

**Section 13.01**                      **Scope**

This Chapter provides a set of procedures and standards for uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the township as a whole. The regulations and standards herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Crystal Township. For the purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 13.04, as applicable.

**Section 13.02**                      **Application and Review Procedures**

- A. An application shall be submitted through the Zoning Administrator, accompanied by:
  - 1. The payment of a fee as established by the Township Board;
  - 2. A completed application form, as provided by the Township; and
  - 3. A complete site plan as specified in Chapter 11.
- B. Applications for a Special Land Use shall be submitted not less than thirty (30) days prior to the next Planning Commission meeting. (Amended 2011)
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Michigan Zoning Enabling Act, P.A.110 of 2006 as amended. More than fifteen (15) days before the hearing, advertised in the local paper of general circulation , and written notice to all property owners and occupants of structures within 300 feet of the Special Use property and the applicant. Such notice shall list the place date and time of the hearing, where written comments may be sent, and where and how the documents may be seen. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed. (Amended 2011)
- E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- F. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

1. The Planning Commission may grant one (1) six (6) month extension of this time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.

G. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

**Section 13.03 General Standards**

A. An application for a Special Land Use shall be reviewed for compliance with the General Standards of this Section, the Specific Requirements of Section 13.04 and the review standards for site plans in Section 11.08.

B. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
3. Not create excessive additional requirements at public cost for public facilities and services; and
4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

C. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 13.02, G. Conditions imposed shall be those necessary to:

1. Meet the intent and purpose of the Zoning Ordinance,
2. Relate to the review standards of this Chapter,
3. Insure compliance with those standards,
4. Protect the general welfare,
5. Protect individual property rights, and
6. Ensure that the intent and objectives of this Ordinance will be observed.

**Section 13.04 Special Land Use Specific Requirements**

The general standards and requirements of Section 13.03, A, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

**A. Adult Uses**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.

2. Adult uses shall comply with the following requirements:

a. The use shall not be located within a one-thousand (1,000) foot radius of any other such use.

b. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Township Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.

c. Establishments, where uses subject to the control of this subsection are located, shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

**B. Bed and Breakfast establishments.**

1. The establishment shall be serviced by approved water and sanitary sewer services.

2. Such uses shall only be established in a detached single family dwelling.

3. Parking shall be located to minimize negative impacts on adjacent properties.

4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.

5. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of nine (9) guest rooms.

6. Exterior refuse storage facilities beyond what might normally be expected for a

detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.

7. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half (½) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
  8. The establishment shall contain the principal residence of the operator.
  9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
  10. Breakfast may be serviced only to the operator's family, employees, and overnight guests.
- C. Bulk oil, gasoline and propane distribution.
1. The minimum lot size shall be five (5) acres.
  2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
  3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent residential district or use.
  4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
- D. Commercial storage warehouses (A.K.A. Self Storage Units).
1. Minimum lot area shall be consistent with the minimum lot requirements of whatever Zoning District within which it is located.
  2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the LDR District.
  3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
  4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
  6. Parking lanes and access aisles adjacent to the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
- E. Funeral homes and mortuary establishments
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
  2. A well designed and landscaped off-street vehicle assembly area shall be

provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.

3. A caretaker's residence may be provided within the main building.

4. The proposed site shall front upon a paved state trunk line, County Primary, or County Local street. All ingress and egress shall be from said thoroughfare.

F. Group and commercial day care homes and facilities

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.

2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.

4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

G. Hotels and motels

1. Minimum lot area shall be four (4) acres and a minimum lot width shall be two-hundred (200) feet.

2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

H. Junk Yards

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and the ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

2. The site shall be provided with suitable access to a County Primary or State Trunkline to ensure safe, direct transport of salvage to and from the site.

3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or property line.

4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and contain only approved signs.

5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case

shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.

6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.

7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.

8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.

9. All portions of the storage area shall be accessible to emergency vehicles.

10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.

11. All batteries shall be removed from any vehicle, and all radiator, fuel tanks and lube oil shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

13. Minimum site size for such facilities shall be six (6) acres.

14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.

15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

16. Any salvage or junk yard must be located a minimum of 200 feet from any stream, lake, creek, wetland, or other natural or man made water way.

17. Tire storage within any salvage or junkyard is limited to five hundred (500) total tires and must be stored appropriately on a concrete pad with a concrete or a packed dirt berm measuring two (2) feet in height and one (1) foot width completely surrounding the designated tire storage area.

18. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

I. Kennels

1. The minimum lot size shall be five (5) acres.

2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.

3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

J. Migrant Housing

Seasonal dwellings for the housing of migrant farm workers (including tree farms)

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and migrant employees of permitted food processing uses may be permitted as a Special Land Use by the Planning Commission. No structure may be used for such purposes in the Township of Crystal unless the Planning Commission finds all of the following conditions are met.

1. Migrant housing may be occupied for no more than ten (10) months during one calendar year.
2. Migrant housing may not be used for the housing of persons not at some time employed by the owner of the dwelling and their families.
3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of Migrant housing shall apply to Crystal Township where any dwelling is used to house one (1) or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one (1) or more migrant workers notwithstanding that such State regulations may have a greater housing unit or migrant worker threshold.
4. Migrant housing shall adhere to the following setback regulations:
  - a. Migrant housing consisting of one single family dwelling or one two family dwelling (duplex) shall adhere to the same rules and regulations as any other residence in the District in which it is located.
  - b. Migrant housing consisting of more than one single family dwelling or one two family dwelling (duplex) shall be located at least two hundred (200) feet from any public street, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
5. No migrant house shall be closer than twenty feet to the private roadway serving the dwelling.
6. No migrant house shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving the other dwelling.
7. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state, and federal building codes, health codes, and other such codes and ordinances.
8. Approval of the Special Land Use and site plan shall signify the applicant's agreement to comply with the plan and all the conditions placed upon the use and requirements at all times and shall further agree to the following:
  - a. The premises and all migrant houses shall be available for the inspection of the Zoning Administrator and Building inspector at the time of construction or renovation.
  - b. All premises and structures shall be regularly maintained.
  - c. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a township, county, state, or federal agent or official.
9. Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a zoning permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall state any special conditions of use imposed by the Planning Commission.
- K. Multiple family dwellings

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1. All dwelling units shall have a minimum of nine hundred sixty (960) square feet per unit.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer than a distance equal to one and one-half (1 ½) times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- L. Open air businesses
  1. Minimum lot area shall be one (1) acre.
  2. Minimum lot width shall be two hundred (200) feet.
  3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper and other debris from blowing off the premises.
  4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
  5. The Planning Commission may require the permittee to furnish a performance guarantee in accordance with Section 15.05 of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
  6. The lot area used for parking shall be durable and dustless and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  8. All lighting shall be shielded from adjacent residential areas.
  9. In case of a plant materials nursery:
    - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
    - b. All loading activities and parking areas shall be provided on the same premises (off-street).
    - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
  10. No display area shall be located within ten (10) feet of a road right-of-way line.
- M. Public or Private campgrounds.
  1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
  2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
  3. No commercial enterprise shall be permitted to operate on the lot, except that a

convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.

4. Each lot shall provide durable and dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
6. Each travel trailer site shall have direct access to a durable and dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
7. Any open drainage ways must have seeded banks sloping at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Oceana County.
8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- N. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources
  1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
    - a. The earth removal is incidental to an operation for which a building permit has been issued by the Township.
    - b. The earth removal involves any normal landscaping, driveway installation and repairs, or other minor properties.
    - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties.
    - d. The earth removal involves less than five hundred (500) cubic yards in total.
    - e. The earth removal is for the purpose of construction of a swimming pool.
    - f. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any applicable state or federal law.
    - g. Public improvement operations involving the Oceana County Road Commission or the Michigan Department of Transportation are exempt from this Provision.
  2. In addition to the materials required by this Chapter, the application for special land use approval shall include the following:
    - a. A written legal description of all the lands proposed for the use.
    - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered

civil engineer, and including the following:

- (1) A north arrow, scale, and date;
- (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
- (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
- (4) the location and nature of all structures on the lands;
- (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
- (6) existing elevations of the lands at intervals of not more than five (5) feet;
- (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
- (8) mineral processing and storage areas;
- (9) proposed fencing, gates, parking areas, and signs;
- (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles; and
- (11) a map showing access routes between the subject lands and the nearest County Primary Arterial road ; and
- (12) areas to be used for ponding.

c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.

d. A site rehabilitation plan including the following:

- (1) a description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing and timing;
- (2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s);
- (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.

e. The Planning Commission may require an environmental assessment, engineering data, or other information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, flood plains, or other natural features.

3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:

a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or

growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.

b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.

c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.

4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.

5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimized dust, mud, and debris being carried onto the public street.

6. Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such a condition or manner as to constitute a danger to children or others who may enter the removal areas.

a. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations.

b. The Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence or equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.

8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and

storage requirements.

9. An applicant for a permit shall submit a performance guarantee in accordance with the requirements of this Ordinance, naming the Township of Crystal as the insured party and conditioned upon the timely and faithful performance by the applicant of all the terms and conditions of the permit. The guarantee shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.

a. The performance guarantee shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.

b. The timely and faithful compliance with all of the provisions of the performance guarantee shall be a condition of any mineral removal operations. In the absence of compliance with the terms of the performance guarantee, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

O. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.

4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.

5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

P. Retail building supplies

1. Minimum lot width shall be two hundred (200) feet.

2. The Planning Commission may require a six (6) foot fence or wall to be

constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

4. All lighting shall be shielded from adjacent Residential Districts or uses.

5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.

Q. Roadside stands with four hundred (400) square feet or more of sales area.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.

2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.

3. No lighting shall be provided for any such use.

4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

R. Theaters, or similar places of public assembly, as determined by the Planning Commission.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

2. Main buildings shall be set back a minimum of one hundred (100) feet from any Residential District or use.

3. For uses exceeding a seating capacity of two hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

S. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.

1. Equipment for Commercial Wireless Telecommunication Services shall be required to be located on any existing approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially affecting to the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as

documented by a qualified and registered professional engineer.

- d. Other unforeseen reasons that make it unfeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
4. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial Wireless Telecommunication Services shall comply with the following setbacks:
  - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
  - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
  - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
5. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
6. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
7. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
- T. Truck and freight terminals
  1. Minimum lot size shall be three (3) acres.

2. The lot location shall be such that at least one (1) property line abuts a paved state trunk line or County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.

3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.

4. Trunk parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

U. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

2. Any such building shall comply with the yard setback requirements of the District in which it is located.

V. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be fifteen thousand (15,000) square feet.

2. Minimum lot width shall be one hundred (100) feet.

3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.

4. No more than one (1) curb opening shall be permitted for every seventy five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street.

5. No drive or curb opening shall be located nearer than seventy five (75) feet to any intersection nor more than twenty five (25) feet to any adjacent Residential district property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

7. The entire lot, excluding the area occupied by a building, shall be hard surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.

8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over hanging any public sidewalk, street, or right-of-way.

9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be

enclosed by a six (6) foot sight obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.

11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such a use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.

12. The lot shall be located so that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, play ground, play field, park, church or hospital.

13. All exterior lighting, including signs, shall be erected and hooded so as to shield glare of such lights from view by adjacent property.

14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.

15. Where applicable, vehicle queuing spaces shall be provided in front of each service bay for at least two (2) vehicles.

W. Vehicle wash establishments, either self-serve or automatic.

1. All Washing activities must be carried on within a building.

2. Vacuuming activities may not be conducted in the front yard setback area.

3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

X. Veterinary hospitals and animal clinics

Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

Y. Intensive Livestock Operations

1. Minimum lot area shall be forty (40) acres.

2. The operation shall be set back a minimum of five hundred (500) feet from property lines, one thousand (1,000) feet from an adjacent Residential District or use, and five hundred (500) feet from a standing body of water or flowing stream.

3. No harm to adjacent property owners shall result from direct runoff from the site upon which the proposed operation is located.

Z. Wind Energy Conversion Systems (WECS).

1. Purpose: The purpose of this subsection is to establish standards and procedures by which the installation and operation of a WECS shall be governed within the Township as a special land use.

2. Definitions:

a. Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

b. Survival Wind Speed: The maximum wind speed, as designated by the WECS

manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

3. WECS Height: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

4. Wind Energy Conversion System (WECS) shall mean a combination of:

a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and

b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and

c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

5. Wind Farm: Clusters of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.

6. Single WECS for Commercial Purposes: A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.

7. WECS Testing Facility or Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.

8. Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding zoning approval for any approved WECS or Testing facility shall be with the owner of the WECS or Testing facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.

9. Applicability

a. WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS

for commercial purposes, and WECS testing facilities associated with the commercial application of a WECS may be allowed as a Special Land Use within the Agricultural Rural Residential (AR) District, subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Ordinance.

b. Single WECS for On-site Service Only: Single WECS applications of wind energy conversion system, including WECS testing facilities, to service the energy needs of only the property where the structure is located may be allowed in any zoning district as a Special Land Use, provided the property upon which the system is to be located is at least three and one-half (3 ½) acres in size and subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Ordinance, as well as all of the following:

- (1) The tower shall not exceed a height of eighty (80) feet.
- (2) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
- (3) The height of the overall WECS (with the blade in the vertical position) shall not exceed one hundred and thirty (130) feet above the ground level (at normal grade)
- (4) The distance of the structure from all property lines shall be a distance equal to the height of the overall WECS (with the blade in the vertical position) plus fifty (50) feet.

10. Application Requirements: All applications for a WECS or WECS Testing Facility Special Land Use approval shall be accompanied by the following information, including a detailed site plan drawn to scale and dimension, displaying all of the following information in addition to that required by Section 11.03:

- a. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
- b. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
- c. Location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within on thousand (1000) feet of the boundaries of the parcel or lot.
- d. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
- e. Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within three hundred (300) feet of the proposed WECS.
- f. Access driveway to the WECS and the Testing facility together with a detailed narrative regarding dimensions, compositions, and maintenance or the proposed driveway.
- g. Planned security measures to prevent unauthorized trespass and access.
- h. A written description of the maintenance program to be used to maintain the

WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or Testing Facility become obsolete or abandoned.

i. Additional details and information as required by the Special Land Use requirements of this Ordinance, or as requested by the Planning Commission.

j. At the Townships request, the applicant shall fund and environmental assessment or impact study and/or relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wild life) as required for review by the Township regarding the area or surrounding areas where the WECS will be place. Each such study or report shall be provided to the Planning Commission prior to its decision regarding the Special Land Use request to the Township Board.

11. Compliance with the Township Codes: A copy of the manufacturer's installation instructions and blue prints shall be provided to the Township.

a. Included as part of, or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township.

b. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

c. WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Township. A copy of manufacturer installation instructions and blueprints shall be provided to the Township.

12. Design Standards

a. Height: the permitted maximum total height of a WECS shall be four hundred (400) feet including the blade in vertical position.

(1) State and federal regulations may require a lesser height.

(2) As a condition of approval, the Township may require a lesser height for a WECS if reasonably necessary to comply with the standards contained in subsection 13 hereof or in Chapter 13.

(3) A WECS shall be constructed with a tubular tower, not a lattice tower.

b. Height of Test Tower Facility: Unless a different height is approved by the Planning Commission, the WECS Testing Facility height shall be no greater than two hundred (200) feet and shall comply with design standards.

c. A WECS Testing Facility which is not in use for six (6) months or more shall comply with the abandonment requirements of 16, of this subsection.

d. Setbacks:

(1) No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback.

(2) The setback for placement of a WECS or a WECS Testing Facility from the

outside boundary of the leased property and any off premises roads shall be equal to the height of the tower with the blade in its vertical position plus fifty (50) feet.

(3) The setback from any non-leased property line shall be equal to the height of the tower with the blade in its vertical position plus two hundred (200) feet.

e. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.

f. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.

g. Tower Access: To prevent unauthorized climbing, WECS and Testing Facilities must comply with at least one (1) of the following provisions:

(1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.

(2) A locked anti-climb device shall be installed and maintained.

(3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.

h. Signs: Each WECS and Testing Facility shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:

(1) Warning of high voltage.

(2) Manufacturers name.

(3) Emergency numbers (listing more than one [1] number).

(4) Emergency shutdown procedures.

(5) FAA regulated sign with precise description with latitude and longitude and the owners current telephone number.

(6) If fenced, signs shall be placed on the fence.

i. Lighting: A lighting plan for each WECS and Testing Facilities shall be approved by the Planning Commission. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include, but is not limited to, the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if allowed by the Planning Commission. Strobe effect: all efforts shall be made not to affect any resident with any strobe effect.

j. Electromagnetic Interference: Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.

k. Noise Emissions:

(1) Noise emissions from the operation of a WECS and Testing Facilities shall not exceed fifty five (55) decibels on the DBA scale as measured at the nearest property line or road.

(2) A baseline noise emission study of the proposed site and impact upon areas within one (1) mile of the proposed WECS location must be done by the applicant and submitted to the Building Inspector prior to any placement of a WECS. The applicant must also provide estimated noise levels to property lines at the time of a Special Land Use application.

l. Utility Company Interconnection (Interconnected WECS): All distribution lines from the WECS to electrical grid connection shall be located and maintained underground.

m. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.

n. The applicant shall show proof of a minimum wind rating of three (3) from the proposed WECS when applying for a Special Land Use Permit.

o. The operation of a WECS and Testing Facilities shall not cause human detectable vibrations at the property line of the tower site.

13. Approval Standards: In addition to the other requirements and standards contained in this Chapter, the Planning Commission shall not approve any WECS or Testing Facilities unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife. Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.

14. Inspection: The Township shall have the right upon issuing any WECS and Testing Facility Special Land Use permit to inspect the premises on which the WECS and Testing Facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspection of a WECS or Testing Facility at the applicant's cost.

15. Each WECS and Testing facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Township can review on a monthly basis.

16. Abandonment: Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within sixty (60) days of abandonment.

17. Security: If a Special Land Use is approved pursuant to this Chapter, the Township Board shall require a performance guarantee in accordance with the provisions of Section 15.05 of this Ordinance, which will be furnished by the applicant to the Township in order to ensure full compliance with this subsection and any conditions of approval.

a. When determining the amount of the required guarantee, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or

equivalent or its successor).

b. The performance guarantee shall be deposited or filed with the Township Clerk after a Special Land Use has been approved but before approval of a building permit for construction of the WECS or WECS Testing Facility.

c. At a minimum, the performance guarantee shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. The performance guarantee shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place.

d. The performance guarantee shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the WECS or WECS Testing Facility) for at least thirty (30) years from the date of the Special Land Use approval. Failure to keep the performance guarantee in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a Special Land Use approval and this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the Special Land Use approval.

18. Road repair: Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense.

19. Liability: The applicant shall insure each WECS at all times for at least \$2,000,000 for liability to cover the applicant, Township and land owner.

20. The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.

21. At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the WECS. The study or report shall be provided to the Township prior to the Planning Commission's decision regarding the Special Land Use request.

22. Escrow Account:

a. An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a WECS or WECS Testing Facility.

b. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the Special Land Use review process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular applicant.

c. The escrow amount shall be in addition to regularly established fees.

d. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs

replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit.

e. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.

23. Each WECS and WECS Testing Facility shall also comply with all applicable federal, State of Michigan, and county requirements, in addition to Township ordinances.

24. Ornamental Wind Devices: Ornamental wind devices that are not a WECS shall be exempt from the provision of this section, so long as they do not exceed one hundred (100) feet in height. These devices may be regulated by other provisions of this Ordinance.