

## **ARTICLE 12.0**

### **USE STANDARDS – OTHER USES**

#### **Section 12.01 Intent.**

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

#### **Section 12.02 Aircraft Landing Strips.**

Private aircraft landing strips, hangars, masts, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Parking for aircraft storage areas, offices and other uses associated with the landing strip shall conform to Article 14.0 (Off-Street Parking and Loading).
5. An emergency access road constructed of either asphalt, concrete, or compacted gravel shall be provided and maintained to the landing strip.
6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies.

## Section 12.03 Composting Centers.

This Section shall not apply to composting associated with landscape businesses, composting of common household materials generated by RURAL USES or RESIDENTIAL USES on an individual lot, and similar activities of an incidental nature. The following regulations shall apply to operations designed for commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products:

### A. Site Plan Requirements for Composting Facilities.

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article 17.0 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

1. Access route traffic patterns as well as on-site traffic patterns.
2. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:
  - a. Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.
  - b. Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.
  - c. An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
  - d. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
3. Written documentation of an operation plan addressing the following:
  - a. Method of receiving, sorting, and handling composting materials on-site.
  - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
  - c. Expected frequency of turning and removal of composted materials, and measures to be taken should anaerobic conditions arise.
  - d. Hours of operation and a description of daily cleanup procedures.
  - e. Planned response(s) to surface or groundwater contamination.
  - f. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days. The plan shall include a clean up and restoration plan and

cost estimate; a description of how and where the existing surface debris will be disposed; and a re-use plan for the final disposition of the land.

**B. Size and Location.**

Composting facilities shall have a minimum lot area of 20 acres, and shall not be allowed in any 100-year floodplain, groundwater recharge area, or regulated wetland.

**C. Ground and Surface Water Quality.**

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

1. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
2. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.
  - a. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.
  - b. Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
3. If any stream or swale is present on the site, it shall be buffered by a 100 foot open space setback measured from the outer edge of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.
4. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
5. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after completion.
6. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly-owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

**D. Anaerobic Conditions Prohibited.**

Compost materials shall not be accepted on site in an anaerobic condition. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Administrator, Bay County, or authorized consultant.

If anaerobic conditions arise more than two (2) times during any 30 calendar day period, the Planning Commission may rescind approval of any special use permit or require closure of the facility for up to 60 calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any Special Use Permit and require closure of the facility permanently.

**E. Screening and Separation Standards.**

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. No composting facility shall be constructed or expanded within 1,000 feet of any Residential Districts.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening).

**F. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

1. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
2. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

**G. Compost Storage.**

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

**H. Right of Entry and Inspection.**

All composting areas are subject to inspection by the Zoning Administrator, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

## Section 12.04 Controlled Uses.

It is hereby recognized by the Township Board that there are certain uses which, because of their very nature, have serious and inherent objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. This includes specific impacts on local economic development and land use planning, such as lost business opportunities, increased costs for police and ordinance enforcement services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses, as defined in Section 25.03 (Definitions), are hereby recognized as an impediment to stable growth and development and full implementation of the Township Master Plan. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of Frankenlust Township to adopt reasonable regulations for such uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

### A. Controlled Uses Defined.

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Pawnshops;
2. Adult regulated uses or sexually-oriented businesses, as defined in Section 25.03 (Definitions);
3. Any registered medical marijuana caregiver, as defined in Section 25.03 (Definitions) and the Michigan Medical Marihuana Act of 2008; and
4. Sales of hydroponics equipment and indoor growing paraphernalia as the principal use of a building or premises. This Section shall not apply to retail sales or wholesale suppliers for which sales of such equipment is an incidental component of the overall business operation.

### B. Location Limitations.

The following limitations shall apply to all controlled uses:

1. The establishment of any controlled use, as defined in Section 25.03 (Definitions) and listed in this Section, shall be prohibited if the establishment of such use will constitute the second such use within a radius of 1,000 feet of the boundaries of the subject lot.
2. It shall be unlawful to hereafter establish any controlled use if the proposed use will be within a 1,000 foot radius of any of the following:
  - a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
  - b. Public park, playground, community swimming pool or other recreational facility, ice or roller skating rinks, motion picture cinema, amusement

- center, community center, child or family services facility, or similar indoor or outdoor facility that typically caters to minors.
- c. Church, temple, synagogue or similar religious institution; school; or other institutional use as defined in Section 25.03 (Definitions).
  - d. Day care center.
  - e. Any land in the Residential Districts, or in any zoning district that permits RESIDENTIAL USES and is occupied by or has received final site plan approval for development of one (1) or more dwellings.
3. The minimum required distance between uses shall be measured in a straight line between the nearest property lines, and shall be illustrated on any site plan submittal for the proposed controlled use per Article 17.0 (Site Plan Review).

**C. Additional Provisions for Adult Regulated Uses.**

Any building and premises occupied by an adult regulated use or sexually oriented business shall be designed and constructed so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in Section 25.03 (Definitions), cannot be observed by pedestrians or from vehicles on any public road right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

**Section 12.05 Private Off-Road Courses.**

Private recreational motocross or BMX courses and similar off-road courses shall be subject to the following:

1. Zoning permit approval shall be required per Section 2.03 (Zoning Permits). No formal site plan shall be necessary unless otherwise required by this Ordinance.
2. The principal dwelling of the property owner for the subject parcel shall be located on the same or an adjoining parcel.
3. The minimum contiguous lot area shall be ten (10) or more acres under single ownership. All structures, improvements, and other elements of the course shall be set back a minimum of 50 feet from all lot boundaries and road rights-of-way, and 150 feet from dwellings on abutting parcels.
4. Site grading that would change the general topography of the site and adversely impact drainage patterns or adjacent watercourses shall be prohibited.
5. There shall be no excessive noise, or obnoxious odors, or other nuisances caused by course activity. The hours of operation for such courses shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
6. Use of the course shall be limited to the family and guests of the property owner. Such courses shall not be open to the general public, and shall not be available for public tournaments or for rent. There shall be no commercial activity, other than incidental sales not unusual for a residential use.

A private off-road course exceeding these limitations shall be subject to approval as a racetrack per Article 6.0 (Land Use Table) and Section 12.06 (Racetracks).

## Section 12.06 Racetracks.

Racetracks and similar facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar facilities shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within a racetrack facility for exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than ten (10) feet in height.
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of Residential Districts and abutting RESIDENTIAL USES.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and proposed mitigation measures. At a minimum, the assessment shall address the following:
  - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
  - b. Anticipated noise levels shall be provided at the lot boundaries and road rights-of-way, and any proposed noise mitigation measures.
  - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
  - d. Any other anticipated impacts of the proposed use.

## Section 12.07 Temporary Concrete or Asphalt Batch Plants.

This Section shall not apply to mobile batch plants, provided such plants are not placed in a fixed location while in use. Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.

2. The Planning Commission may limit the hours and days of operation where the batch plant is located within 1,000 feet of any existing RESIDENTIAL USES.
3. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 365 calendar days.
4. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
5. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
6. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
7. Within 30 calendar days of completion of the project, the plant owner or operator site shall clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and repair or replace public improvements damaged during operation of the temporary plant.
8. The Planning Commission or Zoning Administrator may require the plant owner or operator to deposit a performance guarantee sufficient to ensure restoration of the site and repair or replacement of damaged public improvements.

### **Section 12.08 Temporary Uses Not Otherwise Regulated.**

The Planning Commission shall have the authority to authorize the limited establishment of certain temporary uses for periods not to exceed 365 calendar days, subject to the following:

#### **A. Limitations.**

Planning Commission authorization shall be limited to only those temporary uses not otherwise permitted in any zoning district, and that do not require the erection of any capital improvements of a structural nature. Such authorization shall not include temporary construction structures, temporary residences, transient and amusement activities, garage sales, roadside stands, and other temporary uses otherwise regulated by this Ordinance.

#### **B. Conditions of Temporary Use Approval.**

The granting of a temporary use permit shall be subject to the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the land uses permitted in the zoning district where the property is located.
2. The granting of a temporary use shall be based upon a finding that the location of the activity will not adversely impact adjoining properties, the character of the surrounding neighborhood, or the public health, safety, and general welfare.



3. The granting of a temporary use shall be in writing stipulating all conditions as to time, nature of use permitted, and arrangements for removing the permitted use at the termination of the temporary permit.
4. All setbacks, land coverage, off-street parking, and other requirements of the district shall be met.
5. In classifying uses as not requiring capital improvements, the Planning Commission shall determine that there are either demountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems, or sanitary connections.
6. A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and restoration of the site upon expiration of the permit. If removal is complete by the expiration date specified, the entire sum shall be returned to the applicant; otherwise, the entire sum shall be forfeited to the Township. In determining the amount of the required guarantee, the Township Board may seek the advice and recommendation of professional consultants.
7. The Planning Commission may grant an extension of a temporary use permit for a period not to exceed an additional 365 calendar days.

### **Section 12.09 Topsoil Removal or Stockpiling.**

The removal or temporary stockpiling of topsoil on a site under development in the Township shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. **Development sites and site plan approval.** Removal or temporary stockpiling of topsoil on a site under development shall be prohibited, except where a site plan has received final approval from the Township. Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire.
2. **Zoning permit.** Zoning permit approval per Section 2.03 (Zoning Permits) shall be required for removal or temporary stockpiling of topsoil from any site in the Township. The application shall include a plan showing areas of temporary topsoil stockpiling, proposed methods of containment, and proposed truck route(s) for any removal of topsoil from the site. Calculations of the volume of existing topsoil on the site, minimum volume required to support the planned use of the site, and any volume anticipated to be removed from the site shall also be provided.
3. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any Residential Districts and abutting existing RESIDENTIAL USES.
4. **Access.** All truck access to the site for removal of topsoil shall be from a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Removal of topsoil using local roads shall be prohibited.

5. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting road rights-of-way, Residential Districts and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening).
6. **Limitation on removal.** Topsoil removal from the site shall be limited to the amount determined to be unnecessary for the planned use of the site, as demonstrated on a plan submitted for zoning permit approval.

### **Section 12.10 Utility Transmission and Distribution Lines.**

The standards of this Section shall not apply to public utility companies constructing individual lateral service lines utilizing not more than three (3) poles. All other electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

### **Section 12.11 Volatile Biofuel Production.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

#### **A. General Standards.**

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 5.0 (Schedule of Regulations). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning

Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:

- a. Air pollution emissions;
  - b. Transportation of biofuel or another product or by-product of production;
  - c. Use or reuse of additional products resulting from biofuel production;
  - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
  - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
  - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without special use permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
  - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
  - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval in accordance with this Section and Ordinance.

**B. Additional Standards for Certain Facilities.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Ordinance:

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.

2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
  - a. A detailed description of the process to be used to produce the biofuel.
  - b. The number of gallons of biofuel anticipated to be produced annually.
  - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
  - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

**C. Limitations on Special Use Permit Review.**

In accordance with Section 3513 of the Michigan Zoning Enabling Act, Township review of any Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any special use permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 2.10 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 18.08 (Re-Application).

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

## Section 12.12 Solar Energy Facilities and Devices.

Solar collection devices shall be subject to the following requirements:

### A. General Standards.

The following standards shall apply to all solar collection devices in the Township:

1. **Responsibilities.** The duties, obligations and liabilities associated with solar collection devices shall lie with the applicant or operator and the property owner, jointly and severally.
2. **Code compliance.** Solar collection devices shall be designed and installed in compliance with the manufacturer's installation instructions and comply with all State Construction Code and Fire Code requirements.
3. **Wind load and anchoring.** Solar collection devices shall be designed and anchored to withstand anticipated lateral and uplifting wind loads, as well as anticipated peak high winds during inclement weather.
4. **Reflection and glare.** Solar collection devices shall be installed and maintained in a manner so that reflection, glare or concentrations of light or heat energy does not adversely impact surrounding residents, land uses, structures or road rights-of-way.
5. **Electromagnetic interference.** Solar collection devices shall be installed so as not to cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission (FCC) guidelines.
6. **Lot coverage.** Solar collection devices shall be evaluated for compliance with the maximum lot coverage requirements of the zoning district based upon the total surface area of all solar panels.
7. **Solar access.** The following solar access provisions shall apply to all solar collection devices in the Township:
  - a. All solar collection device owners, operators, and installers shall recognize that trees in Michigan grow to a substantial height, and may create shade that extends across a lot boundary or road right-of-way.
  - b. A lot shall be considered to have access to adequate light regardless of shading caused by structures, signs, fences or walls lawfully constructed on an adjacent lot; by any changes in topography; or by the presence or growth of any trees, hedgerows or other vegetation.
  - c. Tree removal to accommodate a solar collection device subject to site plan approval shall be subject to the requirements of Section 16.04 (Natural Resource Protection).
  - d. Use of solar access easements for a solar collection device subject to this Section and Ordinance shall be prohibited.

*(ord. no. 79D, eff. June 29, 2018)*

**B. Application Requirements.**

Solar collection devices allowed as an accessory use, per Article 6.0 (Land Use Table), shall be subject to administrative review and approval per Section 2.03 (Zoning Permits). All other solar energy facilities and devices shall be subject to site plan approval per Article 14.0 (Site Plan Review). The following additional requirements shall apply to any application for approval of a solar energy facility or device:

1. The following additional information shall be required as part of any application:
  - a. A written narrative describing the proposed project.
  - b. Heights, lengths, and angles of the solar energy facility or device.
  - c. Detailed descriptions of all proposed grading, filling, and tree or woodland clearing, site security measures, potential light reflection, concentration, and glare impacts on adjacent land, structures, uses, and road rights-of-way, and proposed measures for mitigation of any anticipated impacts.
  - d. A copy of the manufacturer's instructions and design prints, along with documentation that the solar energy facility or device will be installed in compliance with the manufacturer's instructions and all applicable State Construction Code and Fire Code standards.
  - e. Documentation of compliance with all applicable requirements of this Section.
  - f. Any other information deemed necessary by the Planning Commission to verify compliance with the standards of this Section.

The Township, within its reasonable discretion, may retain the services of a solar energy conversion systems expert to assist with review of the application or any site inspections. The expense thereof shall be the responsibility of the applicant in accordance with Section 2.07 (Fees and Performance Guarantees).

*(ord. no. 79D, eff. June 29, 2018)*

**C. Additional Standards for Solar Power Generation Plants and Solar Collection Systems – Large Freestanding.**

The following additional standards shall apply to all solar power generation plants and solar collection systems – large freestanding, as defined in Section 25.03 (Definitions):

1. Such facilities shall be limited to land areas that are not suitable for commercial agricultural production due to topography, soil conditions or other factors accepted by the Planning Commission. Use of prime farmland for such facilities shall be prohibited.
2. Such facilities shall conform to the applicable yard setback requirements of the zoning district. Where allowed in the Rural Districts, such devices shall also be set back a minimum of 100 feet from the front lot line or road right-of-way, and a minimum of 50 feet from the side lot lines.

3. The following additional documentation shall be provided as part of any application for approval of a solar power generation plant or solar energy collection system – large freestanding:
  - a. The location of existing utility grid infrastructure and details of all off-site improvements needed to facilitate connection into the utility grid.
  - b. Details of the planned electrical output of the facility and the anticipated impacts on the utility grid and existing electrical infrastructure.
  - c. Copies of studies and evaluations of solar radiation strength at the proposed location to demonstrate that adequate sunlight is available consistently over the course of the year to support the planned facility.
  - d. Written documentation of compliance with the electrical utility provider's requirements for connection into the utility grid, along with copies of any utility-required interconnection or operating agreement.
  - e. Written documentation of the anticipated operating lifespan for the facility, maintenance plans, and an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
  - f. A signed and notarized removal agreement for the future removal of the facility in accordance with the requirements of this Section.
  - g. A performance guarantee, per Section 2.07C (Performance Guarantees), sufficient to ensure device removal, site restoration, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in accordance with the requirements of this Section.

*(ord. no. 79D, eff. June 29, 2018)*

**D. Additional Standards for Solar Collection Devices – Small Freestanding.**

The following additional standards shall apply to all freestanding solar collection devices – small, as defined in Section 25.03 (Definitions):

1. Such devices shall not exceed the height allowed for accessory structures in the zoning district where the devices are located.
2. Such facilities shall conform to the applicable yard setback requirements of the zoning district.
3. Where allowed accessory to RURAL USES or RESIDENTIAL USES, such devices may only be located in a front yard area subject to special use approval per Article 18.0 (Special Land Uses) and the following additional standards:
  - a. The device shall be set back a minimum of 100 feet from the front lot line or road right-of-way, and a minimum of 50 feet from the side lot lines.
  - b. The applicant shall demonstrate to the Planning Commission's satisfaction that no alternative location on the lot can meet the device's engineering

or operating requirements due to topographic conditions, proximity to tall buildings or trees, or other factors accepted by the Planning Commission.

*(ord. no. 79D, eff. June 29, 2018)*

**E. Additional Standards for Solar Collection Devices – Attached.**

Solar energy collection devices that are mounted on a principal building or accessory structure shall not exceed the height of the building or structure by more than one (1) foot, and shall not exceed the maximum height allowed in the zoning district. Use or installation of attached solar collection devices shall be prohibited where the building or structure would be in violation of the applicable requirements of Section 8.10 (Single-Family and Two-Family Dwellings) or Section 16.12 (Building Form and Composition).

*(ord. no. 79D, eff. June 29, 2018)*

**F. Inspection.**

The Township shall have the right upon issuing the required permits or approvals to inspect the premises on which the solar collection device is located at all reasonable times for the purpose of verifying compliance with the requirements of this Ordinance.

*(ord. no. 79D, eff. June 29, 2018)*

**G. Abandonment and Removal.**

The owner or operator shall remove a solar collection device for which a required special use permit approval has been rescinded per Section 18.09 (Rescinding Special Land Use Approval), that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

1. Any solar collection device that is not used for 365 calendar days shall be deemed to be abandoned.
2. The device(s) shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the device.
3. Failure by the owner to remove the device(s) in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the device at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
4. Removal of the device shall include removal of any foundation, including concrete footings, support structures or other appurtenances to a depth of 48 inches below grade, and the land re-graded and restored to the original grade.
5. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved device.

*(ord. no. 79D, eff. June 29, 2018)*