
 - (1) The property is maintained in a manner that is consistent with the character of the neighborhood.
 - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- (d) Child group day-care homes with more than six (6) children are subject to the following:
 - (1) The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - (2) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

- (3) The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
- (e) Child day-care centers are subject to the following conditions:
 - (1) The property is maintained in a manner that is consistent with the character of the area.
 - (2) The drop-off and pick-up area shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - (3) Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

Section 6.3 Adult and Child Foster Care Facilities.

(a) Intent. It is the intent of this section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

(b) Adult Foster Care Facilities.

(1) Application of Regulations.

- A. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
- C. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

(2) Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 3.5 and the following additional standards:

- A. The property is maintained in a manner that is consistent with the character of the neighborhood.

- B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (3) Adult foster care congregate facilities shall be considered as a special land use subject to the requirements and standards of Section 3.5 and state requirements.
- A. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.
- (c) Child Foster Care Facilities.
- (1) Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
 - (2) Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section and the following standards:
 - A. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - B. Compliance with the State of Michigan requirements and obtaining and maintaining appropriate licenses with the State of Michigan.

Section 6. 4 Adult Regulated Uses.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operation characteristics, particularly when several of them are concentrated near to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

- (a) Uses subject to these controls are as follows:
- (1) Adult Book and Supply Store
 - (2) Adult Cabaret
 - (3) Adult Live Stage Performing Theater
 - (4) Adult Motion Picture Theater
 - (5) Adult Physical Culture Establishment
 - (6) Body Piercing Establishment
 - (7) Burlesque Show
 - (8) Escort Agency
 - (9) Massage Parlor
 - (10) Nude Modeling Studio
 - (11) Tattoo Parlor
- (b) Building shall be setback eighty (80) feet from an existing or proposed right-of-way.
- (c) Ingress and egress points shall be located at least one hundred twenty (120) feet from the intersection of any two streets measured from the road right of way lines.
- (d) A five (5) foot high completely obscuring wall compatible with the surrounding area shall be provided where abutting residential uses.
- (e) Approval of any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission, as detailed in Article 3.5, Special Land Uses, that the following conditions exist:
- (1) If the use is a use that is listed above in this Section, it shall be located in the Industrial District.
 - (2) The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
 - A. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - B. That the establishment of a regulated use, or and additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- (b) That all applicable Federal and State laws and local ordinances will be observed.
- (c) Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of

denial, except on the grounds of new evidence not previously available or proof of changed conditions.

Section 6.5 Airports, Airstrips, and Heliports.

- (a) Satisfy all requirements of the Federal Aviation Administration (F.A.A.) and the Michigan Department of Transportation’s Airport Division.
- (b) The plans for such facility shall be given approval by the Federal Aviation Administration prior to submittal to the Planning Commission for their review and action.
- (c) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the F.A.A.
- (d) The area of the "clear zone" (FAA definition) shall be provided for within the land area under airstrip ownership, and in no instance shall the "clear zone" be above property zoned for single family residential use.

Section 6.6 Animal Rescues or Shelters.

All animal rescues or shelters (also known as kennels) shall conform to the Michigan Department of Agriculture, Animal Industry Division, and Regulation Number 151 for Pet Shops, Dog Pounds, and Animal Shelters. (By authority conferred on the director of agriculture by Section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws). All such uses shall also comply with the following:

- (a) The minimum lot area shall be five (5) acres.
- (b) The owners of such uses shall be subject to an annual inspection by Sanilac County Animal Control.

Section 6.7 Artisan and Farmers Markets.

- (a) The following are the types of vendors permitted at an artisan and/or farmers market:
 - (1) Farmers – raise agricultural products (i.e. fruits, vegetables, herbs, flowers or nursery crops from seed or purchased “starters”) that are personally cared for, cultivated, and harvested.

- (2) Agricultural Processors – farmers who choose to process their agricultural products for pre-packaged sale (i.e. milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soap and herbal preparations).
- (3) Food Processors – sale of fresh food products which have been personally prepared (i.e. juice, baked goods, jams, etc.)
- (4) Resellers – individuals who purchase produce from local farmers and then resell directly to the customer.
- (5) Crafters – individuals who create craft objects made with their own hands and imagination from “raw” materials (i.e. wax, clay, wood, metal, leather, etc.)

(b) The hours of operation, parking, dimensional requirements, signage, lighting, etc. shall be evaluated as a part of the special land use request.

Section 6.8 Automobile Filling Stations, Repair Garages, Service Stations and Dealerships.

Automobile filling stations, repair garages, service stations, and dealerships shall comply with the following conditions:

- (a) The curb cuts for ingress to and egress from a filling or service station are not permitted at such locations as will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.
- (b) The minimum lot area shall be one acre, so arranged that ample space is available for motor vehicles which are required to wait.
- (c) The minimum dimension of any lot line adjacent to a public right-of-way shall be one hundred and forty (140) feet.
- (d) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (e) All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.

- (f) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (g) Unlicensed vehicles shall not be stored outside for more than thirty (30) days. Such storage shall not occur in front of the building front line.
- (h) Gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
- (i) A filling or service station shall have no more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles.
- (j) Where the filling or service station site abuts any residential district, the requirements for protective screening shall be provided as specified in Section 7.7.
- (k) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (l) All combustible waste and rubbish, including crankcase drainings, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.
- (m) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground sign area per Article 9.
- (n) A convenience store or restaurant, with or without a drive-through (see Section 6.16) may be located within the station providing it complies with the provisions for an accessory use (see Section 5.2).

Section 6.9 Automobile Washes or Car Wash Establishments.

- (a) Coin-operated/Self-Service Establishments.
 - (1) All buildings shall have a front yard setback of not less than thirty (30) feet.
 - (2) All washing facilities shall be within an enclosed shelter.
 - (3) Vacuuming and drying areas may be located outside the building, but shall not be closer than fifteen (15) feet to any residential district.

- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential district.
- (b) Full Service Establishments.
- (1) All buildings shall have a front yard setback of not less than sixty (60) feet.
 - (2) All washing facilities shall be within a completely enclosed building.
 - (3) Vacuuming and drying areas may be located outside the building but shall not be closer than fifteen (15) feet to any residential district.
 - (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (5) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - (6) A five (5) foot completely obscuring wall shall be provided where abutting a residential use.

Section 6.10 Bed and Breakfast Accommodations.

- (a) Bed and breakfast establishments must be located on no less than one (1) acre.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (c) The total number of sleeping rooms is limited to six (6) rooms. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
- (d) Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- (e) One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

- (f) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (g) Signs are permitted in accordance with Article 9.
- (h) One (1) off street parking space shall be provided for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- (i) All Sanilac County Environmental Health Department regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Department that on-site disposal facilities are adequate.
- (j) Comply with all State and County safety and fire regulations.

Section 6.11 Cemeteries.

- (a) Any building in connection with the cemetery and the premises shall be designed, constructed and landscaped according to a comprehensive and approved plan.
- (b) The use shall be in harmony with the general character of the district.
- (c) No buildings or structures, containing bodies or remains (other than subterranean graves), shall be located nearer than two hundred (200) feet to the property line.

Section 6.12 Churches and Houses of Worship.

- (a) Parking shall be provided in accordance with Article 10.

Section 6.13 Commercial and Recreational Vehicles Storage Facilities.

- (a) The minimum area shall be one (1) acre.
- (b) The storage area surface shall be constructed of gravel or paved finish surface.
- (c) All stored vehicles shall be licensed annually and kept in good repair.
- (d) Recreational vehicles and equipment, parked or stored, shall not have fixed connections to electrical, water, gas or sanitary facilities, and shall at no time be used for living or housekeeping purposes.

Section 6.14 Community Waste Treatment Facilities.

Community wastewater systems shall require a special use permit from the Township Board in accordance with the procedures and standards set forth in Article 3.5 Special Land Use Review. Community wastewater utility system shall be strictly prohibited in areas of the Township served by public sanitary sewers unless it is determined, in the sole discretion of the Township Board, the proposed project to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

In addition to the requirements established by the Township, the Federal Government, the State of Michigan and/or Sanilac County, the following site development and use requirements shall apply:

- (a) Required standards and findings set forth in Section 3.5, Special Land Use shall be met.
- (b) All operations shall be completely enclosed by a fence not less than six (6) feet high.
- (c) All operations and structures shall be surrounded on all sides by a setback of at least two hundred (200) feet in width from the nearest dwelling located within a development project served by a community wastewater system and at least two hundred (200) feet from a property line shared with an adjacent property. Landscape buffering in accordance with Section 7.7 shall be placed to minimize the appearance of the installation and to help confine the odors therein. The Township Planning Commission and Township Board shall have the authority to review the design and treatment of all buffer strips.
- (d) The point of discharge of a community wastewater utility system shall follow State & County environmental regulations.
- (e) A community wastewater utility system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
- (f) The area devoted to a community wastewater utility system shall not be used to satisfy open space required by any other provisions of this Ordinance.

Section 6.15 Container Warehouse Facilities.

Container Warehouse Facilities are permitted as commercial and industrial districts, and shall be subject to the following requirements and conditions of this section:

- (1) No activity other than the storage of containers (i.e. pods) shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

- (2) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the container units.
- (3) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a container unit.
- (4) All storage shall be contained within a building.
- (5) The exterior design of the building is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (6) One (1) parking space shall be provided on-site for every peak hour employee.

Section 6.16 Drive Through Facilities.

All drive through windows for facilities including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services. The following shall also apply:

- (a) A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- (b) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- (c) A five (5) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting a residential use.

Section 6.17 Extracting, Removing, Filling, Depositing and Dumping Operations

(a) Intent and Purpose. It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction, removing, filling, depositing and dumping of minerals in locations where they have been naturally deposited, and to insure that activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public or private services and facilities affected by the land use, and, to insure that activities are consistent with the public health, safety and welfare of the Township.

(b) Use Restriction. Extraction, removal, filling, depositing and dumping operations shall be considered as a special land use in the Township. These operations in the Township shall be prohibited unless first authorized by the granting of a special land use permit by the Township Planning Commission in accordance with this section and Section 3.5, Special Land Uses. The following conditions shall apply to all such operations:

- (1) No hydraulic dredging.
- (2) Containment of soil and windblown fines.
- (3) No topsoil is to leave the site without an engineer's report determining the amount of topsoil on the site and the amount needed for reclamation.
- (4) Allow access to the entire property for inspection of the operations on a yearly basis.
- (5) Allow inspection by any Township representative with twenty-four (24) hours notice to determine the validity of any complaint.
- (6) No surface watercourse may be constructed or used without the permission of the Township as part of the operation without a report from the Township's Engineering Consultant demonstrating that there will be no offsite impacts.
- (7) The Township's Engineering Consultant shall recommend a bond amount for the reclamation of the site.
- (8) Provide a detailed plan and a timetable for the reclamation/restoration of the site.
- (9) File a site plan per the requirements of Section 3.6, Site Plan Review.
- (10) Operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. (Source: United States Code, Title 5, Section 6103).
- (11) Provide a letter to the Township with specific date for the start and completion of the operations once mining operations have commenced.
- (12) There shall be not more than one (1) entrance way from a public paved road to said lot for each six hundred sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two (2) or more public roads.

- (13) Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (14) On said lot, all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- (15) Each operator shall be held responsible for all public roads, upon which trucks haul materials from the quarries, to keep these roads in a driveable condition at least equal to that which existed prior to the beginning of quarrying operations; and to keep the roads dust free and to clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- (16) Any noise, odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (17) Such activities shall not be conducted as to cause the pollution by any material of any surface or sub-surface watercourse or water body outside the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
- (18) Such activities shall not be conducted as to cause or threaten to cause the erosion by water of any land outside the lot or of any land on the lot so that earth materials are carried outside of the lines of the lot. Such activities shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such activities shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (19) All fixed equipment and machinery shall be located at least one hundred (160) feet from any lot line and five hundred (500) feet from any zoning district that permits residential dwellings or that is currently used in a residential manner. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (160) feet from any lot line adjacent to the residential district. A fence of not less than six (6) feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.

- (20) All areas within a quarry shall be rehabilitated progressively as they are worked out, so as to be non-hazardous. Further these areas shall be inconspicuously blended with the general surrounding ground form, so as to appear natural.
- (21) The applicant shall submit a plan for the use of the property during extracting, removing, filling, depositing and dumping operations at the time of application for the permit. The Planning Commission shall review and approve the plan. The plan shall provide the following information:
- A. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 - B. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - C. Existing site improvements including, but not limited to buildings, drives, well, and drain fields;
 - D. Existing topography at contour intervals of five (5) feet;
 - E. Extent of future operations thereof;
 - F. Location and nature of structures and stationary equipment to be located on the site during such operations;
 - G. Location and description of soil types;
 - H. An estimate of the kind and amount of material to be withdrawn from or added to the site and the expected termination date of such operations;
 - I. Description of all operations to be conducted on the premises, including, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation;
 - J. Location and width of drives, sight distances; lane widening on public roads at intersections of same with drives;
 - K. Tree areas and other natural features to be retained;
 - L. Description of pollution and erosion control measures;
 - M. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and

- N. Map showing truck routes to and from the site.
- (22) The applicant shall file a plan for restoring the site to a safe, attractive and usable condition. The plan shall be filed at the time of application for the special land use permit. The Planning Commission shall review and approve the plan. The restoration plan shall provide the following information:
- A. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
 - B. Location and extent of all natural features to be retained during such operations;
 - C. Contour lines at intervals of five (5) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines;
 - D. Schedule and areas of progressive rehabilitation;
 - E. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 - F. Sketch plan of the proposed use of the site when restored; and
 - G. Description of methods and materials to be used in restoring the site.
- (23) The applicant shall provide a bond in the name of the Township, in the form and amount acceptable to the Township Planning Commission, to guarantee restoration of the site and certification of conformance by the Township Engineer.
- (24) The applicant shall provide a bond when required by the Township Board, to maintain and replace public roads traversed by trucks associated with the mining operation.
- (25) The Township Planning Commission shall not approve a special land use permit for any such operation until the Commission has received the plans required in this Section, and until the required bond has been provided.
- (26) The applicant shall provide a date for completing the operation, such date to be based upon the estimated volume of material to be extracted and/or added and an average annual extraction/filling rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special land use permit, which shall be applied for and processed as provided in this Ordinance.

- (27) Travel routes for trucks entering and leaving the pit shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents shall not pass through residential areas.
- (28) Only equipment owned or leased by the operator and used in the operations of the facility shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (29) Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit is issued.

(c) Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section. The following are examples of such exemptions:

- (1) For the regrading, moving, or leveling of earth or rock materials by a property owner solely upon his property. If more than one (1) acre of land is disturbed, a soil erosion permit may be required from the County.
- (2) The filling of land where it is low or is in need of fill to make the land buildable as long as the fill used does not contain any refuse and is in an area of less than two (2) acres in size and as long as it does not affect the drainage of adjoining properties.
- (3) For the excavation and removal of soil from an industrial and/or commercial site if the soil to be removed is the result of construction of a building, structure, or facility for which a Site Plan and Building Permit has been approved by the Township.
- (4) For the installation of public utilities or public roads.

(d) Application. An application shall be filed with the Zoning Administrator and shall include the following:

- (1) Site plan prepared in accordance with Section 3.6.
- (2) Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph shown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time when the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:

- A. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
 - B. All contiguous land, which is or has been used by the owner or leasehold applicant for mineral extraction and processing and storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 - C. All lands within one-half (1/2) mile of the proposed mining area.
 - D. All private and public roads from which access to the property may be immediately gained.
 - E. Boundary of the entire planned extracting, filling, removing, filling, depositing and dumping area by courses and distance.
 - F. Site topography and natural features including location of watercourses within the planned mining area.
 - G. Means of vehicular access to the proposed operation.
- (3) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
- (4) Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
- A. Property within a radius of one (1) mile around the site; and
 - B. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
- (5) Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
- A. Level of water table throughout the proposed mining areas;
 - B. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
 - C. All qualitative and quantitative aspects of surface water, ground water, and water shed anticipated to be impacted during and subsequent to the

operation to the geographical extent reasonably expected to be affected;
and,

D. Opinion whether the exposure of subterranean waters and the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public,

(6) Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, and the anticipated noise and vibration levels.

(e) Review Procedure.

(1) The Township Clerk shall retain the original application for the file, and forward the copies to the members of the Planning Commission, The Township's Engineering and Planning consultants, the Sanilac County Department of Public Services and soil erosion control authority.

(2) The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.

(3) The Zoning Administrator shall request a report from Sanilac County regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare.

(4) After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Section 3.5, Special Land Uses.

(5) Reasonable conditions may be required with the approval of the application for the special land use, to insure that public or private services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

(f) Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in

the discretion of the Planning Commission, and if the application is approved, the applicant shall maintain such standards and requirements as a condition to continued operation and use:

- (1) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment, pollution, or destruction of the air, water, natural resources, and public trust therein.
- (2) Demonstration by the applicant that the proposed special land use shall not result in a probable impairment to the water table or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
- (3) Demonstration by the applicant that the proposed special land use shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.
- (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.
- (5) The proposed special land use shall not unreasonably burden the capacity of public or private services and facilities.
- (6) The proposed special land use shall have immediate and direct access to a paved public road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
- (8) All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line, provided, all processing and stockpiling shall be conducted at least two hundred sixty (260) feet from the center of the nearest street and two hundred (200) feet from the nearest property line and three hundred (300) feet from a zoning district which permits residential uses or land is in residential use.

- (9) The hours of operation shall not reasonably interfere with usual and customary uses of land within the surrounding area anticipated to be impacted. Hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and on Saturday between the hours of 7:00 a.m. and 12:00 p.m. Operations shall not be permitted on Sunday and major holidays (Federal and State), except by special permit from the Zoning Board of Appeals. Major holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. For further information refer to the United State Code, Title 5, Section 6103.
- (10) Taking into consideration that the Township is conditionally authorizing this special land use in residential districts and areas used for residential purposes, and that this special land use, is to some extent, inharmonious with child rearing and other residentially-related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or the occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
- (11) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the maximum requirements of this Ordinance.
- (12) The total area (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and forty (40%) percent of the entire parcel approved as a special land use.
- (13) The activities of the proposed special land use shall not result in a demand for local services and/or facilities that are or become unavailable, including, without limitation, road and/or drainage facilities, maintenance and repair.
- (14) The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Planning Commission at the time of application, and thereafter.
- (g) Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the Planning Commission as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the Planning Commission the same are deemed

consistent with the zoning district in which the site is situated. The Planning Commission or Township Board shall have the right to impose performance bonds to insure that the reclamation and restoration plans as submitted are implemented.

Section 6.18 Funeral Homes and Mortuaries.

The purpose of regulating a funeral home or mortuary is to assure adequate off-street parking and staging room for cars lined up for the funeral procession plus compatibility in the area. A funeral home is permitted subject to the following conditions:

- (a) The funeral home shall be a licensed facility by the State of Michigan.
- (b) A funeral home may contain a dwelling unit for the owner.
- (c) Signage shall meet the requirements of Article 9.
- (d) The lot area shall be adequate to accommodate an off-street assembly area for a funeral procession in addition to any required off-street parking area.
- (e) The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service drive thereof.
- (f) Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares, and funeral processions or visitors entering or leaving the site.
- (g) No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.

Section 6.19 General, Building and Landscape Contractor's Offices and Yards.

A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.

- (a) Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.

(c) Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies, provided such are enclosed within an obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare. Storage shall be screened from the view of a public street and adjacent properties in accordance with the requirements of Section 7.

(d) The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 3.6, Site Plan Review.

(e) The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

Section 6.20 General Hospitals and Mental Health Facilities.

(a) All such hospitals shall be developed only on sites of at least five (5) acres in area.

(b) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least fifty (50) feet for front, rear and side yards for all (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

(c) All ingress and egress to the off-street parking area for guests, employees, staff or other users of the facility, shall be directly from a major thoroughfare.

Section 6.21 Golf Courses.

Golf courses and country clubs, including accessory uses including, but not limited to: clubhouses, driving ranges, pro shops, maintenance buildings, tennis courts, swimming pools, restaurants, caretaker residence, and other similar facilities, shall be subject to the following conditions:

(a) Minimum site area shall be forty (40) acres.

(b) The location of structures, including, but not limited to the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.

(c) All storage, service and maintenance areas when visible from adjoining residentially zoned land or land presently used for residential purposes shall be screened from view according to Section 7.7.

(d) All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land currently zoned or used for residential purposes.

(e) The caretaker's residence must meet the minimum requirements of the district that the golf course is located in.

Section 6.22 Gun Clubs, Firing and Archery Ranges.

(a) Enclosed within a building:

- (1) A minimum lot area of not less than ten (10) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The structure for the completely enclosed firing and archery range shall be bulletproof.
- (3) This structure shall be not less than five hundred (500) feet from any residential use or district, or highway right-of-way.
- (4) Adequate parking is maintained.
- (5) A license for such a range be obtained from the Township Board.
- (6) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (7) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Police Department.
- (8) There shall be continuous supervision by a responsible person when such range is in operation.

(b) Outdoor:

- (1) A minimum lot area of not less than forty (40) acres shall be maintained, unless the Planning Commission permits a smaller area.
- (2) The firing point shall be at least one-quarter (1/4) mile from the nearest residential use in any direction from the firing point.

- (3) The shooters shall fire away from any traveled highways.
- (4) Shooters shall fire into a thirty (30) foot high hill or suitable backstop to be approved by the Zoning Administrator and Sheriff's Department.
- (5) A six (6) foot chain link fence shall be provided and maintained to prevent persons from moving into the area and firing line.
- (6) A license for such range shall be obtained from the Township Board.
- (7) Adequate public liability and property damage insurance for injuries arising from the operation of the range shall be maintained.
- (8) An annual fee as determined by the Township Board shall be paid to the Township for range inspection by the Sheriff's Department.
- (9) There shall be continuous supervision by a responsible person when such range is in operation.
- (10) Shooters shall fire from a structure constructed to standards not less than those required as minimum safety standards by the National Rifle Association.
- (11) Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 6:00 a.m. nor later than 8:00 p.m.

Section 6.23 Housing for the Elderly and Nursing Homes/Convalescent Centers.

- (a) Housing for the elderly shall comply with all Federal, State and County regulations and licensing requirements.
- (b) Nursing homes and convalescent centers shall comply with all Federal, State and County regulations and licensing requirements.

Section 6.24 Industrial or Commercial Waste Lagoon Ponds.

- (a) In no instance shall a waste lagoon pond be closer than five hundred (500) feet to an existing or proposed street right-of-way or abutting residential district.
- (b) An eight (8) foot wall or fence shall be erected around the entire site and control gates shall be installed. In addition, an earth embankment in the form of a berm with a minimum height of eight (8) feet may be required at the discretion of the Planning Commission.

(c) All such ponds shall also comply with all applicable Federal, State and County regulations.

Section 6.25 Industrial Park Standards.

(a) The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres while the minimum lot size within an Industrial Park shall be five (5) acres.

(b) Outside Storage.

(1) The outside storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission.

(2) Outside storage shall be limited to the rear yard area.

(c) Off-Street Parking.

(1) No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line.

(d) Internal Roadway. The internal roadway shall not be closer than one hundred (100) feet to an adjacent property line.

Section 6.26 Incineration of Any Refuse, Industrial, Hazardous or Other Waste.

Incineration of any refuse, industrial, hazardous or other waste shall comply with all State regulations and licensing requirements.

Section 6.27 Intensive Livestock Operations.

New livestock production facilities must follow and be in conformance with all Generally Accepted Agricultural and Management Practices (GAAMPS) for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

(a) Contact the Michigan Department of Agriculture (MDA), Right to Farm Program, Lansing Michigan.

(b) Provide the Township proof of MDA review and verification for conformance to appropriate GAAMPS for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

Section 6.28 Kennels (Commercial).

Commercial kennels include any establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public:

- (a) Also see Section 6.6, Animal Rescues or Shelters.
- (b) All yard space used for pen areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.
- (c) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- (d) The number of animals permitted will be determined as part of the special land use approval.

Section 6.29 Kennels (Private).

Private kennels include any building and/or land used for the temporary or permanent boarding, breeding, training or care of dogs or cats or other domestic animals belonging to the owner for the purposes of show, hunting or as pets, and subject to the following:

- (a) The boarding, breeding, training or care of such animals shall be incidental to the principal use of the premises and shall not be for purposes of remuneration or sale.
- (b) Adequate sanitary facilities shall be provided for the cleaning of the kennels, and the burning of any waste or refuse shall be prohibited.
- (c) All dogs, cats, or other domestic animals shall be licensed per county regulations.

Section 6.30 Livestock Auction Yards/Markets.

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

Section 6.31 Manufactured Housing Park Development Standards.

(a) General Site Development Standards.

- (1) No manufactured housing park shall be constructed within the limits of Sanilac Township unless the owner and/or operator hold a valid construction permit issued by the Michigan Department of Labor and Economic Growth in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
- (2) A permit and Certificate of Occupancy shall be obtained from the County Building Department for each manufactured home connected to the Township water, sanitary sewer, and electrical, and the placement of the home. Skirting shall be installed within thirty (30) days after the Certificate of Occupancy is issued, weather permitting.
- (3) A permit shall be obtained from the County Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a manufactured home.
- (4) Fees for the all of the above-mentioned permits and Professional Reviews shall be set by the Township Board.
- (5) Each road access point to a manufactured housing park from a Country or State highway shall have prior written approval of the Sanilac County Department of Public Services having jurisdiction within the Township.
- (6) It shall be the duty of the Building Inspector or assistant to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector is hereby granted the power and authority to enter upon the premises of

any manufactured housing park at any reasonable time for the purpose herein set forth and for the purpose of enforcing any provisions of this Ordinance.

- (7) It shall be the duty of the owner and operator of each manufactured housing park to enforce the following regulations:
 - A. The keeping of all domestic pets shall be in compliance with Township Ordinances.
 - B. The operation, maintenance and supervision of the manufactured housing park shall be by a responsible person who shall be available at all times in case of emergencies.
 - C. It shall be the duty of each manufactured housing park owner and operator to report to the Sanilac County Health Inspector and Township Supervisor, the existence of any known unsanitary conditions prevailing within the boundaries of the manufactured housing park.
 - D. It shall be the further duty of the manufactured housing park owner or operator, in order to safeguard against the hazards of a fire, to prohibit the parking of any manufactured home or trailer, not possessing two (2) exits, within any manufactured housing park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.
- (8) School officials of the affected districts shall be notified of the proposed development.

(b) Lot and Stand Conditions.

- (1) The manufactured housing park shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under Public Act 96 of 1987, as amended.
- (2) For irregular shaped manufactured home lots the access point to the lot must be of sufficient width to accommodate the required on site parking and must be at least twenty (20) feet.
- (3) No manufactured home shall be located closer than fifty (50) feet to the right-of-way of a public thoroughfare, nor closer than eighty (80) feet to a railroad right-

of-way, nor closer than ten (10) feet to any dedicated easement or road right-of-way within a manufactured housing park.

- (4) The manufactured home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.
- (5) All manufactured homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.
- (6) If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete.

(c) Accessory Structures and Enclosures.

- (1) Storage Areas - No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any manufactured home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the manufactured home development.
- (2) Canopies and awnings may be attached to any manufactured home and said accessory structures shall conform to all area, height, and placement regulations applicable to the manufactured home itself, except it may occupy a portion of the side yard provided it is located no closer than ten (10) feet to another manufactured home.
- (3) Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.
- (4) If any permanent living area is added to a manufactured home, such addition shall conform in every way to the placement regulations of the principal structure.
- (5) Manufactured homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.
- (6) There shall be no storage underneath any manufactured home of any item except for the hitch and wheels and tires of that manufactured home, and each manufactured home lot should be maintained in the manner that it was originally constructed.

(d) Roads, Parking and Walks.

- (1) Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the manufactured home site, and other important facilities on the property. The street system shall provide convenient circulation

by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turn around capability.

- (2) The roads shall be of adequate widths to accommodate the contemplated traffic load but shall not be less than twenty-one (21) feet in width.
 - (3) Curbing shall be required, provided however, the Planning Commission may approve plans without curbs, where such plans show other adequate means for the control of surface drainage. Protection of the edges of the pavement and protection to the roadway shoulder shall be provided to prevent erosion along the shoulder and berm of the roadway.
 - (4) All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set in Public Act 96 of 1987, as amended.
 - (5) Hard-surfaced off-street parking spaces shall be provided on manufactured home site in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.
 - (6) For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the manufactured housing park unless they meet the standards established in Public Act 96 of 1987, as amended.
 - (7) The manufactured housing park primary walk system, if provided, including walks along main drives and secondary streets shall meet requirements of Public Act 96 of 1987, as amended.
 - (8) Recreational Vehicle Storage - The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured housing park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured housing development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.
- (e) Utilities and Trash Disposal.
- (1) Fire hydrants of a size and with a pressure approved by the Port Sanilac Fire Department shall be placed along each street within the manufactured housing park within ten (10) feet of a roadway and at intervals not exceeding five hundred (500) feet so that no mobile home shall be more than two hundred fifty (250) feet from a hydrant.

- (2) Running water from a public or a State-tested and approved water supply shall be piped to each manufactured home and shall be adequately protected from frost.
 - (3) Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.
 - (4) All electric lines, from supply poles and leading to each manufactured home stand, shall be underground and shall conform to Public Act 96 of 1987, as amended.
 - (5) Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.
 - (6) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Township of Sanilac. Manufactured housing parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.
- (f) Recreation and Open Space.
- (1) The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire manufacturing housing park shall be maintained in a clean, presentable condition at all times.
 - (2) A greenbelt planting strip not less than ten (10) feet in width shall be placed or located along the perimeter of the manufactured housing park. Such a greenbelt shall be so constructed as not to cause or constitute a traffic hazard and plantings shall be at least twenty (20) feet back from an intersection.
 - (3) Open space shall be in conformance with Public Act 96 of 1987, as amended.
 - (4) Manufactured home lot line fences, when provided, shall be uniform in height thirty six (36) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each manufactured home and shall be provided with two (2) gates.
 - (5) Models may be placed on lots in the manufactured housing park, if they are installed in accordance with Public Act 96 of 1987, as amended, and a temporary Certificate of Occupancy is issued. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, they shall not have any bright or flashing lights on the units.

Section 6.32 Motels and Hotels.

- (a) No guest shall rent a unit at a motel or hotel for more than thirty (30) consecutive days within any calendar year.
- (b) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
- (c) A minimum fifty (50) foot front yard setback shall be maintained.

Section 6.33 Outdoor Display and Sales.

(a) General Standards.

- (1) An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
- (2) The exterior of the premises shall be kept clean, orderly and maintained.
- (3) The Township shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of an outdoor display.
- (4) In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
- (5) See Section 6.35 for the outdoor display and sale of vehicles.

(c) Standards Within C District.

- (1) An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- (2) An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

(d) Building Materials, Nursery Stock and Garden Supplies.

- (1) Outdoor sales areas shall not be located within the required front setback, except for sales of living nursery stock. Ornamental displays associated with the sale of nursery stock shall be permitted; however, in no case shall the outdoor storage or sale of bulk materials, including, but not limited to topsoil, mulch or gravel, whether packaged or not, be permitted within the front yard setback.

- (2) Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 7.7.

Section 6.34 Outdoor Recreational Facilities.

(a) Active Recreation. All active outdoor recreational facilities for adults or children, including, but not limited to paint ball, 3-D archery, motor cross and other similar uses are subject to the following:

- (1) No less than one (1) acre of land are required to accommodate any active outdoor recreational facility (except motor cross) with no less than a twenty (20) foot open space along all parcel perimeters. Motor cross facilities shall require no less than five (5) acres, one hundred fifty (150) feet of frontage and no less than one hundred (100) feet of open space along all parcel perimeters.

(b) Passive Recreation. All passive outdoor recreational facilities for adults or children, including, but not limited to amusement parks, carnivals, miniature golf courses, drive-in theaters and other similar uses except public parks are subject to the following:

- (1) Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
- (2) Drive-in theaters shall have a solid fence around the site and all lighting shall be shielded from adjacent parcels.

Section 6.35 Outdoor Sales of Automobiles or Vehicles.

Outdoor sales of new and used automobiles, boats, mobile homes, lawn care and construction machinery and other vehicles, shall be subject to the following requirements:

- (a) Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
- (b) All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
- (c) Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- (d) Inoperative vehicles or discarded or salvaged materials shall not be stored outside.

- (e) Vehicle sales shall not be permitted on the premises of any automobile service station, automotive wash or automobile or vehicle repair garage.
- (f)) No banners or flags are permitted except as permitted in Article 9.
- (g) A landscaped greenbelt measuring a minimum of ten (10) feet in width shall be provided. No vehicles or merchandise shall be displayed within the required greenbelt.
- (h) There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.
- (i) The automobile sales agency must be located on a site having frontage of no less than one hundred and fifty (150) feet and area of no less than thirty-five thousand (35,000) square feet.

Section 6.36 Ponds.

- (a) A pond shall not be created, built, or used until a plan is submitted, and a permit shall have been obtained from Zoning Administrator and a permit fee and any inspection fees shall have been paid in an amount as set by the Township Board of Trustees.
- (b) No pond shall be located closer than twenty (20) feet from the side and rear lot lines, nor closer than one hundred fifty (150) feet from the front right-of-way line, nor closer than fifty (50) feet from the principal structure, nor closer than one hundred (100) feet from any septic tank and/or septic field.
- (c) Material excavated from the pond site shall be disposed of on the site with the proper grading to allow no alteration in the runoff to adjoining lots or parcels.
- (d) No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line.
- (e) A pond shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
- (f) The side slopes of the pond shall not be greater than one (1) foot vertical to four (4) feet horizontal to a water depth of five (5) feet.
- (g) The pond shall have a minimum depth of ten (10) feet in the middle of the pond.
- (h) The plan shall be a scale drawing that must provide sufficient information and details concerning the following:
 - (1) The size and dimensions of the proposed pond including at least one cross section of the pond.

- (2) The proposed location of the pond and its relationship to all existing dwellings within eight hundred (800) feet, existing or proposed building on the subject parcel, existing septic system and drainfield on the subject parcel and adjacent parcels, utility lines including gas, electric, telephone and cable, property line of the subject parcel with verification by a mortgage survey, and dimensions from all property lines and the street right-of-way.
- (3) Proposed site grading and finished elevations shall be illustrated on the site plan in sufficient detail to determine the direction of storm water runoff and the drainage system to receive the runoff.
- (4) Material to be excavated shall be used on the subject parcel and graded to conform to the natural landscape.

Section 6.37 Regulation of Animals.

- (a) Class I Animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- (b) Class II Animals may be maintained in the AR district only. While horses and equine type animals are considered Class II, commercial riding stables are regulated under Section 6.38, herein.
- (c) The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils, or agricultural productivity. For those individuals living on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be *suggestions for good neighbor practices*.

**SUGGESTED STOCKING DENSITIES FOR
CLASS II ANIMALS ON PARCELS OF
10 ACRES OR LESS IN THE AGRICULTURE DISTRICTS**

Animal	Number of Animals	Area
Beef Cattle	1	1.5 acres
*Beef Cattle with Calf	1	1.5 acres
Dairy Cow	1	1.5 acres
Pigs	1	1.5 acres
Sheep, Goats, Alpaca	1	1.5 acres
Llama	1	1.5 acres
Horses/Equine Type Animals	1	1.5 acres

* One (1) beef cattle with calf is considered one (1) animal until the calf is fully grown.

- (1) There should be adequate fencing, or other restraining devices for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class II animals should be located at least, at least fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR who plan to raise Class II livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(d) Class III Animals may be maintained in the AR District only. The following stocking densities are suggested by the Michigan State University Extension Service. These stocking densities are suggested without knowing anything about the agricultural management practice of any individual, adjacent land uses, soils or agricultural productivity. For those individuals living

on parcels of ten (10) acres or less in close proximity to their neighbors, these stocking densities are meant to be suggestions for good neighbor practices.

**SUGGESTED STOCKING DENSITIES FOR
CLASS III ANIMALS ON PARCELS OF
10 ACRES OR LESS IN THE AR, AGRICULTURAL RESIDENTIAL DISTRICT**

Animal	Number of Animals	Area
Geese, Ducks, Turkeys	125	1 acre
Chickens (Broiler Hens, Layers)	250	1 acre
Rabbits	250	1 acre

- (1) There should be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (2) Structures housing Class III animals should be located, at least, no nearer than fifty (50) feet to any adjacent lot line. The Michigan Department of Agriculture, Right to Farm Program may advise that a greater set back be met if a voluntary site plan for a manure management plan is filed.
- (3) The refuse and wastes resulting from the maintenance of animals should be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- (4) All feed and other substances and materials on the premises for the maintenance of animals should be stored in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- (5) It is highly recommended that property owner's in the AR District who plan to keep/raise Class III livestock contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises livestock should be aware of their rights and responsibilities contained in the Michigan Right to Farm Act.

(f) Conformance to Law. In reference to the above provisions, the following may apply: All federal, state and local laws and regulations to include, but not limited to the Michigan Right to Farm Act, all adopted Generally Accepted Agricultural Management Practices and all Michigan Department of Agriculture rules and regulations. All violations of the Michigan Right to Farm Act are investigated by and can be reported to the Michigan Department of Agriculture.

Section 6.38 Riding Stables, Commercial

- (a) A minimum lot area shall be provided of not less than ten (10) acres, with a minimum lot width of not less than four hundred and ninety five (495) feet.

- (b) A commercial stable shall provide an area of not less than two (2) acres for each horse stabled and used as a part of such commercial stable use, but shall not be less than (a) above.

- (c) All buildings, corrals, and runways for housing or keeping of such animals shall not be less than one hundred fifty (150) feet from any adjacent property line, provided, however, such yard space may be used for pasture in connection with a riding stable.

- (d) All yard space used for pasture or riding areas shall be fenced with woven wire or other approved fence material except barbed wire, which shall not be acceptable as sole fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

Any permit after being issued for such uses shall terminate immediately when the lot area requirements herein set forth are decreased in any manner.

Section 6.39 Roadside Produce Stands and Markets.

Because roadside stands and markets are seasonal in character and utilized on a temporary basis, roadside markets that sell produce that has been purchased for resale shall be permitted by the Zoning Administrator subject to the following requirements:

- (a) The sale of products shall not take place in the dedicated right-of-way of any thoroughfare within the Township, and assurances shall be made to the Township that off-street parking and adequate ingress and egress has been provided.

- (b) Upon discontinuance of the temporary use, any temporary structures shall be removed from the roadside.

- (c) All requirements of a temporary permit shall be met.

Section 6.40 Rooming and Boarding Houses.

- (a) The portion of the owner-occupied, single-family dwelling or accessory building used as a rooming or boarding house shall not exceed a total of one thousand (1,000) square feet in area, with or without separate kitchen facilities for not more than six (6) individuals other than family, for an extended period of time, for compensation.

Section 6.41 Salvage Yards.

- (a) The area of the storage yard shall not exceed one-half (1/2) the area of the building utilized for dismantling.
- (b) The storage yard shall be completely enclosed with a wall, fence, berm, landscaping or combination thereof at least six (6) feet high, and must obscure all items stored and/or outside machinery (cranes and wreckers).
- (c) Nothing shall be stored within four (4) feet of the fence.
- (d) An office sales outlet area which can be entered from the outside shall be provided, and include a sales area free of normal parts storage. Storage may be located behind a service counter. This office may be of modular construction, but must have a foundation.
- (e) Operating hours shall be limited to 7 AM to 7 PM, Monday through Saturday.
- (f) Normal sanitary facilities and a lunch room area shall be provided for the employees.
- (g) Screening by berm, shrubs, or fencing (walls) shall be provided wherever nearby property within one thousand (1,000) feet would normally look into the storage yard.
- (h) Metal crushers may be operated during regular business hours, but must meet Township performance standards.
- (i) A permanent performance bond or deposit in addition to other bonds including, but not limited to construction or landscape bonds, equivalent to the cost of the fencing and \$0.10/square foot of yard space is required as a performance bond since this type of operation could become a nuisance (yearly evidence of the bond shall be evidenced to the Clerk).
- (j) All dismantling operations will be done within a totally enclosed building. Individual parts may be removed from vehicles in the front, side or rear yard.
- (k) There shall be no incineration of refuse.
- (l) There shall be no parking, storage or standing of inoperative vehicles in the front yard.
- (m) Storage of vehicles shall be on inflated tires, supports, or stands and not set on the ground.
- (n) Vehicular storage shall be in neat, organized rows with accessible aisles, and vehicles shall be uniformly perpendicular or parallel with access aisles.
- (o) Vehicles shall be stored no more than one (1) level high unless in racks, and no higher than the screening fence.

- (p) If screening slats are used in a chain link fence, they must be wooden rather than metal.
- (q) Any other specific requirements to assure the requested usage will not produce a detrimental effect on the surrounding area and the Township as a whole may be required.
- (r) Utility information shall detail the method of storm water retention or detention, and information shall be provided to indicate the retention of liquids that may seep onto the ground.
- (s) The surrounding owners of real estate, within fifteen (1500) feet of the perimeter of the parcel of land upon which such erection is intended must be notified of public hearing.

Section 6.42 Seasonal and Transient Display of Products or Materials Intended for Sale.

The sale of seasonal items including, but not limited to Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or occupant of the premises, shall require a permit from the Zoning Administrator subject to the following standards and conditions:

- (a) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of Section 7.7 and Article 10 or create a traffic or safety hazard.
- (b) All such sales shall be conducted in a manner so as not to create a nuisance to neighboring properties through adequate on-site parking and ingress and egress to the site.
- (c) Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- (d) Signs shall conform to the provisions of the district in which the seasonal use is located.

Section 6.43 Self-Storage Facilities.

- (a) Requirements and Conditions. Self Storage Facilities are permitted as a special land use and shall be subject to the following requirements and conditions of this section:
 - (1) No activity other than the rental of storage units and the rental of outside storage space for operable and licensed recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
 - (2) Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.

- (3) The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- (4) All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- (5) Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building.
- (6) The exterior design of the storage units is subject to Planning Commission review and approval, and must be compatible with adjacent properties and the rural character of Sanilac Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.
- (7) A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission as well as the following:
 - A. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
 - B. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission.
 - C. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.

(b) Waiver. Where the Planning Commission determines that compliance with all of the above standards is unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that one of the following apply:

- (1) That architectural or structural integrity and quality are not undermined.
- (2) That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

Section 6.44 Slaughterhouses.

- (a) The physical plant structure, pens, stockyard or cages shall in no instance be closer than two thousand (2,000) feet to any adjacent residential district.
- (b) A minimum six (6) foot high chain link fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.

Section 6.45 Sludge Processing and Similar Resource Recovery Operations.

- (a) The facility shall be one thousand (1,000) feet from the perimeter of the parcel.
- (b) Sludge processing and similar resource recovery operations shall not include hazardous materials.
- (c) A complete Environmental Impact Report prepared pursuant to the specifications of the Michigan Environmental Protection Act, being Act 127 of 1970, shall be prepared.
- (d) Any residue resulting from the operation shall be removed from the site or disposed of in an approved disposal site.
- (e) Any stocks shall meet the height requirements of the U.S. Environmental Protection Agency guidelines for Good Engineering Practice (EPA 450/2-78 046).
- (f) A market analysis report indicating the economic feasibility of the proposed use shall be submitted.
- (g) A site operational plan describing the methodology of transfer of material from vehicles to the operation, methods of mitigating spills and accidents, staffing expectations, hours of operation, and methods for closing and removal of the buildings, structures, and facilities should the operation cease for a period exceeding six (6) months.
- (h) There shall be no unlicensed or non-manifested carriers on the site at any time.
- (i) All facilities for any rail tank cars or other rail container cars shall be provided with storage facilities under the storage rails to assure that any spillage shall be contained until removal to the approved storage area. Said storage shall be at least one and one-half (1-1/2) times the volume of the amount to be stored.
- (j) Security methods including fencing for the operation shall be submitted with the required site plan.
- (k) Fire and explosive hazard control shall be outlined and submitted with the required site plan.

(l) Methods of controlling and avoiding any spillage of liquids or materials into the storm sewer system or off the property shall be outlined for all operational areas, including access.

(m) The township may require a bond to cover clean up of site if abandoned.

Section 6.46 Transient and Temporary Amusement Establishments.

(a) The purpose of this Section is to ensure the safety and general welfare of the public, it being necessary to limit the number, size and place of various transient and temporary amusement enterprises including, but not limited to carnivals, fairs, circuses, outdoor socials, benefits and other-fund raising affairs.

(b) The Township Board may permit transient and temporary amusements to be set up in any District.

(c) Transient and temporary amusement establishments may be permitted:

(1) When engaged in by schools, churches, fraternal societies, and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions.

(2) When such use and occupancy is temporary and/or seasonal only.

(3) When such use and occupancy is not detrimental to adjacent surrounding property.

(4) When such use and occupancy is not disturbing to the public peace and tranquility.

(5) When such use and occupancy will not create undue traffic hazard and congestion.

(d) Permits for such uses may be granted for periods not to exceed eight (8) days consecutively, and may be renewable for not more than eight (8) days.

Section 6.47 Travel Trailer Parks and Campgrounds.

(a) Each specific camp site shall be identified by a number, shall be graded so that surface water will run off and not pond, shall be of sufficient size to allow for the parking of the recreational vehicle or recreational trailer and motor vehicle used for towing, with a separate space for picnic table and privacy between sites. Sites may be pull-through type or back-in type with space for motor vehicle located in front or at the side of the recreational vehicle.

- (b) The minimum size for travel trailer parks and campgrounds shall be twenty (20) acres.
- (c) Rustic campgrounds shall provide either a facility with toilets or porta johns.

Section 6.48 Veterinary Hospitals or Clinics.

(a) Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:

- (1) Front Yard: No less than 25 feet, unless specific district require more.
- (2) Side Yards: Each side twenty (20) feet, unless specific district requires more.
- (3) Rear Yard: Thirty five (35) feet unless the specific district requires more.

Section 6.49 Wireless Communication Facilities.

(a) In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan and the conditions set forth in paragraph (3) below, and if approved, constructed and maintained in accordance with he standards and conditions of this Section.

- (1) Attached wireless communication facilities within AR, C, I districts where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
- (2) Colocation of an attached wireless communication facility which has been pre-approved for such colocation as part of an earlier approval by the Planning Commission.
- (3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- (4) Monopole wireless communication support structures in the AR, C, and I districts.
- (5) All wireless communication support structures established within a public right-of-way having an existing width of more than two hundred four (204) feet.

- (6) All wireless communication facilities which are located attached or sited on property which is owned, leased, or controlled by the Sanilac Township Board.

(b) If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as principal permitted use under paragraph (1) above and is required to be established outside of a district identified in paragraph (1) in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the Township by special land use approval only subject to the requirements set forth in paragraph (3), and subject further to the special land use approval procedures of Section 3.6 and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:

- (1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design including, but not limited to a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the colocation requirements of paragraph (c)(14).
- (3) In AR district, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained within this Section:
 - A. Municipally owned sites.
 - B. Other governmentally owned sites.
 - C. Religious or other institutional sites.
 - D. Public parks and other large permanent open space areas when compatible.
 - E. Public or private school sites.
 - F. Other sites.

(c) General Requirements. All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- (1) All applications for the required permit to place construct or modify any part or component of a wireless communication facility shall include the following:
 - A. A site plan prepared in accordance with Section 3.6, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - B. A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate highway or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial and/or other business centers.
 - iv. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - vi. Other specifically identified reason(s) creating need for the facility.
 - C. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
 - D. The existing form of technology being used and any changes proposed to that technology.
 - E. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication support structure height and type, and signal power expressed in ERP upon which the service area has been planned.

- F. The nature and extent of the applicant/provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- G. The identity and address of all owners and other persons with a real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- H. A map showing existing and known proposed wireless communication facilities within Sanilac Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.
- I. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
- J. For each location identified in the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - i. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - ii. Whether property owner approvals exist or have been requested and obtained.
 - iii. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if

not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

- K. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria including, but not limited to applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
 - L. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed as provided in paragraph (c)(16) above. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Sanilac County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for payment of any costs and attorney's fees incurred by the Township in securing approval.
 - M. The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location which is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. In all cases there shall be fencing of at least six (6) feet in height, which is required for the protection of the tower.
 - N. Evidence of site plan approval from the Federal Aviation Administration, if required.
 - O. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally

compatible with the natural environment, as well as the environment as altered by development.

- (3) The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be two-hundred fifty (250) feet, or such lower maximum heights as approved and/or allowed by the Federal Aviation Administration under CFR 14 Part 77. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (4) The setback of a monopole wireless communication support structure from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is located. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
- (5) Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located. See paragraph (c)(1)(J).
- (6) There shall be an unobstructed access to the wireless communication support structure for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- (7) The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
- (8) The Zoning Board of Appeals may grant variances only for (1) the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area; (2) the

maximum height requirement; and (3) the colocation requirements of subparagraph (c)(14).

- (9) Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms to all district requirements for accessory buildings, including yard setbacks and building height.
- (10) The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (11) Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (12) A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- (13) If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of Sanilac Township. The provisions of this subsection are designed by carry out and encourage conformity with the policy of the Township.
- (14) Any proposed commercial wireless communication support structures shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support

structure and to accept attached wireless communication facilities mounted at varying heights.

- (15) A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly colocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:
- A. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
 - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
 - C. Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - D. Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.
- (16) Colocation shall be deemed to be “feasible” for the purposes of this Section where all of the following are met:
- A. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
 - B. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

- C. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.
 - D. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this subsection.
- (17) If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - (18) If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance and, consequently, such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure with Sanilac Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
 - (19) Review of an application for colocation, and review of an application for a permit for use of a facility permitted under subparagraph (a)(2), above, shall be expedited by Sanilac Township.
 - (20) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of the wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of

operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

(d) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.

(e) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

(f) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

SECTION 6.50 WIND ENERGY CONVERSION FACILITIES

(a) Intent and Purpose.

It is the intent and purpose of this section to establish rules and regulations for the construction, alteration and operation of wind energy conversion facilities, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Wind Energy Conversion Facilities. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.

(b) Definitions. The following definitions are applicable to Sections 6.50 and 6.51.

- Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- Anemometer Tower: An instrument that measures the speed of wind.
- ANSI: American National Standards Institute.
- Commercial Wind Energy Conversion System: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

- dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- Decommission: To remove or retire from active service.
- Hub Height: The distance from the ground level to the center of the turbine hub or horizontal rotor shaft of a WECF turbine
- IEC: International Electrotechnical Commission: The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- ISO: International Organization for Standardization: ISO is a network of the national standards institutes of 162 countries.
- Non-participating parcel: A parcel of real estate that is not under lease, license or other property agreement with the owner/operator of a wind energy conversion facility (WECF) or temporary metrological tower (TMT).
- Occupied Structure: A structure including, but not limited to, a home, office, church, school, hospital or place of business intended for human occupation and not unoccupied on a permanent basis on the date a permit for a WECF or TMT is issued. This definition shall not include agricultural buildings and shall not include manufacturing or other places of business where the noise limits established in this ordinance are regularly exceeded by the normal operations of those places excluding sound generated by a WECF or TMT.
- Participating parcel: A parcel of real estate which is under lease, license or other agreement with the owner or operator of a wind energy conversion facility (WECF) or temporary metrological tower (TMT). A participating parcel may consist of parcels owned by different owners. For purposes of establishing setback requirements, a participating parcel shall be under lease, license or other property agreement with the owner/operator of a WECF or TMT for the full duration of any such agreement in effect on an adjoining parcel on which a WECF or TMT is constructed.
- Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.
- Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

- **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- **Temporary Meteorological Towers:** A structure used by the owner/operator of a proposed WECF for the purpose of gathering meteorological data to determine the feasibility of locating, constructing or erecting a WECF. A temporary meteorological tower may be referred to in this ordinance as a TMT.
- **Total Height:** The total height of a WECF or TMT shall be the distance from ground level to the center of the hub plus the distance from the center of the hub to the top of the rotor at its highest point.
- **Wind Energy Conversion Facility:**

An electricity generating facility consisting of one or more wind turbines under common ownership or control meeting either of the following requirements:

 - exceeds 100 feet in total height; or
 - produces electricity not primarily intended for use on the premises where the wind energy conversion facility is located.

This definition includes substations, towers, cables, wires, poles and other building and accessories used in the production of electricity by said facility. A wind energy conversion facility may be referred to in this ordinance as a WECF.
- **Wind Turbine:** A wind turbine is a device that converts kinetic energy from the wind into electrical power.

(c) Prohibited Activity.

No WECF shall be located, constructed, erected, or altered in Sanilac Township until the owner/operator thereof shall have obtained a Special Land Use Permit as provided herein and thereafter no WECF shall be altered or operated except in complete compliance with the provisions of this ordinance.

(d) Special Use.

Wind Energy Conversion Facilities shall only be allowed as a Special Land Use in the Agricultural Residential, Commercial and Industrial Districts, excluding the Exclusion Zone as provided herein.

(e) Exclusion Zone.

No WECF shall be allowed east of Ridge Road in Sanilac Township.

(f) Any application for a Special Land Use for a WECF shall include the following:

- (1) The application fee as determined by the Township Board.
- (2) An additional fee as determined by the Township Board. This fee shall be held in a segregated account, separate from any other funds held by the township and shall be used to pay all reasonable costs and expenses associated with the applicant's special land use permit application, site plan review and approval process, which costs can include, but are not limited to, attorney fees, engineering fees, consultant fees, fees

for reports and studies, and extraordinary zoning administration fees and extraordinary Township planner fees. If the Zoning Administrator determines at any time during the zoning review process that the funds remaining in said account will not be sufficient to pay the anticipated expenses as provided herein, the Zoning Administrator may require the applicant to deposit additional funds in an amount deemed sufficient to pay said additional expenses. The Zoning Administrator shall mail written notice of the additional amount required to be deposited by first class mail to the address contained in the application. If the additional funds are not deposited within fourteen (14) days of the date of the mailing, the Zoning Administrator may suspend the zoning review and approval process until the additional funds are deposited. Any funds not used for the purposes provided herein shall be returned to the applicant.

- (3) Applicant Identification: The complete name and address of the applicant, the complete name and address of the owner/operator if different than the applicant and the date the application is submitted. If the name or address of the applicant or owner/operator changes at any time before or after the issuance of a Special Use Permit, written notice of said change shall be filed with the Zoning Administrator.
- (4) Project Description: A general description of the proposed project including the legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (5) Environmental Impact: Copy of the Environmental Impact Analysis Report as required herein.
- (6) Insurance: Proof of the applicant's liability insurance.
- (7) Sound Modeling Study: The applicant shall provide a predictive sound modeling study of all turbine noise for a WECF to verify that the requirements of this ordinance can be met. The sound modeling must follow International Standard, ISO 9613-2 "Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation." The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground (G=0.5) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all noise sensitive facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 45 dBA sound contour line, at 5 dBA intervals from the center of the proposed turbine.
- (8) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact Analysis Report as required herein.

- (9) Shadow Flicker: Copy of the Shadow Flicker Analysis Report as required herein.
 - (10) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - (11) Decommissioning: Copy of the Decommissioning Plan as required herein.
 - (12) Complaint Resolution: Copy of the proposed complaint resolution process as required herein.
 - (13) Fire suppression plan: Copy of the Fire Suppression Plan.
 - (14) Site Plan: The applicant shall submit a site plan in full compliance with Section 3.6 of this ordinance for each turbine and other wind appurtenances. Additional requirements for a WECF site plan are as follows:
 - A. The names of all owners and the property tax identification number of all participating parcels;
 - B. Project area boundaries;
 - C. The condition of the participating parcel prior to any construction showing the location of all occupied structures, structures over 400 square feet that are not occupied, surface contours, trees in excess of 20 feet in height, ponds, lakes, streams, ditches, roads, driveways, utility easements, and overhead utility wires;
 - D. All items listed in the preceding provision that will be added or eliminated as the result of the proposed project;
 - E. The location of the proposed WECF and all cables, wires, poles, access roads and accessory structures;
 - F. All signage, lettering, numbering and lighting;
 - G. An accurate depiction of the WECF showing the type of construction, appearance and color;
 - H. Specifications showing the size, overall height, hub height and rotor diameter of the proposed WECF;
 - I. Additional detail(s) and information as requested by the Planning Commission.
- (g) Standards and Requirements. All WECFs shall meet the following standards and requirements:
- (1) **Setbacks.** Every WECF shall meet the following setback requirements measured from the center of the base of the tower:
 - A. 1,320 feet from any occupied structure;
 - B. 1,320 feet or 4.0 times the total height, whichever is greater, from the property line of any non-participating parcel;

C. 1.5 times the overall height from any public road or above ground power distribution or communication lines.

(2) **Safety and Security Requirements.**

A. No structure in a WECF shall be climbable on its exterior;

B. All doorways and access points in a WECF shall be secured and locked to prevent unauthorized entry;

C. A sign shall be placed at the base of every point of access in a WECF warning of high voltage. Said signs shall have six (6) inch letters with $\frac{3}{4}$ inch stroke;

D. All wind turbines shall be equipped with manual and automatic controls to limit the speed of the rotor blades to the maximum speed designated by the manufacturer;

E. All wind turbines shall maintain a minimum blade clearance of 50 feet from ground level.

F. All guy wires and anchors must be clearly visible to a height of six (6) feet above ground level.

(3) **Signal Interferences.**

A. No WECF shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the effected party at no additional cost that will restore reception to at least the level present before the operation of the WECF.

B. No WECF shall cause significant electromagnetic interference to any microwave communication link which is in operation at the time a permit for the WECF is issued.

(4) **Sound Pressure Level:**

- The audible sound from a WECF may not exceed 45 dBA Lmax or the ambient sound pressure plus 5dBA, whichever is greater, for any hour, measured 50' outside any occupied structure which was located on any participating parcel at the time a permit for the WECF was issued, measured in accordance with the methodology as hereafter provided

A. The audible sound from a WECF may not exceed 40 dBA Lmax or the ambient sound pressure plus 5dBA, whichever is greater, for any hour measured outside and immediately adjacent to any property line on any non-participating parcel at the time a permit for a WECF is issued, measured in accordance with the methodology as hereafter provided;

B. If any WECF produces a steady pure tone, the standards set forth in subparagraphs A and B shall be reduced by 5 dBA. A pure tone is defined to

exist if the 1/3 octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 5 dBA for center frequencies of 500 Hz and above, by 8 dBA for center frequencies between 100 and 160 Hz and 400 Hz or by 15 dBA for center frequencies less than or equal to 125 Hz;

- C. The ambient noise level, absent any and all wind turbine noise, shall be expressed in terms of the highest whole number sound pressure level in dBA which is exceeded for more than five minutes per hour. Ambient noise level measurements shall be performed outside of a structure when wind velocities are sufficient to allow wind turbine operations but do not exceed 30 mph;
- D. Any noise level falling between two whole decibels shall be the lower of the two;

(5) Post Construction Sound Survey

- A. The applicant, subsequent owner or operator of a WECF shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant, subsequent owner or operator shall be able to determine compliance with the sound level limits set forth above. The measurements and the reporting of the data shall be conducted as described herein. The survey shall address noise complaints on file with the Township and may require additional measurement locations as deemed necessary by the Zoning Administrator. Should the sound survey indicate a non-compliant measurement, the owner of the WECF shall obtain compliance through mitigation or other measures.
 - 1. A calibration check shall be performed and recorded before and after each measurement period.
 - 2. The measurement period shall be two hours minimum and shall be continuously observed by a trained attendant.
 - 3. Compliance will be demonstrated when the Lmax Sound Level of each two-hour measurement interval is less than or equal to the Lmax sound level limits set forth herein. Representative intervals are defined as:
 - a. Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.
 - b. Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
 - c. Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).

B. Measurement Locations

1. The specific measurement locations shall be chosen by the applicant, subsequent owner or operator's measurement personnel and approved by the Zoning Administrator prior to the post construction sound survey.
2. The measurement shall be performed at occupied structures for participating parcels and at parcel boundary lines for non-participating parcels. The locations shall be in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits herein. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of eight measurement locations. The measurement locations shall include, but are not limited to, the following:
 - a. A minimum of four measurements of different non-participating parcels. The measurement location shall be at the parcel boundary line nearest the closest wind turbine of the WECF.
 - b. A minimum of two measurements of different participating parcels. The measurement location shall be at the occupied structure, measured 50 feet from the façade nearest the closest wind turbine of the WECF.
 - c. Any measurement location determined necessary by the applicant, subsequent owner or operator's measurement personnel and Zoning Administrator. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
3. The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
4. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
5. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
6. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source
7. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.

- C. Data measurement reports complying in form and substance as those for post-construction sound surveys shall be submitted to the Zoning Administrator within 45 days of completion.
1. A narrative description of the sound from the WECF for the compliance measurement period result.
 2. A narrative description of the sound measurements collected.
 3. A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 4. The dates, days of the week and hours of the day when measurements were made.
 5. The wind direction and speed, temperature, precipitation, and sky condition for each measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the WECF from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each measurement interval shall be reported.
 6. The wind energy output for each measurement interval for the closest wind turbine.
 7. Identification of all measurement equipment by make, model and serial number.
 8. All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 9. All A-weighted equivalent sound levels for each measurement interval.
 10. All 1/3 octave band linear equivalent sound levels for each measurement interval and identification of tonal periods.
 11. All attendant's notes and observations.
 12. All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.
 13. All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
 14. All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio

recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.

15. All other information determined necessary by the Planning Commission.

D. Measurement of the Sound from Routine Operation. As an ongoing condition of any special use permit for a WECF, the Zoning Administrator may require measurements of the sound from routine operation of the completed system. Such measurements may be required to determine compliance with this ordinance and the special use permit, to investigate a community complaint or for validation of the calculated sound levels presented to the Zoning Administrator in support of the special use permit. The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a non-compliant measurement, the owner and the operator of the WECF shall obtain compliance through mitigation or other measures.

1. Measurement locations shall be as determined by the Zoning Administrator beforehand.
2. The measurement locations shall include, but are not limited to, the following representative locations:
 - a. For participating parcels, a minimum of one measurement location at occupied structure of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the WECF.
 - b. For non-participating parcels, a minimum of one measurement location at the parcel boundary line of the complainant nearest the closest wind turbine of the WECF.
 - c. Any measurement location determined necessary by the Zoning Administrator.
3. The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
4. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
5. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
6. To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.

7. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
 8. Data measurement reports complying in form and substance as those for post-construction sound surveys shall be submitted to the Planning Commission within 45 days of completion.
- E. General Sound Survey Methodology. The following methodology shall apply to all sound surveys directed by the provisions of this ordinance:
1. All sound studies shall be completed by an independent third party. Fees for such studies shall be paid for from the escrow funds deposited with the application for special use approval or, in case of studies conducted after the post-construction sound survey, by the owner or operator in advance.
 2. Measurement Personnel. Measurements shall be supervised by personnel who are independent of the WECF, well qualified by training and experience in measurement and evaluation of environmental sound and are board certified members of the Institute of Noise Control Engineering (INCE).
 3. Measurement Instrumentation. Measurement devices shall comply with the following requirements:
 - a. A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - b. An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - c. A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - d. An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - e. A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.
 - f. The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

- g. The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
- h. Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.
- i. Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
- j. Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
- k. A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.

(6) **Visual Appearance.** All WECFs shall meet the following visual requirements:

- A. The maximum total height of a wind turbine shall be 499 feet;
- B. Wind turbines shall be mounted on tubular towers with solid exteriors;
- C. Wind turbines and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint becomes visible;
- D. WECFs shall not be lighted unless so required by statute, ordinance, rule or regulation. If lighting is required, an FAA approved radar activated obstruction control lighting system must be installed;
- E. WECFs shall contain no letters, numbers or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule or regulation. Any such letters, numbers or symbols may not exceed six inches in height. Every WECF must have a sign or lettering identifying its owner/operator and containing contact information;
- F. Electrical collection and transmission lines, transformers and conductors may be placed overhead adjacent to public roads or along easements otherwise dedicated to the transmission of electric power. All such lines, transformers and conductors shall comply with any Avian Power Line Interaction Committee (APLIC) guidelines to prevent avian mortality. All such lines at any other location shall be placed underground at a minimum depth of 48 inches below grade.

(7) **Construction Codes, Towers, and Interconnection Standards.** WECFs shall comply with all applicable state construction and electrical codes, local building permit requirements, Federal Aviation Administration requirements, the Michigan

Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et. seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et. seq.), Michigan Public Service Commission regulations, Federal Energy Regulatory Commission Interconnection Standards, and local jurisdiction airport overlay zone regulations. Any required lighting shall not exceed Federal Aviation Administration minimum standards and, to the extent possible, shall be shielded to reduce glare and visibility from the ground.

(8) **Environmental Impact.**

- A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts on the natural environment, including wetlands and other fragile ecosystems, historical and cultural sites, and antiquities and containing a plan setting forth measures to be taken to eliminate, minimize or mitigate any adverse impacts identified. The report and plan shall be submitted to the Township along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use permit.
- B. The owner/operator shall comply with the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1914, MCL 324.101 et. Seq.)
- C. The applicant shall forthwith repair any damage to any public roads, drains and infrastructure caused by the construction, maintenance or operation of any WECEF.

(9) **Shadow Flicker.** The applicant shall prepare a shadow flicker modeling report showing the potential shadow flicker created by each proposed wind turbine on all occupied structures. The report shall identify the location of each occupied structure affected by shadow flicker, the expected duration of the shadow flicker at each location throughout the course of the year, the anticipated effect of shadow flicker on the occupants at each location and a plan to eliminate or mitigate the effects of shadow flicker at each location. The report and plan shall be submitted to the Planning Commission along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use Permit. All turbines are to be equipped with a shadow detection system. Shadow Flicker on non-participating parcels shall not be allowed.

(10) **Avian and Wildlife Impact.**

- A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts of the Proposed WECEF on wildlife. The report shall:
 - 1. identify areas requiring special scrutiny including wildlife refuges, areas containing high concentrations of birds, bat hibernacula, wooded ridge tops that attract wildlife, sites frequented by endangered species, significant bird

migration pathways, and areas that have landscape features known to attract large number of raptors;

2. identify the types of wildlife present in significant numbers in any area effected by the WECF project and the anticipated impact of the project on said wildlife;
3. identify any threatened or endangered species in any area effected by the WECF project and the anticipated impact of the project on each threatened or endangered species;
4. propose a plan to eliminate or mitigate the impact of the WECF project on wildlife, threatened species and endangered species.

The report and plan shall be submitted to the Planning commission along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use Permit.

- B. Not less than 12 nor more than 24 months after the WECF begins commercial operation the applicant shall have an independent qualified professional approved by the Zoning Administrator conduct a post construction wildlife mortality study and prepare a report thereon and submit it to the Township within 30 days after its preparation. If the report reveals a significant impact on any wildlife or any impact on a threatened or endangered species, the report shall include a plan to eliminate or mitigate said impact. If approved, any plan shall become an additional requirement of the Special Land Use Permit.

(11) **Decommissioning.**

- A. The applicant shall prepare a decommissioning plan which shall include:
 1. the anticipated life of the project;
 2. the estimated decommissioning costs net of salvage; value in current dollars.
 3. the method of insuring that funds will be available for decommissioning and restoration;
 4. the manner in which the project will be decommissioned and the site restored.

A copy of the plan shall be submitted to the Township along with the Special Land Use Application.

- B. The owner/operator of a WECF shall post a bond issued by a surety approved by the Township naming the owner/operator as the principal and the Township as the obligee to ensure the decommissioning of the project is in accordance with the requirements of this ordinance. The bond shall be in an amount equal to 15% of the total WECF project cost. The bond shall remain in effect until the entire WECF project is decommissioned as provided herein.

- C. The owner/operator shall notify the Zoning Administrator in writing any time the WECF has not been used for the production of electricity for 30 consecutive days and shall notify the Zoning Administrator in writing when the production of electricity resumes.
 - D. Within sixty days of any one of the following events the owner/operator of a WECF shall deconstruct and remove the WECF including all foundations to a level four feet below grade and restore all property occupied by the WECF to the condition it was in immediately prior to construction:
 - 1. The owner/operator of the WECF violates any provision of this ordinance or any conditions contained in the Special Use Permit and said violation is not cured within 30 days of the issuance of a citation or the date of mailing written notice of said violation to the address of the owner/operator on file with the Zoning Administrator;
 - 2. The WECF is not used for the production of electricity for 12 consecutive months.
- (12) **Complaint Resolution.** The applicant shall develop a written plan to resolve complaints from persons residing in an area affected by the construction and operation of the WECF. A copy of the resolution plan shall be submitted to the Township along with the Special Land Use Application. The plan may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. Prior to commencing construction the owner/operator shall provide all residents living in the area effected by the construction and operation of the WECF with contact information, including a telephone number and where a representative can be contacted during normal business hours to file a complaint. A report of all complaints and actions taken to resolve them shall be filed with the Township on an annual basis. This process shall not preclude the Township from taking any action allowed by law on the subject of any complaint.
- (13) **Annual Inspections.** No later than September 30th of each year, the owner/operator shall file with the Township a certification prepared by an authorized representative of the manufacturer of the WECF or a professional engineer certifying that each WECF has been inspected in the 30 days preceding the certification, that it is being operated and maintained in accordance with the manufacturer's specifications, industry standards, the requirements imposed by statute, ordinance, rule or regulation. Additional inspections may be required by the Township.
- (14) **Revocation of Permit.** A permit issued pursuant to this section may be revoked upon violation of any provision of this ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the WECF at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has 30 days to correct the violation. If the violation is not corrected within the 30day time period, the revocation of the permit shall be placed on the agenda of a Township board meeting. The Township shall give the owner/operator at least seven days written notice of the

time and place of said meeting. The owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

SECTION 6.51

ANEMOMETER TOWERS AND TEMPORARY METEOROLOGICAL TOWERS

- (a) **Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration and operation of Anemometer Towers and Temporary Meteorological Towers, while protecting the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding Special Land Uses for Anemometer Towers and Temporary Meteorological Towers. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.
- (b) **Definitions.** The definitions set forth in Section 6.50(b) are incorporated by reference.
- (c) **Prohibited Activity.** No Anemometer Tower or TMT in excess of 65 feet in total height shall be located, constructed, erected, or altered in Sanilac Township until the owner/operator thereof has obtained a Special Land Use Permit as provided herein and thereafter no Anemometer Tower or TMT shall be altered or operated except in complete compliance with the provisions of this ordinance.
- (d) **Special Use.** Anemometer Towers and Temporary Meteorological Towers shall only be allowed as a Special Land Use in the Agricultural Residential, Commercial, and Industrial Districts excluding the Exclusion Zone as provided herein.
- (e) No Anemometer Tower or Temporary Meteorological Tower shall be allowed east of Ridge Road in Sanilac Township.
- (f) Any application for a Special Land Use for an Anemometer Tower or TMT shall include the following:
 - (1) The application fee as determined by the Township Board.
 - (2) An additional fee as determined by the Township Board. This fee shall be held in a segregated account, separate from any other funds held by the township and shall be used to pay all reasonable costs and expenses associated with the applicant's special land use permit application, site plan review and approval process, which costs can include, but are not limited to, attorney fees, engineering fees, consultant fees, fees for reports and studies, and extraordinary zoning administration fees and extraordinary Township planner fees. If the Zoning Administrator determines at any time during the zoning review process that the funds remaining in said account will not be sufficient to pay the anticipated expenses as provided herein, the Zoning Administrator may require the applicant to deposit additional funds in an amount

deemed sufficient to pay said additional expenses. The Zoning Administrator shall mail written notice of the additional amount required to be deposited by first class mail to the address contained in the application. If the additional funds are not deposited within fourteen (14) days of the date of the mailing, the Zoning Administrator may suspend the zoning review and approval process until the additional funds are deposited. Any funds not used for the purposes provided herein shall be returned to the applicant.

- (3) Applicant Identification: The complete name and address of the applicant, the complete name and address of the owner/operator if different than the applicant and the date the application is submitted. If the name or address of the applicant or owner/operator changes at any time before or after the issuance of a Special Use Permit, written notice of said change shall be filed with the Zoning Administrator.
- (4) Project Description: A general description of the proposed project including the legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (5) Environmental Impact: Copy of the Environmental Impact Analysis Report as required herein.
- (6) Insurance: Proof of the applicant's liability insurance.
- (7) Site Plan: The applicant shall submit a site plan in full compliance with Section 3.6 of this ordinance for each Anemometer Tower or TMT .Additional requirements for an Anemometer Tower or TMT are as follows:
 - A. The names of all owners and the property tax identification number of all participating parcels;
 - B. Project area boundaries;
 - C. The condition of the participating parcel prior to any construction showing the location of all occupied structures, structures over 400 square feet that are not occupied, surface contours, trees in excess of 20 feet in height, ponds, lakes, streams, ditches, roads, driveways, utility easements, and overhead utility wires;
 - D. All items listed in the preceding provision that will be added or eliminated as the result of the proposed project;
 - E. The location of the proposed Anemometer Tower or TMT and all cables, wires, poles, access roads and accessory structures;
 - F. All signage, lettering, numbering and lighting;
 - G. An accurate depiction of the Anemometer Tower or TMT showing the type of construction, appearance and color;
 - H. Specifications showing the size and overall height of the proposed Anemometer Tower or TMT;

I. Additional detail(s) and information as requested by the Planning Commission.

(g) Standards and Requirements. Every Anemometer Tower and TMT shall meet the following standards and requirements:

(1) **Setbacks.** Every Anemometer Tower and TMT shall meet the following setback requirements measured from the center of the base of the tower:

A. A distance equal to the total height of the Anemometer Tower or TMT from any non-participating parcel.

B. A distance equal to 1.2 times the total height of the Anemometer Tower or TMT from any public road or above ground power distribution or communication lines.

(2) **Safety and Security Requirements**

A. A sign shall be placed at the base of every Anemometer Tower or TMT points of access warning of high voltage. Said signs shall have six (6) inch letters with $\frac{3}{4}$ inch stroke.

B. All guy wires and anchors must be clearly visible to a height of six (6) feet above ground level.

(3) **Signal Interferences.**

A. No Anemometer Tower or TMT shall interfere with any existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other personal communication system or emergency broadcast system unless the owner/operator provides a replacement signal to the affected party at no additional cost that will restore reception to at least the level present before the operation of the Anemometer Tower or TMT.

B. No Anemometer Tower or TMT shall cause significant electromagnetic interference to any microwave communication link which is in operation at the time a permit for the Anemometer Tower or TMT is issued.

(4) **Visual Appearance.**

A. Anemometer Towers and TMTs and accessory structures shall be painted a non-reflective non-obtrusive color. The exterior shall be maintained in good condition and the towers shall be repainted whenever rust, corrosion or peeling or flaking paint becomes visible;

B. Anemometer Towers and TMTs shall not be lighted unless so required by statute, ordinance, rule or regulation.

C. Anemometer Towers and TMTs shall contain no letters, numbers or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule or regulation. Any such letters, numbers or symbols may not exceed six inches in

height. Every Anemometer Tower and TMT must have a sign or lettering identifying its owner/operator and containing contact information;

(5) **Construction Codes, Towers, and Interconnection Standards.** Anemometer Towers and TMTs shall comply with all applicable state construction and electrical codes, local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), Michigan Public Service Commission regulations, Federal Energy Regulatory Commission Interconnection Standards, and local jurisdiction airport overlay zone regulations. Any required lighting shall not exceed Federal Aviation Administration standards and, to the extent possible, shall be shielded to reduce glare and visibility from the ground.

(6) **Environmental Impact.**

A. The applicant shall have an independent qualified professional approved by the Zoning Administrator prepare a report identifying and assessing any potential impacts on the natural environment, including wetlands and other fragile ecosystems, historical and cultural sites, and antiquities and containing a plan setting forth measures to be taken to eliminate, minimize or mitigate any adverse impacts identified. The report and plan shall be submitted to the Township along with the Special Land Use Application. If approved, any plan shall become a requirement of the Special Land Use permit.

B. The owner/operator shall comply with the Michigan Natural Resources and Environmental Protection Act (Public Act 451 of 1914, MCL 324.101 et. Seq.)

C. The applicant shall forthwith repair any damage to any public roads, drains and infrastructure caused by the construction, maintenance or operation of any Anemometer Towers or TMTs.

(7) **Decommissioning.**

A. The applicant shall prepare a decommissioning plan which shall include:

(i). the anticipated life of the project;

(ii). the estimated decommissioning costs net of salvage; value in current dollars.

(iii). the method of insuring that funds will be available for decommissioning and restoration;

(iv). the manner in which the project will be decommissioned and the site restored.

A copy of the plan shall be submitted to the Township along with the Special Land Use Application.

B. The owner/operator of an Anemometer Tower or TMT shall post a bond issued by a surety approved by the Township naming the owner/operator as the

principal and the Township as the obligee to ensure the decommissioning of the project is in accordance with the requirements of this ordinance. The bond shall be in an amount equal to 15% of the total Anemometer Tower or TMT project cost. The bond shall remain in effect until the entire Anemometer Tower or TMT project is decommissioned as provided herein.

- C. The owner/operator shall notify the Zoning Administrator in writing any time the Anemometer Tower or TMT has not been used for the purpose for which it was originally intended for 30 consecutive days and shall notify the Zoning Administrator in writing when the use of the Anemometer Tower or TMT for the purpose for which it was originally intended resumes.
- D. Within sixty days of any one of the following events the owner/operator of an Anemometer Tower or TMT shall deconstruct and remove the Anemometer Tower or TMT including all foundations to a level four feet below grade and restore all property occupied by the Anemometer Tower or TMT to the condition it was in immediately prior to construction:
 - (i). The owner/operator of the Anemometer Tower or TMT violates any provision of this ordinance or any conditions contained in the Special Use Permit and said violation is not cured within 30 days of the issuance of a citation or the date of mailing written notice of said violation to the address of the owner/operator on file with the Zoning Administrator;
 - (ii). The Anemometer Tower or TMT is not used for the purpose for which it was originally intended for 12 consecutive months.

- (8) **Complaint Resolution.** The applicant shall develop a written plan to resolve complaints from persons residing in an area affected by the construction and operation of the Anemometer Tower or TMT. A copy of the resolution plan shall be submitted to the Township along with the Special Land Use Application. The plan may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. Prior to commencing construction, the owner/operator shall provide all residents living in the area effected by the construction and operation of the Anemometer Tower or TMT with contact information, including a telephone number and where a representative can be contacted during normal business hours to file a complaint. A report of all complaints and actions taken to resolve them shall be filed with the Township on an annual basis. This process shall not preclude the Township from taking any action allowed by law on the subject of any complaint.
- (9) **Annual Inspections.** No later than September 30th of each year, the owner/operator shall file with the Township a certification prepared by an authorized representative of the manufacturer of the Anemometer Tower or TMT or a professional engineer certifying that each Anemometer Tower or TMT has been inspected in the 30 days preceding the certification, that it is being operated and maintained in accordance with the manufacturer's specifications, industry standards, the requirements imposed by statute, ordinance, rule or regulation. Additional inspections may be required by the Township.

- (10) **Revocation of Permit.** A permit issued pursuant to this section may be revoked upon violation of any provision of this ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the Anemometer Tower or TMT at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has 30 days to correct the violation. If the violation is not corrected within the 30-day time period, the revocation of the permit shall be placed on the agenda of a Township board meeting. The Township shall give the owner/operator at least seven days written notice of the time and place of said meeting. The owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

Section 6.52 Solar Energy System

- (a) **Intent and Purpose.** It is the intent and purpose of this section to establish rules and regulations for the construction, alteration, and operating of solar energy systems while protecting the health, welfare, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. The provisions of this section shall supplement other provisions of this ordinance regarding special land uses for solar energy facilities. In the event of a conflict between the provisions of this section and any other section of this ordinance the provisions of this section shall apply.
- (b) **Definitions.** The following definitions are applicable to Section 6.52:
- **Building Integrated Photovoltaics (BIPV):** A personal scale or Utility Scale Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles but excluding Roof or Building Mounted Solar Energy Systems.
 - **Ground Mounted Solar Energy System (GMSES):** A Personal Scale or Utility Scale Solar Energy System that is not attached or mounted on any roof or exterior wall of any principal or accessory building, but excluding a BIPV.
 - **Personal Scale Solar Energy system (PSSSES):** A Solar system used primarily for the production of energy for consumption on the premises where the system is located and not for the sale of energy to be consumed off the site where the system is located except for the sale of surplus electrical energy back to the grid.
 - **Roof or Building Mounted Solar Energy System (Roof or Building System):** A personal Scale or Utility Scale Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building.

- **Solar Energy System:** Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy including, but not limited to, the collection and transfer of heat created by solar energy to any other medium by any means.
- **Utility Scale Solar Energy System (USSES):** A Solar Energy System the principal design, purpose, or use of which is to provide energy for consumption off the site where the system is located or the sale of generated electricity to any person or entity.

(c) **Prohibited Activity**

No Solar Energy System shall be located, constructed, erected, or altered in Sanilac Township until the Owner/Operator shall have obtained a land use permit or a special land use permit, as the case may be and thereafter no solar Energy System shall be operated except in complete compliance with the provisions contained herein.

(d) **General Requirements**

All Solar Energy Systems are subject to the following general requirements:

- (1) All Solar Energy Systems must conform to the provisions of this Ordinance, all county, state and federal regulations and requirements and all applicable industry standards;
- (2) Solar Energy Systems shall be located and constructed in a manner which does not cause glare onto any other property or roadway at any time;
- (3) If any Solar Energy System does not operate as designed and intended for a period of 12 consecutive months, it shall be completely removed and the site restored to its original condition or, in the case of a USSES, in accordance with the decommissioning plan.

(e) **Personal Scale Solar Energy Systems (PSSES)**

- (1) PSSESs shall be a Permitted Land Use in all zoning districts subject to the following requirements based on the type of system.
 - A. **Roof or Building Mounted Personal Scale Solar Energy systems (Roof or Building Mounted Systems)**
 - (i) No part of a roof mounted system shall extend closer than three feet from any peak, valley, edge or eave nor shall it extend more than two feet from the surface of the roof;

- (ii) No part of a wall mounted system shall extend beyond the wall on which it is mounted and shall not extend away from the wall on which it is mounted.
- B. Ground Mounted Systems

- (i) A Ground Mounted Solar System shall not exceed 20 feet in height above the ground at its maximum tilt;
- (ii) In Agricultural Residential, Commercial and Industrial Districts, Ground Mounted Solar Systems shall be located in the rear yard or side yard. In the Lakefront Residential District, Ground Mounted Solar Systems shall be located between the principal building on the lot and the road.

The minimum setback from the property line shall be:

Agricultural Residential District – 20 feet from rear property line, 25 feet from side property line

Commercial District – 40 feet from rear property line, 25 feet from side property line

Industrial District – 40 feet from rear property line, 25 feet from side property line

Lakefront Residential – from the center line of a right of way of an abutting street shall be 108 feet on unpaved roads and 150 feet on State Highways and 3' from the side property line.

- (iii) All power transmission or other lines, wires, or conduits shall be located underground. If batteries are used as part of the system, they must be contained in a secured container.

(f) Utility Scale Solar Energy Systems

(1) Special Use

Utility Scale Solar Energy Systems shall be allowed as a special land use in the agricultural/residential, commercial, and industrial districts.

(2) Application

In addition to the requirements for an application for a special land use provided in Section 3.5 of this ordinance an application for a special land use for a Utility Scale Solar Energy System shall include all of the following:

- (A) proof of ownership of the property on which the system will be located;
- (B) a copy of any lease or other agreement with the electric utility company for the purchase of electricity produced by the facility. The agreement may only be

- contingent on the successful construction of the system;
- (C) a copy of any operations agreement;
- (D) the name and contact information of the proposed operator;
- (E) inspection protocol, emergency procedures, and general safety documentation for the system;
- (F) a description of how and where the system will be connected to the power grid;
- (G) a copy of a decommissioning plan as required herein;
- (H) a copy of the screening plan as required herein;
- (I) the location, size, and height of all system components.

(3) Minimum Parcel Size

No Utility Scale Solar Energy System shall be located on a parcel of land less than 5 acres in size.

(4) Maximum Height

No solar panels shall exceed 20 feet in height above the ground at maximum tilt.

(5) Screening

When a Utility Scale Solar Energy System is adjacent to a residentially zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of the site plan review.

If lighting is desired, it shall be of a fully shielded and downcast type where light does not spill onto the adjacent parcel or the night sky.

(6) Setbacks

All Utility Scale Solar Energy Systems shall be set back at least 25 feet from the nearest property line. The setback from the center line of a right of way on an abutting street shall be 108 feet on paved or unpaved local roads and 150 feet on state highways or primary roads.

(7) Decommissioning Plan

The applicant shall prepare a decommissioning plan which shall include:

- (A) the anticipated life of the project;
- (B) the estimated decommissioning costs, net of salvage value, in current dollars;
- (C) the manner in which the project will be decommissioned and removed and the site restored;
- (D) the method of insuring that funds will be available for decommissioning, removal, and site restoration.

(8) Decommissioning, Removal and Restoration Security

The owner/operator of a Utility Scale Solar Energy System shall provide security to the township to insure the complete decommissioning and removal of the system and

the restoration of the site. The security shall be provided in one of the following methods:

- (A) a cash bond posted with the Township;
- (B) an irrevocable letter of credit in favor of the township from a bank or other financial institution approved by the Township;
- (C) a surety bond issued in favor of the Township issued by a surety approved by the Township;

Any method of providing security shall remain in effect until the system is decommissioned and removed and the site restored. The amount of the security shall not be less than the estimated cost of decommissioning, removal and restoration, and shall include a reasonable inflation factor. The security shall be provided after approval of a special use permit but before the issuance of a special use permit. If the owner/operator fails to decommission and remove the system and restore the site within the time limits set forth herein, the Township may use funds provided as security to decommission and remove they system and restore the site and refund any unused funds to the owner/operator.

Section 8. Severability

Should any portion of this ordinance be found invalid for any reason such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 9. Repealer

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 10. Effective Date

This Ordinance shall be published and take effect seven days after publication as provided by law.