

# Chapter 7

## Special Land Use Permit Requirements

### SECTION 7.1 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.

### SECTION 7.2 PERMIT PROCEDURES

- a. INITIATION OF SPECIAL LAND USE. Any person having a freehold interest in land, an 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.

- 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 Master Plan of Lincoln Township.
  - 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 landowner. 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.

### SECTION 7.3 AUTOMOBILE CAR WASH, RESTAURANTS, BARS, TAVERNS, COMMERCIAL RECREATION

- a. **MINIMUM SITE SIZE.** Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150) feet on a public dedicated or approved road.
- b. **SITE LOCATION.** The proposed site shall have at least one (1) property line on a principal or minor arterial.
- c. **BUILDING SETBACK.** All permitted buildings shall be set back sixty (60) feet from all street right-of-way lines and shall not be located closer than fifty (50) feet to any property line in a residential district unless separated from by a street or alley.
- d. No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20) feet to the line of any street right-of-way.
- e. If the use is a car wash or service station, hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- f. **ACCESS DRIVES.**
  - 1) No more than *one (1)* driveway approach shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35) feet in width at the property line.
  - 2) Any two (2) driveways giving access to a single street should be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way and the curb or edge of the pavement.
  - 3) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall not be less than twenty-five (25) feet from any adjacent lot within an "R" Residential District as extended to the curb or pavement.
  - 4) If the use is a car wash and the site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but not less than fifty (50) feet.
- g. **CURBING AND PAVING.** A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- h. **FENCING.** A solid fence or wall four (4) feet in height shall be erected along all property lines abutting any lot within a residential district.
- i. **LIGHTING.** Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets. The height of lighting shall not exceed twelve feet (12) when located within two hundred feet (200') of a residential district and further may not exceed a height of sixteen feet (16) otherwise.

## SECTION 7.4 CEMETERIES

- a. MINIMUM SITE SIZE. One half (.5) acre.
- b. PLAY AREA. There shall be provided on the site a usable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking area. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

## SECTION 7.5 DAY NURSERIES

- a. MINIMUM SITE SIZE. One half (.5) acre.

## SECTION 7.6 FUNERAL HOMES, CLUBS, HALLS

- a. DEVELOPMENT REQUIREMENTS. The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- b. MINIMUM SITE SIZE. Two (2) acres site with a minimum width of one hundred-fifty (150) feet.
- c. SITE LOCATION. The proposed site shall front upon a major or minor arterial or principal collector. All ingress and egress to the site shall be directly from said thoroughfare.
- d. YARDS. Front, side and rear yards shall be at least forty (40) feet, except on those sides adjacent to nonresidential districts wherein it shall be twenty (20) feet. All yards shall be appropriately landscaped in trees, shrubs and grass. No structures or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified, and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

## SECTION 7.7 GOLF COURSES, COUNTRY CLUBS AND PARKS

- a. SITE LOCATION PRINCIPLES. Allowed use shall be located to be immediately accessible from a principal or minor arterial or collector street. Site location should be allowed which enhances the natural environment and amenities for community life.
- b. DEVELOPMENT REQUIREMENTS. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.
  - 1) Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from a collector.
  - 2) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site. No lighting except foot lighting in parking. All signs must be backlit.

- 3) Minimum yard and height standards require that no building shall be closer than fifty (50) feet to any property or street line. No building shall be erected to a height greater than that permitted in the District in which it is located, except as may be provided under height exceptions for the District in question.

## SECTION 7.8 HOSPITALS

- a. The proposed site shall be at least five acres (5) in area.
- b. The proposed site shall be at least one (1) property line abutting a public dedicated or approved road. All ingress and egress to the parking area (for guest, employees, staff) shall be directly from the major thoroughfares.
- c. All two (2) story structures shall be at least sixty (60) feet from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial sixty (60) feet set back an additional height above two (2) stories.
- d. No more than twenty-five (25) percent of the gross site shall be covered by buildings.
- e. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6') feet in height. Access to and from the delivery and ambulance area shall be directly from a principal or minor arterial or collector street.

## SECTION 7.9 INDUSTRIAL PARK

- a. PERMITTED USES IN INDUSTRIAL PARK. Uses primarily engaged in research and light manufacturing activities.
  - 1) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
  - 2) Distribution and Warehousing Plants
  - 3) Administrative, professional, and business offices associated with and accessory to a permitted use.
  - 4) Cafeteria, cafe, restaurant, or auditorium accessory with and incidental to any of the foregoing uses.
  - 5) Agricultural uses, pending development.
- b. DEVELOPMENT STANDARDS.

SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

- 1) Front Yard Setback. Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
  - 2) Side Yard Setback. Ten (10') feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
  - 3) Rear Yard Setback. The rear yard shall be thirty (30') feet.
- c. SITE COVERAGE. Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- d. BUILDING HEIGHT. The maximum building height shall be thirty-five (35') feet.
- e. BUILDINGS PER LOT. If there is more than one (1) building on a lot, it must be approved by the Lincoln Township Planning Commission.
- f. BUILDING CONSTRUCTION AND MATERIALS. All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street.
- g. The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
- h. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
- 1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - 2) Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products produced or sold thereon.
  - 3) All signs attached to the building shall be flush mounted.
  - 4) Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.

- 5) A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of thirty-two (32) square feet.
  - 6) No ground signs shall exceed four (4') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to the Community Directional Sign, Special Purpose Sign, Construction Sign.
  - 7) Wall Signs shall be fixture signs; Signs painted directly on the surface of the wall shall not be permitted.
- i. **PARKING.** Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within eight hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Township and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

Exceptions to these guidelines shall be made where an approved Ridesharing program to service the Industrial Park is implemented.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking spaces for each full time employee (per shift).

- j. **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
- 1) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
  - 2) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- k. **LOADING AREAS.** No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of ninety (90') feet from the street right-of-way line, or one hundred thirty (130') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- l. **STORAGE AREAS.** No outdoor storage shall be allowed.
- m. **REFUSE COLLECTION AREAS.** All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.



- n. LIGHTING. All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.
- o. TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- p. NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

#### SECTION 7.10 INSTITUTIONAL USES INCLUDING PROVISION FOR THE MENTALLY IMPAIRED, DRUG AND ALCOHOLIC PATIENTS

- a. The proposed site shall be at least twenty acres (20) in area.
- b. The proposed site shall have at least one (1) property line abutting a publicly or dedicated approved road.
- c. All two (2) story structures shall be at least one hundred feet (100) from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty feet (50) to any property or street line. For buildings above two (2) stories, the building shall be setback the initial one hundred feet (100) and an additional one foot (1) for each foot of additional height above two (2) stories.
- d. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
- e. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet (6') in height. Access to and from the delivery area shall be directly from a major thoroughfare.

#### SECTION 7.11 MANUFACTURED HOUSING PARKS

- a. PERMITTED USES
  - 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article.
  - 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
  - 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

## 4) Public Service Installations

## b. COMPLIANCE WITH MOBILE HOME PARK COMMISSION

No manufactured home park shall be established unless the park complies with the rules of the Mobile Home Commission.

## c. GREENBELT BUFFER

Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.

- 1) The greenbelt buffer shall be twenty (20') feet wide on all side and rear lot lines abutting adjoining property. Existing manufactured housing developments are not required to buffer between the existing development and any new adjacent development that did not exist at the time the preliminary plan was approved.
- 2) Landscaping Materials. If the mobile home park abuts an existing residential development, the development shall be required to provide screening along the boundary abutting the residential development. If a development abuts a nonresidential development, it need not provide screening. In all cases, however, a development shall provide screening along the boundary abutting a public right of way. The landscaping shall consist of evergreen trees or shrubs at least three feet (3') in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping above. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.
- 3) Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.
- 4) The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the preliminary plan review process.

## d. STREETS, SIDEWALKS AND PUBLIC WAYS

Every mobile home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

- 1) Access to public ways. Where adverse topographic conditions of entry streets are encountered, a second entry street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The purpose of the second entry street is to provide adequate access to the community in cases of emergencies, poor weather or heavy traffic conditions.
- 2) All streets within the mobile home park shall be paved with a hard surface in accordance with the most recent edition of the ASSHTO Standards. Specifications for Construction that includes Construction Details of the Michigan Department of Transportation.
- 3) Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.
- 4) Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. One-way streets shall have a minimum traveled width of thirteen (13') feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the mobile home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
- 5) Each street intersection within the mobile home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30') feet from the intersection or taller than three (3') feet from the center line elevation of the street.
- 6) Each intersection within the mobile home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
- 7) If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

e. OFF STREET PARKING AND DRIVEWAYS

- 1) All mobile home sites within the mobile home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent mobile home park street by hard-surfaced driveway at least ten (10') feet in width. Parking may also be provided on-street, provided that the parking lane width requirements are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.

- 2) A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500') feet of the mobile home site it is intended to serve. The five hundred (500') shall be measured along a road or sidewalk.
- 3) In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow mobiles, and the like.

f. ILLUMINATION

All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:

- 1) Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of the public thoroughfare.
- 2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
- 3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.

g. WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM

Public sewer systems shall be required in a manufactured home development if available within two hundred (200') feet at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state approved sewage system.

h. OPEN SPACE

An open space dedicated to use by Mobile Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

i. MOBILE HOME INSTALLATION

Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

## SECTION 7.12 MOTEL AND HOTEL, MULTIPLE FAMILY DWELLINGS, PUBLIC BUILDINGS

Provided the following conditions are met:

- 1) Minimum floor area of two hundred-fifty square feet (250sf) per guest unit shall be provided.
- 2) Minimum lot area of forty thousand square feet (40,000sf) is required together with a minimum lot width of one hundred fifty feet (150'), plus there shall be no less than four hundred square feet (400sf) of lot area for each guest unit.
- 3) Maximum lot coverage including all buildings, both principal and accessory shall be forty (40%) percent.
- 4) Minimum yard dimensions require all building to be set back no less than forty feet (40') from any street property line and no less than thirty feet (30') from any side or rear property line, except that the side yard, for a corner lot, which is adjacent to the street shall be no less than forty (40') feet.

## SECTION 7.13 PLANNED UNIT DEVELOPMENT

- a. **INTENT.** This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- b. **PERMITTED USES AND STANDARDS.** A Planned Unit Development (PUD) may include all Uses By Right and Special Uses listed for the Zoning District which applies to its site and the R-2 and B-1 Zoning Districts. When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use By Right in another, it may be treated as a Use By Right for the PUD.
- c. **MAXIMUM DENSITY.** The maximum density for the parcel may not exceed the allowable density for the district in which it is located.
- d. **DIMENSIONAL REQUIREMENTS.** Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Yard requirements among lots within the PUD may be altered to meet open space requirements but may not be less than the minimum necessary to meet fifty (50%) open space requirement.
- e. **OPEN SPACE.** Up to fifty (50%) percent of any Parcel containing a PUD may be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped yard areas for multiple dwellings or nonresidential uses may be included.

- f. **PARKING AND CIRCULATION.** Parking for Uses in a PUD shall conform to the requirements of individual uses as required. Roads in a PUD must be Public Streets, and must be built to the standards of the Midland County Road Commission. This does not include access drives or internal circulation in business districts.

#### **SECTION 7.14 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS AND GAS REGULATOR STATIONS, BUT NOT INCLUDING STORAGE YARDS**

- a. Yard and set back requirements shall be no less than that specified for the district in which the proposed use would not be located.
- b. All buildings shall be harmonious in appearance with any surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- c. Where mechanical equipment is located in the open air, it shall be screened from the surround residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

#### **SECTION 7.15 RELIGIOUS INSTITUTIONS, TEMPORARY OUTDOOR USES**

- a. The proposed site shall be at least one (1) acres in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- b. The proposed site shall be located as to have at least one (1) property line on an approved or dedicated road. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
- c. No building shall be closer than forty (40) feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial forty (40) feet an additional one (1) foot for each foot of additional height above the district height limitation.
- d. No more than twenty-five (25%) percent of the gross site area shall be covered by buildings.

## SECTION 7.16 SEWAGE TREATMENT AND DISPOSAL, COMMERCIAL CLEANING PLANTS, SALVAGE YARD AND RESOURCE RECOVERY FACILITIES, STORAGE OF WASTE DISPOSAL VEHICLES

- a. GENERAL. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. TREE BUFFERS FOR LANDFILLS AND JUNKYARDS. Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- c. NO HAZARDOUS OR TOXIC WASTE. No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- d. TRUCK ACCESS. Routes for truck movement to and from the site shall be identified by the Midland County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- e. ACTIVITY RESTRICTIONS. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- f. FENCE REQUIREMENTS.
  - 1) AROUND LANDFILL OR INCINERATOR. Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
  - 2) AROUND JUNKYARD OR RESOURCE RECOVERY. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junkyard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
  - 3) AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

- g. RESTORATION OF LANDFILL SITES. Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

## SECTION 7.17 SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES

- a. INTENT. There are some uses that because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- b. DISTANCE RESTRICTIONS.
- 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
  - 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- c. SIGNS AND PUBLIC OR EXTERIOR DISPLAY. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- d. PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS. When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.



- 1) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
- 2) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
- 3) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
- 4) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

## SECTION 7.18 SOIL RESOURCE EXTRACTION, POND CONSTRUCTION

- a. **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in Lincoln Township. Finally, oil wells are specifically exempted from this Section, because they are regulated solely by the Michigan Department of Natural Resources.
- b. **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
  - 1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
  - 2) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - 3) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- c. **EXCAVATION SITE REQUIREMENTS.**
  - 1) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
  - 2) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.

- 3) Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.

d. CONSTRUCTION AND OPERATION REQUIREMENTS.

- 1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- 2) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.
- 3) Minimum designed water depth of a pond must be fifteen (15') feet to insure proper aeration and circulation of the water.
- 4) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under [Act 451 of 1994](#).
- 5) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- 6) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
- 7) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- 8) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- 9) When two (2) or more Dwellings are located within two hundred feet (200') of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four feet (4') high with a lockable gate.
- 10) Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

## Section 7.19      Solar Energy Facilities

The solar energy regulations and standards described in this section pertain to the creation of large-scale ground-mounted solar photovoltaic installations that primarily sell electricity to be used off site. The regulations set forth below apply to the construction, operation, and/or repair of large-scale ground-mounted Solar Energy Facilities.

If there is an application for research/development or testing of a solar panel array or equipment, these requirements may be reduced or eliminated at the request of the applicant and the discretion of the planning commission.

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Solar Energy Facilities shall only be allowed as a special land use in the R-1, B-1, B-2, M-1, and M-2 zoning districts, pursuant to Chapter 7 as to Special Land Use approvals and the requirements outlined below. Land enrolled in PA 116 (Farmland and Open Space Preservation Program) is not eligible to be used for Solar Energy Facilities. These regulations are not intended to encourage land to be disenrolled in the PA 116 program.

- a. PROCEDURE. The Planning Commission review of a Special Use Permit application for a Solar Energy Facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 7. The second step, which may occur at a separate meeting for a solar energy facility, is the site plan review process by the Planning Commission as described in Chapter 8. A decision on the Special Use Permit application by the Planning Commission is inclusive of all proposed Solar Energy Facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s).
- b. APPLICANT IDENTIFICATION. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Lincoln Township. The applicant, operator, and/or owner is required to place an identification placard on site with their company, address, a contact name, and a contact phone number for the life of the project.
- c. FEE. An applicant shall remit an application fee, an escrow deposit, in the amount specified by Township policy. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.
- d. PROJECT DESCRIPTION. A general description of the proposed project including a legal description(s) and parcel identification number(s) of the property or properties on which the project would be located and an anticipated construction schedule.
- e. PROJECT DESIGN. A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted compared to solar tracking, number of panels, and angles of orientation.
- f. INSURANCE. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the Solar Energy Facility for the life of the project. The policy shall provide a minimum of \$1,000,000 property and personal liability coverage per event. The applicant is required to send updated policy documents to the Township Board on an annual basis.
- g. CERTIFICATION. Certifications that applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances, including compliance with the Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116), and 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

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making repairs to any public roads, drains and infrastructure damaged by the construction of the Solar Energy Facility. Copies of all such permits and approvals that have been obtained or applied for at the time of the application.

- h. MANUFACTURERS' MATERIAL SAFETY DATA SHEET(S). Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- i. VISUAL SIMULATIONS. Photo exhibits visualizing the proposed solar energy facility, with emphasis on visualizing the location of any required fences, landscaping, access roads, and setbacks from adjacent non-participating property.
- j. MAINTENANCE PLAN. Applicant shall submit a maintenance plan that describes the following:
  - 1. Explaining routine maintenance to solar panels and facility.
  - 2. Demonstrates the solar energy facility will be designed, constructed, and operated to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust.
  - 3. States the manner how unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.
  - 4. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during construction and throughout the solar energy facilities' useful life.
- k. EMERGENCY SERVICES. The solar energy facility owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- l. DECOMMISSIONING. Copy of the decommissioning plans and a description of how any surety bond is applied to the decommissioning process.
- m. CONFLICT RESOLUTION. Description of the complaint resolution process.

ADDITIONAL SITE PLAN REQUIREMENTS. The applicant shall submit a site plan in full compliance with Chapter 8 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

- a. The project area boundaries.
- b. The location, height, and dimensions of all proposed structures and fencing.
- c. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- d. Existing topography.
- e. Water bodies, waterways, wetlands, drainage channels, and drain easements.
- f. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.
- g. All comments from the Midland County Drain Commissioner's office pertaining to the proposed solar energy facility shall be submitted to the Planning Commission.
- h. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
- i. Identification and site plan of a construction/set-up/laydown area.

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**STANDARDS AND REQUIREMENTS.** Solar Energy Facilities shall meet the following standards and requirements:

**a. LOCATION OF SOLAR ENERGY FACILITIES**

1. Unless otherwise specified herein, all Solar Energy Facilities must comply with the requirements established in the Lincoln Township Zoning Ordinance.
2. All solar energy facilities must be located on parcel(s) with a minimum lot size of 2 acres.
3. All fences and improved areas located on the site shall comply with the applicable setbacks for the district in which it is located. See Chapter 6 of the Zoning Ordinance.
4. Any structures or other improved areas located within the fenced/improved area shall be located at least 25 feet from the fence line/improved area. This requirement may be reduced or eliminated at the request of the applicant and the discretion of the planning commission.
5. Solar panels and associated racking is limited in height to 12 feet. This requirement may be expanded or eliminated at the request of the applicant and the discretion of the Planning Commission. All other structures shall comply with the height requirements of Chapter 6.
6. Maximum lot coverage requirements as defined in Chapter 6 do not apply to any solar energy facility. As a part of the application, the applicant should include a maximum lot coverage calculation for reference.

**b. DESIGN AND INSTALLATION STANDARDS**

1. All proposed facilities will comply with all applicable local, state, and federal standards and requirements, including electrical and building codes.
2. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.
3. Any other relevant studies, reports, certificates and approval as may be reasonably required by Planning Commission.
4. The design and construction of Solar Energy Facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
5. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
6. No portion of the Solar Energy Facility shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulation.
7. The applicant must obtain a driveway permit from the Midland County Road Commission or MDOT, as applicable.
8. The applicant must obtain any drain permits from the Midland County Drain Commission or MDEQ, as applicable.
9. The design of landscape buffers for Solar Energy Facilities shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
10. Lighting shall be consistent with local, state, and federal law, and shall be limited to that required for safety and operational purposes. Lighting shall be reasonably shielded from abutting properties.
11. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.
12. If a Solar Energy Facility ownership changes, the new owner/operator must meet with the Lincoln Township Planning Commission to review the conditions of the Special Use Permit within sixty (60) days of the change in ownership.

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c. NOISE No additional noise over the existing ambient level shall be heard at the property lines of the project. If noise complaints occur, the owner/operator may be required to complete a noise study and mitigate any additional noise that is found

d. LIGHT AND GLARE

1. All solar energy systems shall be placed such that solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
2. Solar facilities should be sited and designed properly to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, or other highly sensitive viewing locations, or to reduce them to the lowest achievable levels. The applicant will provide a glint and glare study which accurately assesses and quantifies potential glint and glare effects and to determine the potential health, safety, and visual impacts associated with proposed project
3. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with airline pilot vision and/ or traffic control operations.

e. LANDSCAPING

1. Applicant shall submit a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting.
2. Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance, of the solar energy facility pursuant to practices of best management of natural areas or good stewardship of the land or forest otherwise prescribed by applicable laws, regulations and bylaws.
3. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies shall utilize good plant husbandry techniques with respect to vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Low level vegetation, cover plants, or grasses shall be maintained by the facility operator not to exceed 12 inches in height.
4. All solar energy facilities shall have a minimum landscape buffer of 10 feet in width. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The trees or bushes may be trimmed no lower than a height of 10 feet. In place of this buffer, the Planning Commission may also allow a minimum 5 feet high berm or solid fencing as a landscape buffer. The fence cannot exceed the 6-foot fence maximum and must be a minimum of 4 feet. These landscaping requirements may be reduced or eliminated at the request of the applicant and the discretion of the Planning Commission. Such request may occur when the adjacent use is agricultural or industrial and there is insufficient reason to buffer the solar energy facility as a more intensive or intrusive land use.
5. Applicant must provide a detailed maintenance plan for the proposed solar energy system, and surrounding area, including provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

f. SECURITY

1. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator

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2. Solar energy facilities shall be surrounded by a minimum of a six-foot tall chain link fence that shall be designed to restrict unauthorized access. The planning commission may modify this requirement if deemed appropriate.

ABANDONMENT AND DECOMMISSIONING.

- a. ABANDONMENT: A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Solar Energy Facility.
1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six months of notice by the Planning Commission or its designee.
  2. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous predevelopment condition.
- b. DECOMMISSIONING: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
1. The anticipated life of the project;
  2. The estimated decommissioning costs in current dollars (salvage costs cannot be considered in the estimated decommissioning costs). The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
  3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
  4. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
  5. Complete restoration of property to condition prior to development of the Solar Energy Facility;
- c. The anticipated manner in which the project will be decommissioned and the site restored.
1. Decommissioning shall include the removal of each PV Panel, all electrical components, and associated facilities within the footprint of the solar energy facility to a depth of 48 inches below grade. However, the landowner may submit a request allowing the concrete foundations to be left for other uses, subject to the Zoning Administrator.
  2. Following removal, the location of any remaining foundation shall be identified on a map and recorded with the deed to the property with the Midland County Register of Deeds.
  3. All access roads to the Solar Energy Facility shall be removed, cleared, and graded by the facility owner, unless the property owner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.
  4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner of the Solar Energy Facility or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, and restored to

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its condition existing prior to any construction activities, unless the property owner requests, in writing, that the land surface areas not be restored.

- d. A provision to give notice to the Township one year in advance of decommissioning.
- e. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new solar energy facility shall include a description of the financial security guaranteeing removal of the solar energy facility which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments.
- f. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator thirty (30) days prior to its expiration or termination. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
- g. The time frame for completion of decommissioning activities.

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#### COMPLAINT RESOLUTION.

- a. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. 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.
- b. 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.
- c. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

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CONFLICTING PROVISIONS. In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Solar Energy Facilities, the provisions of this section shall control.

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## **SECTION 7-197.20 STATE LICENSED RESIDENTIAL FACILITY**

- a. This section applies State Licensed Residential Facilities for seven (7) to twenty (20) persons in accordance with the [Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737](#).
- b. SITE LOCATION PRINCIPLES. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.
  - 1) Any institutional structure or use to be located within a residential district should preferable be located at the edge of a residential district, abutting either a business or industrial district or adjacent to a public open space.



- 2) Motor vehicle entrance should be made on a Principal Arterial or as immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.
- 3) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

## SECTION ~~7.20~~7.21 TATTOO AND PIERCING PARLOR

- a. **LOCATION.** Tattoo and piercing parlors shall not be permitted to be established within one thousand (1000) feet of a school, day care or religious institution. This distance shall be measured from the property line.
- b. **SEPARATION.** Tattoo and piercing parlors shall not be permitted to be established within one thousand (1000) feet of each other. This distance shall be measured from the property line.

## SECTION ~~7.21~~7.22 WIRELESS COMMUNICATION FACILITIES

- a. **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:
  - 1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
  - 2) Minimize adverse visual effects of towers through design and siting standards,
  - 3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
  - 4) 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.
- b. **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
  - 1) 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.
  - 2) Towers in non-industrially zoned areas are only allowed if they are:

- a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
- b) 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 only and are not required to obtain a special use permit.
  - (1) Religious institutions, when camouflaged as steeples or bell towers;
  - (2) Park sites, when compatible with the nature of the park; and,
  - (3) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Township owned properties.
  - (4) 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) 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:
  - (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- d) 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.

- c. **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:
- 1) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
  - 2) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
  - 3) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.
  - 4) 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.
- d. **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.
- e. **TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN.** Proposed or modified towers and antennas shall meet the following design requirements:
- 1) 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.
  - 2) 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.
  - 3) 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 non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- f. **TOWER SETBACKS.** Towers shall conform with each of the following minimum setbacks requirements:

- 1) 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 not encroach upon any easements.
  - 2) 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.
  - 3) Towers shall not be located between a principal structure and a public street, with the following exceptions:
    - a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
    - b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
  - 4) 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.
  - 5) 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.
- g. 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.
- h. 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.
- i. 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.
- j. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS. Abandoned or unused towers or portions of towers shall be removed as follows:
- 1) 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.

- 2) 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.

k. 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.

l. 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:

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

m. SITE PLAN SUBMISSION REQUIREMENTS.

1) General Filing Requirements

- a) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- b) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- c) 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.

2) Location Filing Requirements

- a) 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.
- b) Tax map and parcel number of subject property.
- c) Zoning district designation for the subject parcel.
- d) 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.

3) Siting Filing Requirements

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.

4) 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.
- e) 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.
- f) 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.