

## ARTICLE 11

### SPECIAL PROVISIONS

#### Section 11.01 Wireless Communication Facilities.

##### A. Purpose.

The purpose of this Article is to:

1. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennae.
3. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

##### B. Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Site plan.** A site plan, on eleven (11) inch by 17 inch paper, which identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
  - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
  - b. A screening plan, with details of proposed fencing and screening materials.
  - c. Elevation drawings of all proposed towers and other structures on the site.

- d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within five (5) miles of the proposed location.
3. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
4. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
5. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.
6. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty (30) days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
8. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
9. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.
10. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of

requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

11. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

**C. Type of Review Required.**

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
<b>NEW TOWERS AND ANTENNAS</b>			
Construction of a new wireless communications tower or ground equipment enclosure area for a tower.	◆	◆	
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	◆	◆	
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays.	◆	◆	
<b>COLOCATION ON EXISTING TOWERS</b>			
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		◆	

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		◆	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater [ <b>also see Section 11.02C.3.d. below</b> ].	◆	◆	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		◆	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		◆	
Installation of new ground equipment within an approved ground equipment building or enclosure.		◆	
<b>SATELLITE DISH ANTENNAS</b>			
Installation of satellite dish antennas with a diameter of less than 1.5 meters.			◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger.		◆	
<b>AMATEUR RADIO ANTENNAS</b>			
Installation of amateur radio transmission and reception antennas.		◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority.			◆

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
<b>OTHER PROJECTS</b>			
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within road rights-of-way.	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes.			◆
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			◆

1. **Exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Section.
2. **Facilities subject to zoning permit review.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 1.08 (Zoning Permits).
3. **Facilities subject to Planning Commission review.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Section, the review procedures specified in Section 11.01D (Review Procedure), and the following limitations:
  - a. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Special Use Permit application per Section 11.01C (Type of Review Required) shall not exceed the Township’s actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
  - b. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Special Use Permit per Section 11.01C (Type of Review Required) to the Township Planner to determine if the application is administratively complete per Section 11.01B (Application).
    - (1) The Township Planner shall transmit a written response to the Clerk, Planning Commission Chair, and applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
    - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk, Planning Commission Chair, and applicant within the 14 business day period.

- c. **90-day time limit on Planning Commission action.** For any Special Use Permit application not subject to the additional requirements of Section 11.01C.3.d. (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action per Section 11.01D (Review Procedure) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Commission takes no final action within this 90 calendar day period.
  
- d. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Special Use Permit approval per Section 11.01C (Type of Review Required) and referencing this subsection shall be modified as follows:
  - (1) **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application per Section 11.01D (Review Procedure) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.
  
  - (2) **Limitation on conditions of approval.** Planning Commission authority to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to verify compliance with the applicable requirements of this Ordinance; or ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

**D. Review Procedure.**

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- 1. **Procedure.** After a complete and accurate application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
  - a. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 11.01B (Application).
  
  - b. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.

- c. **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance with Section 12.03 (Public Hearing Procedures).
  - d. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
    - (1) The Planning Commission shall address whether the facility is in compliance with the requirements of this Section and Ordinance.
    - (2) The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 11.01I (Criteria for Approval).
    - (3) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
2. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
  3. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

#### **E. General Requirements.**

The following regulations shall apply to all wireless communications facilities:

1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be

designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.
5. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

**F. Standards for Wireless Communications Towers.**

The following shall apply to all wireless communications towers, in addition to the provisions of Section 11.01E (General Requirements):

1. **Location.** Wireless communications towers shall be limited to lots in the A-1 (Agriculture-Conservation) and PSP (Public/Semi-Public Services) Districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.
2. **Height.** Except the PSP (Public/Semi-Public Services) District, towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a tower in the PSP District exceeding 200 feet in height upon determination that all of the following conditions have been met:
  - a. The tower will be located on land owned by Billings Township and subject to the authority of the Billings Township Board of Trustees.
  - b. The Township Board has reviewed the tower proposal, and has authorized the applicant to seek approval per the requirements of this Ordinance.
  - c. The tower meets all other requirements of this Section and Ordinance without need for variance approval from the Zoning Board of Appeals.
  - d. The applicant has demonstrated that additional tower height will result in:
    - (1) Improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower; and
    - (2) Expanded opportunities for co-location of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents.



3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
  - a. **From lot boundaries.** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
  - b. **From adjacent districts and uses.** A minimum of 200 feet from the boundary of a residential zoning district or lot occupied by a residential use.
  - c. **Between towers.** New wireless communication towers shall be set back a minimum of one (1) mile from all existing towers. The Planning Commission may approve a lesser separation distance upon determining that the tower location is necessary to satisfy reasonable operating requirements.
4. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with Section 8.04 (Methods of Screening).
5. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained to accommodate co-location of multiple antennae on a single tower.
6. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

**G. Standards for Antennae Located on Structures.**

The following shall apply to antennae located on principal or accessory structures, in addition to the provisions of Section 11.01E (General Requirements):

1. Antennae located on principal or accessory structures shall be limited to structures in the A-1 (Agriculture-Conservation), PSP (Public/Semi-Public Services), and IND (Industrial) Districts, where the structure has a minimum height of 50 feet.
2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.

**H. Standards for Amateur Radio Antennae:**

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 11.01E (General Requirements).

1. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.

2. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
3. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

**I. Criteria for Approval.**

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
2. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

**J. Existing Towers and Antennae.**

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 11.01E (General Requirements) and all approved plans, permits, and conditions of approval.

**K. Rescinding Approval of Wireless Communications Facilities.**

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the

wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

**L. Removal of Wireless Communications Facilities.**

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

**M. METRO Act Telecommunication Facilities.**

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended).

## **Section 11.02 Wind Turbines.**

Wind turbine facilities shall be subject to the following design standards and review requirements:

**A. Development Review.**

Applications for approval of wind turbine facilities under this Section shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

**B. Public Hearing.**

A public hearing shall be required for all applications for approval of wind turbine facilities. The public hearing shall be scheduled and held before the Planning Commission, in accordance with Section 12.03 (Public Hearing Procedures).

**C. Required Information.**

Applications for approval of a wind turbine facility under this Section shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed wind turbine facility.
2. **Site plan.** All information required for site plan approval in conformance with Section 12.01 (Site Plan Review) of this Ordinance, as applicable, and any additional information requested by the Zoning Administrator or Planning Commission to show compliance with the standards of this Section.

3. **Site criteria.** The developer shall provide documentation regarding prevailing wind speed, direction and steadiness of flow, proximity to transmission grid, and availability of resources to transmit excess power into the grid.
4. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wind turbine facility on the site.
5. **Engineering certification.** Stress sheets and calculations by a professional engineer licensed by the State of Michigan showing that the wind turbine facilities are designed in accordance with applicable dead load and wind pressure standards shall be provided.
6. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility, which identifies who will be responsible for maintenance of the facility, and includes a method of notifying the Township if maintenance responsibilities change.
7. **Security plan.** Detailed descriptions and illustrations shall be provided of measures to prevent unauthorized access to the facility.
8. **Setbacks and "fall zone" information.** Setbacks from all property lines and road rights-of-way, and the area of the anticipated debris "fall zone" from a catastrophic failure shall be shown on the site plan.
9. **Fire control plan.** Details of proposed fire suppression facilities, and documentation regarding potential impacts on public services, including any specialized fire department equipment that may be needed to support the proposed project.
10. **Impact assessment.** The developer shall provide the Township with an impact assessment for the proposed wind turbine facility that addresses the following issues and identifies proposed mitigation measures, if any:
  - a. Impacts upon migratory birds, and local bird populations, and any proposed mitigation measures designed to limit avian collisions.
  - b. Impacts upon aircraft operations, radar systems, and nearby airport functions.
  - c. Impacts upon wireless communication equipment, transmission, and reception; and commercial television and radio reception.
  - d. Cost of public services (police, fire, water, sewer, etc.) from the proposed wind turbine construction and operation.
  - e. Impacts from electromagnetic radiation generated by turbine operation, including any proposed mitigation measures.
  - f. Detailed simulations of the visual impacts from the north, south, east and west shall be provided, along with details of proposed wind turbine facility and site security lighting, if any.

- g. Anticipated noise levels within the building, at the property line, and at set intervals up to 1,000 feet away shall be provided by the developer, along with the following:
  - (1) Descriptions of the anticipated character of the noise (i.e. "constant low-pitched hum", "intermittent high-pitched whine", etc.), and details of any proposed noise mitigation measures.
  - (2) Documentation of anticipated vibration from turbine operation within the building and at the property line, and details of any proposed vibration dampening measures.
  
- 11. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Billings Township as the certificate holder and naming the Billings Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
  
- 12. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of the wind turbine facility. The applicant shall demonstrate that adequate funds will be available to the Township for the removal of the wind turbine facility, restoration of the site and associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the wind turbine facility in a timely manner as required by this Section.
  
- 13. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information for the wind turbine facility as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

**D. Development Standards.**

The following regulations shall apply to all wind turbine facilities:

- 1. **Federal, state and local standards.** Wind turbine facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission, and any other county, state or federal agency with jurisdiction, and shall further comply with applicable State Construction Code, electrical code, and fire code requirements.
  
- 2. **Public safety.** Wind turbine facilities shall comply with applicable federal and state standards relative to electromagnetic emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the wind turbine facilities shall be provided for operation, maintenance, repair, and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
5. **Location.** Wind turbine facilities shall be limited to lots in the A-1 (Agriculture-Conservation) District that have sufficient lot area to accommodate the minimum setback requirements of this Section.
6. **Height.** The height of proposed wind turbine facilities shall not adversely impact the public health, safety or welfare, as determined by the Planning Commission.
7. **Setbacks.** Wind turbine facilities shall be set back a minimum of 500 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of a residential zoning district or lot occupied by a residential use.
8. **Separation between facilities.** New wind turbine facilities shall be set back a minimum of one (1) mile from any existing wind turbine facility. The Planning Commission may approve a lesser separation distance upon determining that the proposed location will not adversely impact surrounding uses or the public health, safety or welfare.

**E. Removal of Wind Turbine Facilities.**

Wind turbine facilities for which approval has been rescinded or that have ceased operation for more than 365 contiguous days shall be removed by the owner or operator within 90 days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

**Section 11.03 Private Roads.**

New private roads, extensions of an existing road as a private road, and other private road improvements shall be subject to the following design standards and review procedures:

**A. Scope.**

Prior to the creation of new lots or any increase in the number of lots to be served for ingress and egress purposes by an existing private road lawfully established prior to the effective date of this Ordinance, the private road shall conform to the requirements of this Section. This Section shall also apply to all new private roads and any extension of an existing road as a private road.

**B. Development Review.**

Private road review and approval shall take place concurrently with review of any associated development plan, as follows:

1. **Plat or condominium review.** A private road subject to this Section may be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act (P.A. 288 of 1967, as amended), or a

condominium development under Article 13 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended).

2. **Site plan review.** Where a private road is proposed to serve lots created by metes and bounds lot splits permitted by the Land Division Act (P.A. 288 of 1967, as amended), or is otherwise required to be improved to conform to the requirements of this Section, the private road shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

**C. Public Hearing.**

A public hearing shall be required for all private road applications. The public hearing shall be scheduled and held before the Planning Commission, in accordance with Section 12.03 (Public Hearing Procedures).

**D. Required Information.**

Applications for approval of a private road under this Section shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees, as set by the Township Board, for review of the proposed development plans.
2. **Development plan.** The development plan shall include all of the following:
  - a. All information required for:
    - (1) Subdivision plat approval in conformance with the Land Division Act (P.A. 288 of 1967, as amended);
    - (2) Condominium subdivision plan approval in conformance with Article 19 (Condominium Regulations) and the Condominium Act (P.A. 59 of 1978, as amended); or
    - (3) Site plan approval in conformance with Section 12.01 (Site Plan Review) of this Ordinance, as applicable.
  - b. A survey of the development site, showing lot lines, zoning districts, topography at two (2) foot contour intervals, water courses, drainage patterns, existing and proposed roads and road rights-of-way, easements, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site. For alterations or extensions of existing private roads, an existing conditions survey shall also be provided showing:
    - (1) The location, extent, and dimensions of the existing road right-of-way, driving surface, drainage improvements, and utilities;
    - (2) All existing lot boundaries, easements, private driveways, and structures within 100 feet of the road right-of-way; and
    - (3) A cross-section detail of the existing road.

- c. Documentation of compliance with the private road development standards of this Ordinance, and the applicable standards of the Gladwin County Road Commission, including cross-sections of the road right-of-way showing the scope and details of the proposed road improvements or alterations.
- d. Documentation from the Central Michigan District Health Department, Michigan Department of Environmental Quality (MDEQ) or other agency with jurisdiction that each of the lots and dwellings can be adequately served by private well, septic or wastewater treatment systems; or documentation that the proposed dwellings will be served by planned public water or sanitary sewer services.
- e. Any additional information requested by the Zoning Administrator or Planning Commission.

**E. Minimum Design Standards.**

Private roads in the Township shall conform to the following minimum design standards:

- 1. **Right-of-way.** New private roads and extensions of existing roads as a private road shall be located within a dedicated road right-of-way with a minimum width of 66 feet or the applicable Gladwin County Road Commission standard, whichever is greater. Where additional lots of record are created on land abutting an existing private road with a right-of-way of less than 66 feet, no additional right-of-way dedication shall be required.
- 2. **Road design and surfacing.** At a minimum, any new private road or extension of an existing, unpaved road as a private road shall meet or exceed the Gladwin County Road Commission road and drainage design specifications for an aggregate base course public road, subject to the following:
  - a. Such roads shall have an improved driving surface area at least 20 feet in width on a minimum 32 foot wide base.
  - b. Any private road extension of an existing public or private road paved with concrete, bituminous asphalt or similar hard surfacing shall meet or exceed the Gladwin County Road Commission road and drainage design specifications for plat development, and public road construction and paving.
  - c. Where the road right-of-way or easement of an existing private road lawfully established prior to the effective date of this Ordinance is less than 66 feet, minimum required driving surface, base course, and drainage improvements shall be proportional to the available width and otherwise consistent with the Gladwin County Road Commission specifications.
  - d. A cul-de-sac meeting minimum Gladwin Country Road Commission radius and design standards shall be required at the end of any dead-end private road.



3. **Signage.** Private road name assignment and installation of road signs shall be in accordance with the standards and approval of the Gladwin County Road Commission.

**F. Maintenance Agreement.**

For any new private road subject to the requirements of this Section, or the new extension portion of an existing road, there shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained in accordance with the requirements of this Section, applicable Gladwin County Road Commission specifications, and any conditions of Township private road approval.

1. All owners of land abutting the new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be signatory parties to the agreement, which shall be a continuing obligation on the land and any future landowners.
2. At a minimum, the agreement shall specify who will be responsible for road maintenance and improvements, reference the applicable standards, approved plans, and any conditions of private road approval, and describe how the funds for such work will be collected and administered.
3. All owners of land abutting the new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
4. A disclosure statement shall be placed in the maintenance agreement informing the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.
5. Copies of the recorded document shall be submitted to the Township Clerk and Zoning Administrator within 30 calendar days of approval of any new or altered private road in accordance with this Section, along with proof of recording from the county Register of Deeds Office.

**G. Special Assessment District.**

The owner(s) of land to be served by any new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be required to file petition(s) verified both as to signature and ownership, with the Township Clerk to request establishment by the Township Board of a special assessment district for maintenance of the private road in accordance with applicable state statutes.

Owners of land served by existing private roads are encouraged to petition the Township Board to establish a special assessment district for maintenance of the private road. Not less than 51% of the record owners of land within the proposed special assessment district must have signed such petitions.

## Section 11.04 Temporary Living Quarters.

The temporary placement and occupancy of manufactured homes, recreational vehicles (RV), and other temporary buildings as temporary living quarters shall be subject to the following:

### A. RV Parking, Storage, and Use in the A-1 District.

Recreational vehicles may be parked, stored, or occupied as temporary living quarters on any lot in the A-1 (Agriculture-Conservation) District, subject to the following:

1. The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback requirements in the zoning district, as specified in Article 4 (Dimensional Standards).
2. Storage shall be limited to recreational vehicles and all associated equipment owned by the owner of the parcel. Storage of recreational vehicles for remuneration outside of an approved outside storage area for such vehicles shall be prohibited. Any recreational vehicle may be stored within the confines of a completely enclosed accessory structure.
3. Temporary occupancy or camping on a lot using a recreational vehicle shall be limited to vehicles and equipment owned by the owner of the parcel and the owner's guests.
4. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle. On-site disposal shall be prohibited.
5. All recreational vehicles, tents and similar camping gear and equipment shall be removed from the lot or stored within a completely enclosed accessory structure when not in use.

### B. RV Parking, Occupancy, or Camping on a Vacant Lot in a Residential District.

Storage of a recreational vehicle on a vacant lot shall be prohibited. Parking or occupancy of any recreational vehicle as temporary living quarters or any camping on a vacant lot in the R-1 (Single Family Residential) District or MHP (Manufactured Housing Park) District shall be subject to the following requirements:

1. **72-hour activities.** Parking or occupancy of up to four (4) recreational vehicles or any camping on a vacant lot not exceeding a maximum of 72 hours per calendar year shall be allowed without zoning permit approval, provided such activities conform to the requirements of this Section.
2. **Seasonal activities.** "Seasonal activities" shall be defined as parking or occupancy of any recreational vehicle(s) or camping on a vacant lot for more than 72 hours per calendar year during the period from April fifteenth (4/15) through December thirty-first (12/31) of each calendar year, or through the end of deer season as established by the Michigan Department of Natural Resources (MDNR) if earlier. Such seasonal activities shall be permitted subject to the requirements of this Section and the following:
  - a. Approval of a zoning permit shall be required for each recreational vehicle, obtained by signature of the landowner in accordance with

Section 1.08 (Zoning Permit). The permit shall be valid from the date issued until the end of the seasonal activities period as defined in this Section.

- b. A separate zoning permit shall be required for each recreational vehicle parked or occupied on a vacant lot for more than 72 hours per calendar year.
  - c. The recreational vehicle(s) and all associated equipment and appurtenances shall not be left unattended for a period exceeding 21 calendar days.
3. **Off-season activities.** "Off-season activities" shall be defined as parking or occupancy of any recreational vehicle(s) or camping on a vacant lot for more than 72 hours per calendar year during the period from January first (1/1) through April fourteenth (4/14) of each calendar year, or from the end of deer season as established by the MDNR if earlier. Such off-season activities shall be permitted subject to the requirements of this Section and the following:
- a. Approval of a zoning permit in accordance with Section 1.08 (Zoning Permit). Each zoning permit shall be valid for a period of 14 calendar days.
  - b. A separate permit shall be required for each recreational vehicle parked or occupied on a vacant lot for more than 72 hours per calendar year.
  - c. The Zoning Administrator shall not issue a zoning permit for off-season activities unless the recreational vehicle has first been brought to the Township Hall to show that it is licensed, registered, and legally operable on the highways of the State of Michigan.
  - d. No new zoning permit shall be issued until 14 calendar days have elapsed since the end of the previous off-season zoning permit approval period.
  - e. The recreational vehicle(s) and all associated equipment and appurtenances shall not be left unattended for a period exceeding 24 hours.
4. **General requirements.** The following requirements shall apply to any parking or occupancy of any recreational vehicle or any camping on a vacant lot:
- a. **Maximum number of units per lot.** A maximum of four (4) recreational vehicles shall be permitted at one time on a single vacant zoning lot in the R-1 (Single-Family Residential) District, except as follows:
    - (1) Zoning permits for more than four (4) recreational vehicles on a single zoning lot shall be limited to a maximum of five (5) consecutive days and 15 total days per calendar year.
    - (2) The applicant shall provide copies of any required permits or approvals from outside agencies with jurisdiction, prior to issuance of the zoning permit.

- b. **Setbacks required.** The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback requirements in the zoning district, as specified in Article 4 (Dimensional Standards). A minimum separation distance of twelve (12) feet shall be maintained at all times between recreational vehicles on the same zoning lot, and between any recreational vehicle(s) and a permanent structure on the lot or an abutting property.
  
- c. **Removed or stored when not in use.** All recreational vehicles, tents and similar camping gear and equipment shall be removed from the lot or stored within a completely enclosed accessory structure when not in use. The following structures and appurtenances shall be permitted to be maintained on a vacant lot when not in use under this Section:
  - (1) One (1) accessory structure for storage;
  - (2) One (1) deck or patio no higher than eight (8) inches, without a railing;
  - (3) One (1) picnic table or equivalent;
  - (4) One (1) dock or boat hoist;
  - (5) Two (2) boats and/or boat trailers;
  - (6) Two (2) utility trailers; and
  - (7) Any electrical pole, pump house, sewer drop, wireless antennae or similar utility equipment.
  
- d. **Waste disposal.** All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle.
  - (1) On-site disposal shall be prohibited, except where the property owner has provided to the Township documentation of approval from the Central Michigan District Health Department and other agencies with jurisdiction for a temporary connection to an approved on-site sanitary facility.
  - (2) Temporary use of outside toilets ("porta-johns") accessory to activities permitted under this Section shall conform to the requirements of Section 6.207 (Outhouses, Privies, and Outside Toilets).
  
- e. **Licensed and operable.** Recreational vehicles shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.
  
- f. **Permitted vehicle types.** Recreational vehicles occupied as temporary living quarters under this Section shall be limited to motor homes, pick-up

campers attached to the pick-up truck, folding tent trailers, and travel trailers.

- g. **Inspections.** The Township may perform periodic inspections to verify compliance with this Section. Where a zoning permit is required by this Section, a copy of the approved permit shall be kept in the vehicle.
- h. **Violations.** If a recreational vehicle or associated equipment and appurtenances are maintained on a vacant lot in violation of this Section, no new zoning permit shall be issued until the vehicle and associated equipment and appurtenances have been removed from the lot or stored within a completely enclosed accessory structure for at least 21 calendar days.

**C. RV Parking, Storage, and Use Accessory to a Dwelling in a Residential District.**

Parking, storage, or occupancy of any recreational vehicle as temporary living quarters or any camping on a lot accessory to a permanent dwelling in any R-1 (Single Family Residential) District shall be subject to the following requirements:

- 1. The location of the recreational vehicle(s) and all associated equipment and appurtenances shall comply with the minimum setback and building separation requirements in the zoning district, as specified in Article 4 (Dimensional Standards).
  - a. Where more than two (2) recreational vehicles are parked or stored outside on a lot for more than 72 hours per calendar year, such vehicles shall be subject to the maximum lot coverage requirements for structures in the zoning district, as specified in Article 4 (Dimensional Standards).
  - b. Any recreational vehicle may be stored within the confines of a completely enclosed accessory structure.
- 2. Such parking, storage, or occupancy shall be limited to recreational vehicles owned by the owner of the parcel or the owner's guests.
  - a. Parking or storage of other recreational vehicles shall be prohibited.
  - b. For waterfront lots, parking or storage of such vehicles shall be permitted on the waterfront lot or any accessory backlot area located across a road right-of-way and owned by the owner of the waterfront lot. Occupancy as temporary living quarters shall only be permitted if the vehicle is located on the same lot as the permanent dwelling.
- 3. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle. On-site disposal shall be prohibited.
- 4. Recreational vehicles shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

**D. Temporary Living Quarters During Construction of a Permanent Dwelling.**

This Section establishes regulations which are intended to permit the temporary placement and occupancy of structures in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling unfit for occupancy. Structures may be placed and occupied as temporary living quarters, subject to the following:

1. No structure shall be placed or occupied under the provisions of this section unless authorized by the Zoning Administrator by the issuance of a zoning permit.
2. Zoning permits as required by this Section shall not be issued until the applicant has provided proof of approval of all necessary permits from Gladwin County and the Central Michigan District Health Department for construction of the permanent dwelling or repair or reconstruction of an existing dwelling.
3. Zoning permits issued under this Section shall be valid for a period of 180 calendar days from the date of issue by the Zoning Administrator. Upon written request received prior to the expiration date, the Zoning Administrator may authorize one (1) extension of zoning permit approval for up to an additional 180 calendar days, provided that substantial progress has been made on the permanent dwelling.

**E. Temporary Living Quarters in the Commercial Districts.**

Parking or occupancy of one (1) recreational vehicle as temporary living quarters on a lot in the C-1 (Local Commercial) or C-2 (Highway Commercial) District shall be permitted, subject to the following:

1. Use of the recreational vehicle shall be for temporary security purposes only, with ownership associated with the landowner, business owner, or operator of a lawfully established temporary outdoor sales or display area on the lot. The vehicle shall not be left unoccupied for a period exceeding five (5) calendar days.
2. Approval of a zoning permit shall be required per Section 1.08 (Zoning Permit) for each recreational vehicle parked or occupied on the lot for more than 72 hours per calendar year. The permit shall be valid from the date issued through the end of the calendar year. No permits shall be issued for the period from January first (1/1) through April fourteenth (4/14) of each calendar year.
3. The location of the recreational vehicle shall comply with the minimum setback requirements in the zoning district, per Article 4 (Dimensional Standards).
  - a. All waste storage tanks (gray water and black water) shall be emptied at an approved recreational vehicle dump station. A receipt for dumping must be received and maintained in the vehicle.
  - b. On-site disposal shall be prohibited, except where the property owner has provided to the Township documentation of approval from the Central Michigan District Health Department and other agencies with jurisdiction for a temporary connection to an approved on-site sanitary facility.

4. Temporary use of outside toilets ("porta-johns") accessory to activities permitted under this Section shall conform to the requirements of Section 6.207 (Outhouses, Privies, and Outside Toilets).
5. The recreational vehicle shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

**F. Temporary Living Quarters in the PSP District.**

Parking or occupancy of recreational vehicles as temporary living quarters on a lot in the PSP (Public/Semi-Public Services) District shall be permitted, subject to the following:

1. Such activities in the PSP District shall be limited to public land owned by the Township, and shall conform to Township ordinances and all requirements and conditions established for the site by Township Board resolution. Approval of a zoning permit shall not be required.
2. The location of all recreational vehicles shall comply with the minimum setback requirements in the zoning district, per Article 4 (Dimensional Standards).

**Section 11.05 Riparian Lot Regulations.**

In any zoning district where a parcel of land is contiguous to a lake or pond (either natural or an impoundment), use of such parcel of land shall be subject to the following:

**A. Intent.**

It is the intent of this section to promote the integrity of the lakes within the Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

**B. Regulations.**

In any zoning district where a parcel of land is contiguous to a lake or pond (either natural or an impoundment), such parcel of land may be used as access property or as common open space held in common by a subdivision, condominium association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront, only if the following conditions are met:

1. The parcel of land contiguous to a lake or pond shall have at least 50 linear feet of water frontage and a lot area of at least 5,000 square feet per dwelling unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line that intersects each side lot line at the water's edge.

2. In no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources (M-DNR) MIRIS Map, or have otherwise been determined to be wetland by the M-DNR. Alterations to a swamp, marsh, or bog by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this Section shall be prohibited.
3. Frontage on a man-made canal or channel shall not be used to satisfy the minimum water frontage per dwelling unit requirements of this Section. No canal or channel shall be excavated for the purpose of increasing the water frontage required by this Section.
4. The parcel of land contiguous to a lake or pond used to satisfy the minimum water frontage per dwelling unit requirements of this Section shall be set aside as common open space, and shall not be used as a residential lot for the purpose of constructing a dwelling or accessory structures, or for any COMMERCIAL USE.