

## **ARTICLE 15**

### **QUASI PUBLIC AND PRIVATE UTILITIES**

#### **SECTION 15.1      ESSENTIAL SERVICES**

##### **SECTION 15.1.1      INTENT**

It is the intent of this Section to allow minor essential services in any zoning district as a permitted use. Major essential services, depending on their size and nature, have a greater potential for an adverse impact on surrounding property, and are thus allowed on a more limited basis, subject to site plan and special land use approvals. It is also the intent of this section to clarify how governmental functions relate to this Zoning Ordinance.

##### **SECTION 15.1.2      ESSENTIAL SERVICES**

Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall be practicable, and not in conflict with the specific requirements of such franchise, state legislation, or Township Ordinance.

Wireless Telecommunications Services and Wind Energy Conversion Systems shall not be considered Essential Services and are addressed elsewhere in this Ordinance.

- A. The following are considered major essential services and are permitted in certain zoning districts subject to specific review and approval procedures as described below:
1. Distribution substations, transmission substations, transformer substations, pump stations, and petroleum pipelines designed to serve a geographic area beyond Suttons Bay Township are permitted in all districts, subject to site plan and special land use approval.
  2. Municipal sewage treatment plants, public water plants, power plants, fuel storage facilities, public works buildings, storage yards and similar uses are only permitted in the Commercial or Industrial zoning districts, subject to site plan and special land use approval.
  3. Any essential service that is not a minor essential service pursuant to Section 15.1.2.B or which is not listed in Section 15.1.2.A.1 or 2 shall be considered a major essential service, permitted in any zoning district, subject to site plan and special land use approval.
- B. The following are considered minor essential services and are permitted in all zoning districts:

1. Overhead and underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television distribution lines and associated structures, transformers, and utility boxes that are designed to serve primarily Suttons Bay Township and any adjacent township, village, or city subject to any franchise agreement with the Township. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
2. Any other similar facilities not listed above, as determined by the Planning Commission.

### **SECTION 15.1.3 TOWNSHIP GOVERNMENTAL FUNCTIONS**

Suttons Bay Township owned properties and uses, where maintained and operated in furtherance of a governmental function, shall be exempted from the provisions of this Ordinance. Township projects are subject to the requirements of the Michigan Planning Enabling Act Section 125.3861 (as amended) which requires review by the Planning Commission for location, character, and extent of all projects in areas covered by the master plan.

### **SECTION 15.1.4 OTHER GOVERNMENTAL FUNCTIONS**

Uses pertaining to functions of governmental agencies other than Suttons Bay Township shall be subject to the provisions of this Ordinance unless exempted by Federal, State, or Local laws or court decisions.

## **SECTION 15.2 WIRELESS TELECOMMUNICATIONS SERVICES**

### **SECTION 15.2.1 INTENT**

The general purpose and intent of these regulations is to regulate the establishment of Wireless Towers and Wireless Equipment in accordance with MCL 125.3514 of the Michigan Zoning Enabling Act (“ZEA”) and the Federal Telecommunications Act of 1996 (“FTA”) and in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is further the purpose and intent of these regulations to:

- A. Provide for the appropriate location and development criteria for Wireless Towers and Wireless Equipment within the Township.
- B. Minimize the adverse effects of such facilities through careful design and siting; maximize the use of existing and future communication Wireless Towers and encourage the multiple uses of such facilities and protect the character of residential areas throughout the Township by limiting Wireless Towers to non-residential zoning districts.
- C. Promote the public health, safety, and welfare of the Township.

## **SECTION 15.2.2 DEFINITIONS**

As used in this Section 15.2, the following terms shall have the meanings set forth below:

- A. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- B. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- C. "Collocate" means to place or install wireless communications equipment on an existing Wireless Tower or in an existing Equipment Compound. "Collocation" has a corresponding meaning.
- D. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located
- E. "FAA" means the Federal Aviation Administration.
- F. "FCC" means the Federal Communications Commission.
- G. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- H. "Preexisting Wireless Towers, Antennas and Equipment Compound" means any tower, antenna equipment compound for which a land use and building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- I. "Wireless Communication" means wireless, broadband, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband, and other such services. Wireless Communication does not include non-commercial amateur ham radio activity.
- J. "Wireless Equipment" means the set of equipment and network components used in the provision of commercial wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding

Wireless Towers. Wireless Equipment does not include non-commercial amateur ham radio activity.

- K. "Wireless Equipment Shelter" means a small building at the base of a Wireless Tower, located within the Equipment Envelope where Wireless Equipment is stored.
- L. "Wireless Tower" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. The term "Wireless Tower" includes "Alternative Tower Structure" including man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. An AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Wireless Tower does not include a tower used for non-commercial amateur ham radio activity.

#### **SECTION 15.2.3 ZONING DISTRICT RESTRICTIONS**

Wireless Towers and Wireless Equipment, whether classified as a permitted use, or as a special land use, under the following provisions of this Zoning Ordinance, shall be allowed in all zoning districts in the Township, except for the Residential District.

#### **SECTION 15.2.4 WIRELESS EQUIPMENT AS A PERMITTED USE**

- A. To encourage co-location and to minimize the number of Wireless Towers within the Township, Wireless Equipment shall be considered a permitted use of property and is not subject to special land use approval or any other approval under this Zoning Ordinance if all of the following requirements are met:
  - 1. The Wireless Equipment will be collocated on a Pre-existing Wireless Tower or in an Existing Equipment compound.
  - 2. The proposed collocation will not do any of the following:
    - a. Increase the overall height of the Wireless Tower by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.
    - b. Increase the width of the Wireless Tower by more than the minimum necessary to permit collocation.
    - c. Increase the area of the Existing Equipment compound to greater than two-thousand-five-hundred (2,500) square feet.

3. The proposed collocation complies with the terms and conditions of any previous final approval of the Wireless Tower or Equipment Compound under this Zoning Ordinance.
- B. Additional towers within an existing Wireless Tower AM array shall be permitted as a matter of right.

#### **SECTION 15.2.5 WIRELESS EQUIPMENT AS A PERMITTED USE WITH SPECIAL LAND USE APPROVAL**

Wireless Equipment that meets the requirements of Section 15.2.4 A. 1. but does not meet the requirements of Section 15.2.4. A. 2. shall be a permitted use as long as it receives special land use approval under the following provisions:

- A. An application for special land use approval of wireless communications equipment described in this Section 15.2.5 shall include all of the following:
  1. A site plan as required under Section 15.2.13 including a map of the property and existing and proposed buildings and other facilities.
  2. Any additional relevant information that is specifically required by other Subsections.
- B. After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (3) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- C. If, before the expiration of the fourteen (14) day period under subsection (4), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under subsection (4) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or one thousand (1,000) dollars, whichever is less.
- D. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

#### **SECTION 15.2.6      REPLACEMENT OF EXISTING COMMUNICATION TOWERS**

An existing wireless tower which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional antenna, or otherwise, provided that:

- A. The replacement tower shall not exceed the prior approved height.
- B. The replacement tower shall be located within the same zoning lot as the existing wireless tower and shall be located so as to maximize compliance with existing minimum setback requirements.
- C. The applicant shall cause the existing tower to be removed within ninety (90) days of completion of the replacement tower and the relocation or installation of the antenna. In any event, the existing wireless tower shall be removed within one hundred eighty (180) days of the Township's final construction inspection of the replacement wireless tower.
- D. If the location of the replacement tower is such that the existing tower must be moved before the replacement tower is constructed, temporary portable antenna support facilities may be used, but must be removed within ninety (90) days of the completion of the replacement tower and the relocation or installation of the antenna. In any event, the temporary portable antenna facilities must be removed within one hundred eighty (180) days of the Township's final construction inspection of the replacement wireless tower.
- E. The installation of a replacement tower in any zoning district shall be approved by the Zoning Administrator through the issuance of a land use permit. The Zoning Administrator shall approve such requests that meet the requirements of this section. Review by the Zoning Administrator shall be without notice.
- F. This section shall not exempt the applicant from such other governmental review and permitting procedures (i.e., Federal Communication Commission (FCC), Federal Aviation Administration (FAA), etc.).

#### **SECTION 15.2.7      NEW WIRELESS TOWERS AND WIRELESS EQUIPMENT APPLICATIONS**

Wireless Towers to be newly-approved, and Wireless Equipment that do not qualify for co-location or for use in an existing Equipment Envelope under Section 15.2.4, and Section 15.2.5 shall require an application for approval under a special land use permit under the procedures in Section 15.2.5 except that the period for approval or denial is ninety (90) days.

#### **SECTION 15.2.8      GENERAL SPECIAL LAND USE STANDARDS FOR WIRELESS TOWERS**

A new wireless tower shall not be approved unless it can be demonstrated by the applicant that there is a need for the new wireless tower which cannot be met by placing an antenna on an

existing wireless tower, or on another structure, or through the replacement of an existing wireless tower. Information concerning the following factors shall be considered in determining that such need exists:

- A. Insufficient structural capacity of existing wireless towers or other suitable structures and infeasibility of reinforcing or replacing an existing wireless tower.
- B. Unavailability of suitable locations to accommodate system design or engineering on an existing wireless tower or other structures.
- C. Radio frequency interference or other signal interference problems at existing wireless towers or others structures.
- D. The refusal of owners or parties who control wireless towers or other structures to permit an antenna to be attached to such wireless towers or structures.
- E. Other factors which demonstrate the reasonable need for the new wireless tower.

#### **SECTION 15.2.9      SPECIFIC WIRELESS TOWER SPECIAL LAND USE STANDARDS**

The following standards apply to all Wireless Towers requiring a special use permit.

- A. A Wireless Tower may be located on a zoning lot containing other principal uses. The wireless tower may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legally established nonconforming lot. The area within which the wireless tower is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- B. The Wireless Tower shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum setback requirements shall be measured from the boundary of the zoning lot to the closest portion of the wireless tower, or the accessory equipment or storage area, whichever is closer.
- C. The minimum distance between a Wireless Tower and any property line shall be equal to the height of the proposed tower, unless engineering specifications provided dictate otherwise, as determined through a certification by a licensed and registered professional engineer.
- D. Wireless Towers shall be constructed and maintained in compliance with all applicable construction codes, which include the Electronics Industries Association/ Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- E. Wireless Towers shall not be used for advertising purposes.



- F. Fencing shall be required to ensure security and safety of a Wireless Tower with accessory equipment structure or storage area. Fences shall consist of durable wood, vinyl, metal or other similar materials and shall not contain barbed wire, razor wire, electric current, or charge of electricity. Fences shall not exceed a height of eight (8) feet.
- G. The Wireless Tower shall have a landscaped buffer so that the base of the wireless tower and accessory equipment structure or storage area shall be screened from any right-of-way or residential use. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the equipment storage area. Quality and composition of landscape elements shall be of generally acceptable evergreen varieties and species of trees and shrubs hardy to Leelanau County. The buffering requirements outlined herein may be waived by the Zoning Administrator or Planning Commission where existing vegetation to be maintained on the site generally accomplishes the same effect.
- H. Wireless Towers shall not have a shiny or reflective finish.
- I. Wireless Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- J. Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles.
- K. Adequate ingress and egress to the Wireless Tower shall be provided by means of an all-weather durable driveway not less than twelve (12) feet in width.
- L. No Wireless Tower shall be placed within a public right-of-way or within a road easement.
- M. All Wireless Towers over one hundred (100) feet in height shall be designed for co-location. If co-location is not part of the application, then the applicant must demonstrate in the application as to why co-location is not possible.
- N. All Wireless Towers that utilize guy wires shall have those guy wires clearly marked by a colored sleeve.
- O. A Wireless Tower proposed to be located on a National or State registered historic landmark or in a local historic district established in conformance with the Local Historic Districts Act, Public Act 169 of 1970, as amended, may be denied if the antenna would detract from the historic character of the historic landmark or district.



#### **SECTION 15.2.10 SPECIFIC WIRELESS EQUIPMENT SHELTER SPECIAL LAND USE STANDARDS**

A. Wireless Equipment Shelters in the Agricultural, Rural Residential and Commercial zoning districts shall comply with the following requirements:

1. Shelter Size. The shelter structure shall not contain more than sixteen (16) square feet of gross floor area or be more than six (6) feet in height.
2. Equipment storage buildings or cabinets shall comply with all applicable building codes.
3. The Shelter may be located:
  - a. In a front or side yard provided the Shelter is no greater than four (4) feet in height or sixteen (16) square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.
  - b. In a rear yard, provided the Shelter is no greater than six (6) feet in height or sixteen (16) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.

B. Wireless Equipment Shelters in the Industrial zoning district shall comply with the following requirements:

1. The equipment cabinet or structure shall be no greater than twelve (12) feet in height or one hundred (100) square feet in gross floor area and shall be located in accordance with the minimum setback requirements of the Industrial zoning district in which located.
2. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches, with eighty-five (85) percent opacity throughout the year.

#### **SECTION 15.2.11 SPECIAL LAND USE CONDITIONS OF APPROVAL AND DECISIONS BASED ON SUBSTANTIAL EVIDENCE**

A. Conditions may be added that are:

1. Designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

B. The Decision to grant or to deny a special land use shall be in writing and shall be based upon substantial evidence in the record.

#### **SECTION 15.2.12 ESCROW FEE REQUIRED**

Each applicant for administrative approval shall apply to the Zoning and Planning Office providing the information required by this Section 15.2 of this Zoning Ordinance and a non-refundable fee and escrow deposit as established by resolution of Suttons Bay Township Board in order to reimburse Suttons Bay Township for the costs of reviewing the application, along with the required signed and notarized "ACKNOWLEDGMENT OF RECEIPT & AGREEMENT OF COMPLIANCE" form.

#### **SECTION 15.2.13 SITE PLAN REVIEW AS PART OF SPECIAL LAND USE APPROVAL**

The following requirements shall be part of the site plan review requirements for Wireless Towers and antenna in addition to those found in Article 20 Special Land Use Permits and Article 19 Site Plan Review, respectively:

1. Applications for site plan review under this sub-section shall be subject to the procedures and requirements of Article 20 Special Land Use Permits and Article 19 Site Plan Review, except as modified in this sub-section.
2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
3. A scaled site plan, elevation drawings, and narratives clearly indicating:
  - a. the location, type and height of the proposed tower; on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities);

- b. adjacent roadways, proposed means of access;
  - c. setbacks from property lines;
  - d. elevation of the proposed tower and any other structures;
  - e. topography;
  - f. parking; and
  - g. other information deemed by the Zoning and Planning Office or Planning Commission to be necessary to assess compliance with the intent of this zoning ordinance.
- 4. Legal description of the parent tract and leased parcel (if applicable).
  - 5. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, including those within the commercial and agricultural districts.
  - 6. A landscape plan showing specific landscape materials.
  - 7. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - 8. A descriptive narrative of compliance with the special land use standards:
    - a. Inventory of Existing Site;
    - b. Aesthetics;
    - c. Lighting;
    - d. State or Federal Requirements;
    - e. Building Codes/Safety Standards;
    - f. Franchises;
    - g. Signs;
    - h. Buildings & Support Equipment
    - i. Setbacks;
    - j. Separation;
    - k. Security Fencing;
    - l. Landscaping; and
    - m. all applicable federal, state or local laws.
  - 9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the coverage area which have an impact on this application.

- B. No part of this Section 15.2 shall exempt the applicant from such other governmental review and permitting procedures (i.e., Federal Communication Commission (FCC), Federal Aviation Administration (FAA), etc.).

#### **SECTION 15.2.14 CO-LOCATION COMMITMENT**

The applicant must include a statement in the application of its good faith intent to allow the co-location of Antennae and of other wireless equipment of other entities, provided that the cost of modifying the wireless tower to accommodate the co-location is borne by the co-locating entity.

#### **SECTION 15.2.15 REMOVAL OF ABANDONED COMMUNICATION TOWERS**

Any wireless tower which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no antenna or other commercial antenna has been operational and located on the wireless tower for one hundred eighty (180) days or more. Where the removal or demolition of an abandoned wireless tower has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof. The Township may place a lien on the property to cover costs for the removal of the wireless tower. A lien on the property shall be superior to all other liens except taxes.

#### **SECTION 15.2.16 NONCONFORMING TOWER USES**

- A. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
- C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 15.2.15, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 15.2.15.

#### **SECTION 15.2.17 VARIANCES AND APPEALS**

Variances from this section may be requested from the Zoning Board of Appeals. Requests for additional height to any permitted or previously approved wireless tower may be granted by the

Planning Commission to provide for the co-location of additional antenna so long as such additional height does not exceed thirty (30) feet. Appeals of a Planning Commission decision shall be taken to the Zoning Board of Appeals.

### **SECTION 15.3 COMMERCIAL WIND TURBINE GENERATORS**

Section deleted

### **SECTION 15.4 SMALL WIND ENERGY SYSTEMS**

Added in its entirety by Amendment 09-003, effective 11-30-09

#### **Section 15.4.1 INTENT**

The intent of this section is to recognize the concern for the conservation of energy resources and the desire of residents of Suttons Bay Township to contribute to such conservation with the installation of privately owned devices for the generation of electricity or mechanical energy for their own use. It is the purpose of this Section to promote the safe, effective and efficient use of small wind energy systems.

#### **SECTION 15.4.2 PERMITTED USE**

Small Wind Energy Systems are permitted by right in all districts, provided the Zoning Administrator finds that all of the requirements of this section are met.

This Section of the Ordinance allows for private wind turbine generators and is not intended to allow for the leasing of private lands for energy production intended for use on other properties. The language in this Section is solely to allow for and to regulate the production of energy for consumption on the property in which the system is located.

Small wind energy systems require a Land Use Permit and are subject to certain requirements as set forth below:

- A. Small Wind Energy System Tower Height: Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System tower can extend to no more than eighty (80) feet.
- B. Clearance of Blade: The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy System shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, driveways, sidewalks, decks or required setback areas.
- C. Set-back: Towers shall be setback from any property line no less than the height of the tower.
- D. Appearance: Towers and/or small wind energy systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted.

- E. Safety: Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than six (6) feet in height.
- F. Noise: When operating, small wind energy systems shall not generate more than sixty (60) decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- G. Code Compliance: Small wind energy systems shall comply with all applicable federal, state, and local construction and electrical codes and local building permit requirements.
- H. Utility Connection: All utility lines leading to or from the wind energy generating device shall be underground.
- I. Non Use: Towers must be maintained in a safe condition or be removed at the property owner's expense.
- J. Requirements for Land Use Permit: A Land Use Permit application shall include a plot plan including existing structures, lot lines, roads, overhead utility lines, and the small wind energy system itself. A cross section drawing of the structure, base and footings must also accompany the application.