

<b>15.0 SPECIAL LAND USES</b>
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**15.1 INTENT AND PURPOSE**

In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses which are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.

This Article provides procedures and standards for regulating activities identified as uses by special use permit. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large. (Amended 7/9/02)

**15.2 GENERAL PROVISIONS**

- A. **INITIATION OF SPECIAL LAND USE.** Any person having a freehold interest in land, a ownership interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section in the zoning district in which the land is located.
- B. **APPLICATION OF SPECIAL LAND USE.** An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:
1. **Submission of Application:** Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board by resolution to cover costs of processing the application. No part of any fee shall be refundable.
  2. **Data Required:** Every application shall be accompanied by the following information and data:
    - a. The form supplied by the Building Inspector filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of this Article.
    - b. Site plan drawn to the specifications of the site plan review regulations of this Zoning Ordinance.

C. NOTICE OF REQUEST. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet. The notice shall be given not less than five and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following information.

1. Description of the nature of the special land use request.
2. Indication of the property which is the subject of the special land use request.
3. Statement of when and where the special land use request will be considered.
4. Indication of when and where written comments will be received concerning the request.

D. AUTHORIZATION. The Zoning Administrator shall review each application for a special land use, and make a recommendation to the Planning Commission. Where applicable, the Zoning Administrator or Planning Commission shall request a written response to a site plan review from affected federal, state, county, or local agencies. The Planning Commission may deny, approve, or approve with conditions any application for a special land use. The Planning Commission shall incorporate its decision in a statement of conclusions pertaining to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

No person should think that compliance with the standards defined by this Article automatically grants him or her the right to establish a special use in a given zoning district. Rather, the privilege of establishing a special use is granted or denied by the Planning Commission following the process outlined in this Article. (Amended 7/9/02)

E. GENERAL REQUIREMENTS FOR APPROVAL. The request for special land use approval must meet the following general standards, as well as the more specific

requirements for the requested land use. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

1. Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of the Township of Tittabawassee.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
5. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
6. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.

F. **CONDITIONS AND GUARANTEES.** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special land use are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The Township Clerk shall maintain a record of changes granted in the conditions. A Special Land Use is authorized and legal until the specific land use with all conditions is changed. The Special Land use then “runs with the land” regardless of the owner of the land.

G. **PERMIT EXPIRATION.** A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Inspector shall notify the applicant, Township Manager, Planning Commission and Township Board in writing of the expiration or revocation of said permit.

H. **EFFECT OF DENIAL OF A SPECIAL LAND USE.** No application for a special land use

which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Administrator and the Planning Commission.

- I. REVOCATION. In any case where a special land use has not been established within one (1) year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning Commission. In addition, a special land use can be revoked by the Planning Commission under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.

15.3 PERMITTED SPECIAL LAND USE PROVISIONS

These Permitted Uses and Uses allowed by Special Permit enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this Article and all other applicable regulations of this Ordinance.

A. ADULT BUSINESS.

The purpose and intent of requiring the following standards for adult bookstores and entertainment facilities is to prevent conditions that would presently or ultimately lead to blight and deterioration.

- 1. No adult bookstore or entertainment use shall be located within one thousand (1,000') feet of a church, school, public park, noncommercial public assembly facility or public office building.
- 2. The site shall not be adjacent to or within five hundred (500') feet of any residential area or Residential Zone.
- 3. The site shall not be within one thousand (1,000') feet of any other adult business use.
- 4. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of any adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.
- 5. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

B. AGRICULTURE BULK COLLECTION, STORAGE, DISTRIBUTION

- 1. Each principal agribusiness use shall have frontage upon and access to a thoroughfare having a primary or greater classification.
- 2. The minimum lot area shall be ninety thousand (90,000) square feet and the minimum lot width shall be three hundred (300') feet.
- 3. A bulk collection, storage, distribution, and similar structure shall be located not

less than fifty (50') feet from any right-of-way line and not less than fifty (50') feet from any side or rear property line.

4. The total coverage of all main and accessory buildings shall not exceed thirty (30%) percent of the lot on which they are located.
5. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500') feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

C. AUTOMOBILE SERVICE AND REPAIR/QUICK OIL CHANGE

1. Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.
2. Minimum lot width shall be not less than one hundred (100') feet.
3. An automobile service station building shall be located not less than fifty (50') feet from any right-of-way line and not less than thirty (30') feet from any side or rear lot line abutting residentially zoned property.
4. Ingress and egress drives shall not be less than fifteen (15') feet in width.
5. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30') feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.
9. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
10. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

D. BED AND BREAKFAST

1. A Bed and Breakfast must be licensed by Tittabawassee Township according to current licensing regulations.
2. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure

shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.

3. Not more than twenty-five (25%) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
4. No bed and breakfast sleeping rooms shall be located in a basement or attic.
5. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.
6. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
7. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
8. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
9. A maximum of six (6) persons per each restroom will be permitted.
10. A two (2') feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.
11. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to Township standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
12. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
13. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

#### E. CAMPGROUND/RV PARKS

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifteen (15) campsites/trailer pads.
3. Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.
4. Minimum lot size shall be five (5) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one public telephone.

5. Minimum distance between designated campsites shall be twenty (20') feet; minimum distance between travel trailers/ recreational vehicles shall be fifteen (15') feet.
6. Appropriate vegetation and screening around the perimeter of the site shall be provided.

F. CAR WASH

1. Minimum lot size shall be twelve thousand (12,000) square feet, minimum lot width shall be one hundred (100') feet.
2. All washing activities must be carried on within a building.
3. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking space for vehicles to be serviced by the subject facility.
4. Ingress and egress drives shall not be less than fifteen (15') feet wide.
5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

G. CEMETERIES

Public or private, when occupying a site of not less than twenty (20) acres, provided that no building shall be closer than fifty (50') feet from any property lines.

H. EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING

The purpose of this Article is to allow limited commercial quarrying, gravel processing and mining of minerals within the Township under certain defined conditions, and to minimize the impacts of those operations upon adjacent properties and the surrounding neighborhood. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, mining and mineral extraction businesses actively in existence with the Township at the time of adoption of the Ordinance.

1. STREET ACCESS

All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

2. SETBACKS AND GRADE LEVELS

- a. Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet to interior boundary lines of the property but larger

setbacks may be required by the Planning Commission to adequately protect adjoining properties.

- b. No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
- c. The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
- d. No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

### 3. SIGHT BARRIERS

Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- a. Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.
- b. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.

### 4. NUISANCE ABATEMENT

- a. **NOISE AND VIBRATIONS.** Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- b. **AIR POLLUTION.** Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation

designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

- c. HOURS OF OPERATION. The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Friday.
- d. FENCING. In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.

#### 5. RECLAMATION OF MINED AREAS

- a. TIME PERIODS. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- b. STANDARDS.
  - 1. All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:
    - (a) That the excavated area shall not collect stagnant water and not permit the same to remain; or,
    - (b) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - 2. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - 3. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a

one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.

4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
5. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

#### 6. PERFORMANCE BOND

A performance bond or cash shall be furnished the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than three thousand dollars (\$3,000) per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. In no event shall such financial guarantee be less than three thousand dollars (\$3,000) and the dollar amount of the guarantee shall be set by the Township Board.

#### 7. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

- a. PLAN CONTENTS. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
  1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to

- be constructed, and the location and nature of abutting improvements on adjoining property.
2. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
  3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
  6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
8. **ADDITIONAL CONDITIONS.** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.
9. **INSPECTIONS AND CONFORMANCE.** Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in

order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a video tape in VCR format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.

10. LIABILITY INSURANCE. All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

I. FIREWORKS STORAGE.

This language is a restatement of Tittabawassee Township General Ordinance, #00-07, Storage of Fireworks.

1. PURPOSE. The purpose of this regulation is to provide guidelines for the safe storage of fireworks in agricultural zones. These regulations only apply to materials that have been licensed under the regulations of the Bureau of Alcohol, Tobacco and Firearms and the State of Michigan and are awaiting Township approval. It is the intent of these regulations to separate storage of fireworks from adjacent uses, provide for aesthetic and buffering requirements for the storage container, limit traffic to and from the container, provide for the safety of surrounding people, animals and property and maintain control over the ongoing storage of such materials. By storing these materials in an agricultural area, it is intended to locate this land use in a safe environment by isolating it from more intense land uses and zoning districts, thereby reducing the risk of injury and property damage and to discourage the curiosity of people that might occur in more populated areas elsewhere.
2. SITE OWNERSHIP. The site on which fireworks are stored must be owned by the person in whom the ATF and State permit is issued. Both permits must be in the same name. A dwelling unit must be located on the same site, also owned by the person named on the ATF and State permit, and occupied by that person on a full time basis in an agricultural zone.
3. NOT A HOME OCCUPATION. Storage of fireworks is not a Home Occupation as defined by the Tittabawassee Township Zoning Ordinance. This statement is intended to serve as the interpretation of the definition of a Home Occupation should the question arise.
4. MINIMUM SITE SIZE. The minimum site size is ten (10) acres.

5. SETBACKS. The storage container and/or structure must be set back minimally
  - 1) As defined by the ATF, from the nearest dwelling unit or inhabitable building, including the dwelling unit occupied by the owner of the site, from the nearest structure housing animals, and from the nearest road right of way. If an adjoining property owner chooses to construct a home or other inhabitable structure closer than the specified setback, the fireworks storage shall be moved or the permit to store fireworks shall be revoked upon the issuance of a certificate of occupancy for the structure.
  - 2) One thousand (1000') feet from the nearest day care center or institution of any kind.
  - 3) If state or federal regulations are more stringent than those in this Ordinance, the most restrictive regulations shall apply.
  
6. TYPE OF STRUCTURE. The structure must be of a temporary nature and may not have a permanent foundation. The purpose of this regulation is to facilitate dismantling of the structure should the permit requirements cease to be met and to discourage other uses of the structure in the future.
  
7. TYPE AND QUANTITY OF MATERIALS STORED. The only materials that may be stored in the structure are those specifically listed in the ATF and/or State of Michigan permit. All other materials commonly associated with the use of fireworks materials may not be stored in the structure nor in any other structure located on the premises. Both State or federal regulations must be adhered to, and the most restrictive regulations at the state and/or federal level shall apply. If state or federal regulations become more stringent during the tenure of this Ordinance, the most restrictive regulations shall apply.
  
8. ACCESS TO STORAGE STRUCTURE. The owner of the site and his or her employees may access the structure with a vehicle as needed. No other vehicles or persons are allowed to access the site. The purpose of this regulation is to minimize the amount of traffic in an otherwise residential/ agricultural setting, control access to the materials.
  
9. BUFFERING. The structure must be buffered from view by at least 50% obscuration by any means using only natural plant materials.
  
10. NO RETAIL SALES. No sales of any kind of any materials may take place on the site, either retail or wholesale.

11. ATF and STATE OF MICHIGAN PERMIT. A valid ATF and State of Michigan permit must be maintained to allow continuation of the Special Use Permit. Annual ATF and/or State of Michigan permits may not be automatically renewed by the building inspector, Township staff or elected officials. In addition, this Special Use does not run with the land, but with the owner, unlike other Special Uses and is automatically void should the ownership of the site on which the explosives are stored or the ownership of the dwelling unit change. This is an exception to the Ordinance as a whole and is noted as such in these regulations by this statement.
12. OTHER RESTRICTIONS AS REQUIRED BY THE PLANNING COMMISSION. Other restrictions may be imposed on the site, the owner, the structure or other aspects of storage of explosives as deemed necessary by the Planning Commission with the intent of this section.

J. FUNERAL HOMES

1. Minimum lot area shall be 1.0 acre.
2. The space in the main building used for mortuary functions shall be separate from the living quarters of the person or persons owning, managing, or maintaining the mortuary.
3. Outdoor signage shall conform to the requirements Article 14.
4. A fence or natural year-round landscape barrier of a minimum height of six (6) feet shall be located between the mortuary and adjacent residential dwellings.

K. GOLF COURSES/COUNTRY CLUBS – PITCH AND PUTT, 9 HOLES, 18 HOLES

Type of Course	Acreage	Parking	Setbacks	Lighting
1. Pitch and Putt	a. 10 acres minimum	b. 3 spaces per hole and one space per employee	c. All main and accessory buildings must be 50 feet from all property lines. Planting and screening shall be provided where the course abuts a residential lot.	c. Shielded to reduce glare and shall be directed away from all residential lands which adjoin the site.
2. 9 Hole Course	a. 40 acres minimum	b. 5 spaces per hole and one space per employee		
3. 18 Hole Course	a. 80 acres minimum	b. 5 spaces per hole and one space per employee		

(Amended 4/11/06)

L. GOLF DRIVING RANGE

1. Minimum lot size shall be five (5) acres.

2. Main and accessory buildings shall be set back at least fifty (50') feet from all adjacent property lines.
3. The perimeter of the driving range shall be enclosed with a chain link fence of a minimum height of six (6') feet.

M. HUNTING AND GAME PRESERVES

1. Safety Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.
2. Posting. The entire perimeter of the site must be posted as required by the DNR license.
3. Noise and hours of operation. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.
4. Parking. Adequate parking shall be provided on site at a quantity determined by the planning commission on a case by case basis. Other parking regulations in this Ordinance do not apply.
5. Retail Sales. No retail sales to the public shall take place on the premises of any kind. Sales to participants in the shoot such as shot gun shells, hats, licenses, game birds, clothing, etc. is allowed.
6. Gun use. All guns used must be a type of shot gun using bird shot. Hand guns, rifles, bows and arrows and all other weapons are not allowed

N. KENNELS

1. All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.
2. For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each three additional animals.
3. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than thirty (30') feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

O. LIVESTOCK FEEDLOTS/AUCTION YARDS

1. The Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices (GAAMPS) for new and expanding livestock facilities shall be followed.
2. Site/facilities locational requirements. The applicant for an intensive livestock operation permit shall submit with the application a detailed site plan showing that the property upon which the operation is proposed to be sited and the buildings, structures, and enclosures thereon, including animal waste storage areas,

structures and excavations, fully comply with the following locational requirements:

- a. The property shall be zoned AG Agricultural pursuant to the Tittabawassee Township Zoning Ordinance and Zoning Map.
- b. The property shall have a minimum lot area of forty (40) contiguous tillable acres.

P. MANUFACTURED HOME SALES – See OUTDOOR USE.

Q. MINISTORAGE (amended 9/25/03)

1. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100') feet.
2. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.
3. All items shall be stored inside an enclosed facility.
4. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
5. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

R. MOTEL/HOTEL

Each unit of commercial occupancy shall contain a minimum of two hundred (200) square feet of gross floor area.

S. OUTDOOR WOOD FIRED HEATERS – Amended 5.12.09

1. Definitions

- a. "Clean wood" means wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.
- b. "EPA" means the United States Environmental Protection Agency.
- c. "Outdoor wood-fired hydronic heater" (OWHH) or "outdoor wood boiler" means a fuel burning device designed to burn wood or other solid fuels; That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and Which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

- d. "Phase I OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million BTUs input and is labeled accordingly.
- e. "Phase II OWHH" means an OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTUs output and is labeled accordingly.

## 2. Permit Requirements

No OWHH may be installed or relocated from one lot to another lot in any district without first obtaining a permit from the building inspector. Any new installation or relocation of an OWHH must be inspected by the building inspector prior to use.

## 3. Unit Requirements

- a. No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood Furnace unless such operation conforms to the manufacturer's instruction regarding such operation and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood Furnace.
- b. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- c. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
- d. The owner of any new Outdoor Wood Furnace shall produce a copy of the manufacturer's owner's manual or installation instructions and a site plan of where the furnace will be located to the Code Enforcement/Building Department to review prior to installation.

## 4. Setback Requirements

The Outdoor Wood Furnace shall be located

- a. At least 15 (fifteen) feet from the owners property line.
- b. At least 250 (two hundred and fifty) feet from any residence that is not served by the Outdoor Wood Furnace unless the owner of the neighboring property gives written permission and agrees to a deed notification for the

property waiving the required setback.

5. Permitted Fuels

Permitted fuels means any fuel burned in an OWHH:

- a. Clean wood;
- b. Wood pellets made from clean wood;
- c. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired OWHHs.
- d. Corn

6. Prohibited Fuels

Prohibited fuels means any fuel burned in an OWHH other than permitted fuels.

Prohibited fuel includes but is not limited to:

- a. Wood that does not meet the definition of clean wood,
- b. Garbage, refuse, tires, yard waste, materials containing plastic or rubber
- c. Newspaper, cardboard or any material with ink or dye products
- d. Petroleum products, including asphalt products, other than those that are permitted fuels,
- e. Paints and paint thinners, chemicals, coal,
- f. Plywood, particleboard, manure or other animal products or wastes.

7. Fuel Storage

Fuel must be stored in the rear or side yard and meet the setback for accessory structures.

8. Nuisance

A nuisance, as defined by this ordinance is “an offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property.”

If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:

- a. Cease and desist operating the unit until reasonable steps can be

taken to ensure that the Outdoor Wood Furnace will not be a nuisance

- b. Modifications made to the unit to eliminate the nuisance such as extending the chimney/stack, or relocating the Outdoor Wood Furnace or both.

S. PARKS/RECREATIONAL FACILITIES

1. The minimum area for a park shall be one-half acre.
2. A natural vegetation strip at least ten (10') feet wide shall be maintained between the park area and all other adjacent land uses.
3. Any outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

T. PLANNED UNIT DEVELOPMENT

It is the purpose of this Section to encourage more imaginative and livable housing and working environments within Tittabawassee Township through a planned reduction, or averaging, of the individual lot area requirements for the AG, R-1A, R-1, R-2, R-3 and VC Districts, PROVIDING the overall density requirements for each district remain the same. Cluster/Open Space development is a form of Planned Unit Development that promotes protection and conservation of open spaces and natural areas through the clustering of residential units on smaller lots than normally required within the district in which the development is located. In some instances, residential and commercial uses are combined.

1. OBJECTIVES

The objectives to be considered in reviewing any application for a Special Use Permit for Planned Unit Development are,

- a. To provide a more desirable living and working environment by preserving the natural amenities of the site.
- b. To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all development.
- c. To encourage developers to use a more creative and imaginative approach in development .
- d. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through avoiding natural obstacles on the site.
- e. To encourage variety in the physical development pattern of the Township by providing a mixture of housing types and commercial uses where appropriate.

2. QUALIFYING CONDITIONS

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Unit Development:

- a. The Planned Unit Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
- b. The Planned Unit Development shall meet or exceed all of the standards and requirements of the Tittabawassee Township Subdivision Control Ordinance except in specified cases where the Planning Commission determines that the intent of the PUD will be better served by varying those regulations.
- c. The proposed residential population density of the Planned Unit Development shall be no greater than if the parcel were developed with the lot area requirements of the particular district in which it is located.
- d. Open space, undevelopable or scenic land shall be dedicated to Tittabawassee Township or be set aside for the common use of home or lot owners within the Planned Unit Development under legal procedures which shall also give an association that must be formed a covenant or interest therein, so that there are assurances that the required open space shall remain open. The Township may, upon the decision of the Township Board, take over maintenance of such common land if the association is dissolved or unable to maintain the property or under other such circumstances the Board determines is in the best interest of the Township.

3. PERMITTED USES

The following uses of land and structures may be permitted within Planned Unit Developments:

- a. All uses permitted by right or by Special Use Permit in the AG, R-1A, R-1, R-2, R-3, VC Districts, subject to all applicable specified restrictions. Any residential uses may be combined on one site, provided the residential uses at the perimeter of the site are the same as the uses allowed by right or special use permit in the adjacent district. Combining residential and commercial uses within a PUD is only allowed within the R-2, R-3 and VC districts. Where commercial and residential uses are combined, the site on which the PUD is located may not abut residential uses on an adjacent site that is not developed as a PUD, without the written consent of at least sixty-six (66%) percent of the property owners of abutting property lines.

4. CONCEPTUAL SITE PLAN

An applicant must submit a conceptual site plan as specified below to the Zoning Administrator. This submittal is mandatory to facilitate early communication and concurrence between the Township and the developer.

- a. A conceptual site plan has maps and a written statement. It shows enough of the area surrounding the proposed Planned Unit Development to demonstrate the relationship of the Planned Unit Development to adjoining uses, both existing and proposed.
  - b. The Conceptual Site Plan may be in general schematic form, at a scale of one hundred (100') feet to one (1") inch and shall contain the following information:
    - 1. The existing topographic character of the land with contours shown at intervals not greater than five (5') foot intervals, except that, where the land slope is less than five (5%) percent, the contour interval shall be two (2') feet;
    - 2. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
    - 3. The character, type, number, and density of dwelling units proposed;
    - 4. The approximate location of major arterial and collector streets;
    - 5. The location and tabulation of all public or common open space, and;
    - 6. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.
    - 7. The written statement to accompany the Conceptual Site Plan shall contain the following information:
      - a. An explanation of the character of the Planned Unit Development
      - b. A legal description of the present ownership of the land
      - c. The expected schedule and/or phase of development.
5. FINAL SITE PLAN
- The applicant must submit a final site plan which shall include all the following required information:
- a. The street system and their proposed construction standards.
  - b. Utilities including sanitary sewer, storm sewer, water, electric, gas, cable and telephone.
  - c. The area of land dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public uses.
  - d. A plan and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.
  - e. A map indicating the areas allocated for common open spaces and allocated for usable open spaces. The Township may also request the developer to dedicate some portion of the site as public open space. To facilitate such a dedication, the developer may increase the number of proposed units by one (1) for each five (5) acres of open space dedicated for public use.

- f. Preliminary elevation of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details
- g. A general landscaping plan showing existing and proposed trees and plantings.
- h. A development schedule indicating the date when construction of the project can be expected to begin, the stages in which the project will be built the area and location of common open space that will be provided at each stage.
- i. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common and usable open space areas.
- j. A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.
- k. Prior to the granting of any Planned Unit Development, the Planning Commission may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Unit Development as they or the Township Board deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this Ordinance. An escrow agreement and account approved by the Township Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred and twenty-five (125%) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and Tittabawassee Township acting through the Township Supervisor. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

6. CONTROL OF PLANNED RESIDENTIAL DEVELOPMENT

- a. After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.
- b. After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:

7. LOT SIZE CALCULATION

The lot area for a Planned Unit Development may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures. A sample calculation follows.

**Step 1:** The site acreage for a Planned Unit Development shall be the gross acreage minus the following types of land: Public utilities as easements for major facilities or other similar lands which are not available to the owner because of such easements.

Example: The gross site acreage is 100 acres. 5 acres are power line easements. The site acreage computation is

$$\begin{array}{r} 100 \text{ acres} \\ - \quad \underline{5 \text{ acres}} \\ 95 \text{ acres} \end{array}$$

**Step 2:** Street and other circulation needs shall be set aside at fifteen (15%) of the Gross site acreage minus easements. Subtract fifteen (15%) of total site acreage for streets.

Example: Then subtract 15% of 100 (15 acres) for streets.

$$\begin{array}{r} 95 \text{ acres} \\ - \underline{15 \text{ acres}} \\ 80 \text{ acres} \end{array}$$

**Step 3:** Open space shall be set aside in the PUD at a level of twenty (20%) of the Net Site Acreage computation obtained in Step 2. The Net Site Acreage minus the required open space shall be used to compute the minimum lot size in the PUD.

Example: The Site Acreage in Step 2 is 80 acres. Then subtract 20% of 80 (16 acres) for open space.

$$\begin{array}{r} 80 \text{ acres} \\ - \underline{16 \text{ acres}} \\ 64 \text{ acres} \end{array}$$

*This figure is the Net Site Acreage.*

**Step 4:** The total number of lots is computed by taking the Net Site Acreage number computed in Step 2 and dividing it by the minimum square footage required per parcel in the underlying zone. The resulting figure is the total number of lots allowed in the development.

*Example: Assuming the underlying zone is R-1 with sewer and water. The minimum square footage per parcel is 8,750.*

$$80 \text{ acres } (3,484,800 \text{ sq. ft.}) / 8,750 \text{ sq. ft.} = 398 \text{ lots maximum}$$

**Step 5:** Using the net site acreage computed in Step 3, divide by the total number of lots calculated in Step 4 into the Net Site Acreage. This gives the minimum square footage per lot allowed in the PUD.

*Example: 64 acres / 398 lots = .1608 acres or 7,004 sq. ft. per lot minimum*

Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the parcel were developed under the minimum lot area requirements of the underlying zone.

8. OPEN SPACE REQUIREMENTS

All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to Tittabawassee Township or as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Unit Development:

- a. That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that an open space easement for said land shall be conveyed to Tittabawassee Township to assure that open space land shall remain open.
- b. That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Comprehensive Development Plan of Tittabawassee Township and PROVIDED further that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.
- c. The owners or developers of the Planned Unit Development shall not be compelled or required to improve the natural condition of the open space land.

## 9. DEVELOPMENT STANDARDS

The following standards are intended to supplement the requirements of the Tittabawassee Township Subdivision Control Ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence except in instances where the intent of the PUD will not be served with more stringent regulations.

### a. Streets

1. The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
2. Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Township Board may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
3. All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.
4. If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.

### b. Utility and Street Improvements

The proprietor shall provide water, sanitary sewer, storm sewer, underground utilities, sidewalks, pedestrian ways, streets, lighting, and additional public improvements as required by the Planning Commission to achieve the intent of the PUD. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the Township.

- c. Open Space shall be accessible from all areas of the development by foot using common easements.

## U. RESTAURANTS/FAST FOOD WITH DRIVE THROUGH

1. The main and accessory buildings shall be set back a minimum of thirty (30') feet from any adjacent right-of-way line or residential property line.
2. A six (6') foot high masonry obscuring wall shall be provided adjacent to any residential district.

3. Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.

V. SALVAGE YARDS/RESOURCE RECOVERY FACILITIES

1. Plans and specifications shall be submitted to the Planning Commission and shall include the following, in addition to items required on the site plan checklist:
  - a. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the Township's waste water treatment facility.
  - b. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
  - c. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
  - d. Daily clean-up procedures.
  - e. Other details necessary as required by the Planning Commission.
2. A facility shall be located not less than five hundred (500') feet from the nearest residential zone and must be screened by a fence of not less than eight (8') feet in height and not less than ninety (90%) percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
3. The site must be located on major arterial roads and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
4. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
5. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
6. The salvage yard site shall not be less than five (5) acres in size.
7. Open burning shall not be carried on in a salvage area facility.
8. The salvage yard area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
9. Necessary operations of the salvage yard shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
10. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances

W. SITE CONDOMINIUM DEVELOPMENT

The following regulations shall apply to all condominium projects:

1. Initial Information: Concurrently with notice required to be given the Township of Tittabawassee pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL

559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- A. The name, address and telephone number of:
  - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  - 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
- B. The developer or proprietor of the condominium project.
- C. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- D. The acreage content of the land on which the condominium project will be developed.
- E. The purpose of the project (for example, residential, commercial, industrial, etc.).
- F. Approximate number of condominium units to be developed on the subject parcel.

1. SITE PLANS – New Projects Master Deed, and Engineering and Inspections:  
 Prior to recording to the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo application and review procedures pursuant to Section 16.5 of this Ordinance. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and Township Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

4. EXPANDABLE OR CONVERTIBLE PROJECTS  
 Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an “as built survey.” The “as built survey” shall be reviewed by the Township Engineer for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.

5. MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS:  
 A. All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
4. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township of Tittabawassee whichever the proprietor selects, in an amount not less than twenty-five dollars (\$25.00) per monument and not less than one hundred dollars (\$100.00) in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

6. STREETS

All streets shall have a sixty-six (66') foot right-of-way and shall be built to Saginaw County Road Commission Standards.

7. RELOCATION OF BOUNDARIES

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

8. SUBDIVISION OF CONDOMINIUM UNITS

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

9. CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND APPROVAL

All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Section 17.15. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.

X. SITE PLAN REVIEW ONLY

The following special uses will be subject to site plan review only as the specific standards for which a special use site plan shall be reviewed and approved:

1. Agricultural Retail Facilities
2. Archery/pistol Ranges
3. Child Care Facility
4. Commercial Cleaning Plants
5. Commercial Composting
6. Day Care Facility
7. Farm Implement Sales and Service
8. Forestry, Sod farming, greenhouses
9. Grain and Seed Elevators
10. Human Care Institutions (Amended 5/13/03)
11. Industrial Parks
12. Lumber Yards, Home Improvement centers
13. Outdoor Use
14. Production of Fur Bearing animals,
15. Public Buildings and Public Service Installations
16. Recreational Vehicle Parking
17. Religious Institutions
18. Riding Stables
19. State Licensed Residential Group Homes (Amended 5/13/03)
20. Storage of Waste Disposal Vehicles

- 21. Temporary Outdoor Uses/Seasonal Business
- 22. Vehicle sales and service
- 23. Veterinary Hospitals

- Y. SUBSTANCE ABUSE REHABILITATIONS CENTER (Amended 5/13/03)
  - 1. Frontage and Access. Such uses shall front onto a County Primary or State Truck Line. The main means of access to the facility for patients, visitors and employees shall be via the Primary Road or State Trunk line. In no case shall access be off of a residential street.
  - 2. Setbacks. The principle building shall be setback at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
  - 3. Open Space. Open space will be required and will be site specific.
  - 4. Screening. Screening will be required and will be site specific.

Z. WIND ENERGY POWER SYSTEMS (Amended 5.12.09)

1. DEFINITIONS

- a. Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.
- b. ANSI: American National Standards Institute.
- c. 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.
- d. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- e. IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.
- f. ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.
- g. On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer.
- h. 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.

- i. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.
  - j. 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.
  - k. 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.
  - l. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
  - m. Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.
  - n. Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.
  - o. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
2. ON SITE WIND ENERGY SYSTEMS: An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An On Site Use wind energy system with a tower higher than 65 feet shall be considered a Special Land Use. On Site Use wind energy systems with no towers or towers 65 feet or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 65 feet in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Special Land Use.

Prior to the installation of an On Site Use wind energy system with a tower higher than 65 feet, an application for a Special Land Use permit shall be filed with the local government that will include:

- a. applicant identification,
- b. a site plan,
- c. documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and
- d. proof of the applicant's public liability insurance.

- e. **Property Set-back:** The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
  - f. **Sound Pressure Level:** On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
  - g. **Construction Codes, Towers, & Interconnection Standards:** On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with 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.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
  - h. **Safety:** An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
3. **UTILITY GRID WIND ENERGY SYSTEMS:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:

- a. **Applicant Identification:** Applicant name, address, and contact information.

- b. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.

The site plan shall include

- 1) the project area boundaries,
  - 2) the location, height, and dimensions of all existing and proposed structures and fencing,
  - 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
  - 4) existing topography,
  - 5) water bodies, waterways, wetlands, and drainage channels, and
  - 6) all new infrastructure above ground related to the project.
- d. Insurance: Proof of the applicant's public liability insurance.
  - e. Sound Pressure Level: Copy of the modeling and analysis report.
  - f. Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
  - g. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
  - h. Environmental Impact: Copy of the Environmental Impact analysis.
  - i. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
  - j. Shadow Flicker: Copy of the Shadow Flicker analysis.
  - k. 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.
  - l. Decommissioning: Copy of the decommissioning plan.
  - m. Complaint Resolution: Description of the complaint resolution process.

- n. The Utility Grid wind energy system project shall meet the following standards and requirements:
- 1) **Overlay Zone:** If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
  - 2) **Property Set-Back:** The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
  - 3) **SCADA (supervisory control and data acquisition) or meteorological (Met) towers** shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
  - 4) **Sound Pressure Level:** The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

- 5) Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with 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.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- 6) Safety: All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- 7) Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
- 8) Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or

concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

- 9) Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area.. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

- 10) Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic

interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- 11) Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year.
  
- 12) The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
  
- 13) Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include:
  - a) the anticipated life of the project,
  - b) the estimated decommissioning costs net of salvage value in current dollars,
  - c) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
  - d) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

AA. WIRELESS COMMUNICATION

1. INTENT AND PURPOSE.

The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:

- a) Facilitate the provision of wireless telecommunication services to the

- residents and businesses of the Township,
  - b) Minimize adverse visual effects of towers through design and siting standards,
  - c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
  - d) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
  
- 2. DISTRICT REGULATIONS. A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
  - a) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through the site plan review process by the Planning Commission.
  - b) Towers in Residentially zoned areas are only allowed if they are:
    - 1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
    - 2) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
      - a) Church sites, when camouflaged as steeples or bell towers;
      - b) Park sites, when compatible with the nature of the park; and,
      - c) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
      - d) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Township staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
  - c) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.

- d) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit in the Wireless Communication Facility overlay zone as shown on the Township's most recently adopted zoning map under the following situations:
  - 1) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
    - a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
    - d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
  - 2) A tower structures built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Township as proof that two carriers will occupy the structure.

3. COLLOCATION

Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

- a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
- b) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
- c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

#### 4. TOWER CONSTRUCTION

Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and National Building Code construction standards for steel structures.

#### 5. TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN

Proposed or modified towers and antennas shall meet the following design requirements:

- a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
- c) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

#### 6. TOWER SETBACKS

Towers shall conform with each of the following minimum setbacks requirements:

- a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another

industrially zoned property and the tower does no encroach upon any easements.

- b) Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to the height of the tower including all antennas and attachments.
- c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
  - 1) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
  - 2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- d) Tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
- e) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.

7. TOWER HEIGHT

In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 200' except as granted by the Zoning Board of Appeals.

8. TOWER LIGHTING

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

9. SIGNS AND ADVERTISING.

The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

10. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.

Abandoned or unused towers or portions of towers shall be removed as follows:

- a) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site

shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

- b) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

11. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.

No new or existing telecommunications service shall interfere with public safety telecommunications. The Planning Commission may request an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.

12. MODIFICATIONS.

A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

- a) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit
  - by changing the wireless service facility in one or more of the following ways:
    - 1) Change in the number of facilities permitted on the site;
    - 2) Change in the technology used for the wireless service facility.
- b) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

13. SITE PLAN SUBMISSION REQUIREMENTS.

- a) General Filing Requirements
  - 1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
  - 2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
  - 3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the

applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

- b) Location Filing Requirements
  - 1) Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, and street address, if any.
  - 2) Tax map and parcel number of subject property.
  - 3) Zoning district designation for the subject parcel.
  - 4) A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- c) Siting Filing Requirements
  - 1) A one-inch-equals-40 feet vicinity plan showing the following:
    - a) Property lines for the subject property.
    - b) Property lines of all properties adjacent to the subject property within 300 feet.
    - c) Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
    - d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
    - e) Proposed location of antenna, mount and equipment shelter(s).
    - f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
    - g) Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the personal wireless service facility.
    - h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
    - i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
    - j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
  - 2) Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

- a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- b) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- c) Any and all structures on the subject property.
- d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- d) Design Filing Requirements
  - 1) Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - 2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
  - 3) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
  - 4) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
  - 5) If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
- e) Radio Frequency Radiation (RFR) Filing Requirements. The Planning Commission reserves the right to request RFR requirements in the form of a certification that the following studies have been completed.  
 The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:
  - 1) Existing, or ambient: the measurements of existing RFR.

- 2) Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.
- 3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio Frequency Radiation Standards sub-section of this Bylaw.

In all cases the applicant shall provide a letter from emergency service providers within the coverage area of the proposed facility stating that emergency services will not be adversely impacted by the proposed facility.