

**Bainbridge Township  
Berrien County, Michigan**



7315 Territorial Road, Watervliet, MI 49098  
Phone: 269-468-8040/Fax: 269-468-3498

Bill Hodge, Supervisor  
Patty Hiler-Molter, Clerk  
Nancy Weber, Treasurer

**POWER GENERATING FACILITY PERMIT  
Article XXII**

**Applications for a Power Generating Facility Permit shall be submitted through the Zoning Administrator to Planning Commission accompanied by a \$500.00 filing fee. Checks should be payable to “Bainbridge Township”.**

Include the following:

1. Application.
2. Site Plan in conformance with Article XI (11).
3. Copy of current paid tax bill, deed or other proof of ownership, which includes a legal description of the property, property tax number and proof of taxes paid of said property.
4. Statement of Compliance.
5. Request for the Public Hearing.
6. An engineering drawing of the facility design signed by a registered Michigan Professional Engineer specializing in structural engineering verifying that the tower design meets all wind load and soil load bearing requirements for the tower or windmill installation, if applicable.
7. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance in a reasonably prudent standard.
8. A map showing the location, name and address of the owner(s) and/or operators of any other Power Generating Facility within the Township and any other facility within a five-mile radius of the proposed site, identifying any other colocation utilized on each facility.

Applicant should attend the Planning Commission meeting and Public Hearing to answer any questions that may arise. If a special meeting of Planning Commission is requested, a charge of \$500.00 is required to defray township expenses.

# APPLICATION FOR POWER GENERATING FACILITY PERMIT

Applicant Name \_\_\_\_\_

\_\_\_\_\_  
(Address) (City) (State) (Zip)

Home Phone #: \_\_\_\_\_ / Work/Mobile Phone #: \_\_\_\_\_

Tax Code #: 11-01- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ / Zoned District: \_\_\_\_\_

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Describe Power Generating Facility requested:

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Describe design change in property:

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Describe construction that would be necessary:

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Describe equipment and or materials to be used for proposed use:

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Describe ability to adequately provide for the service and facility under consideration:

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Describe additional public services needed for proposed use:

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Until a permit has been granted pursuant to Bainbridge Township Zoning Ordinance, there shall be no construction or excavation of said land. Nor shall use of the land be made toward the intended purposes of such Special Land Use Permit.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Persons to Contact for:

Engineering: Name: \_\_\_\_\_ Address: \_\_\_\_\_

Maintenance: Name: \_\_\_\_\_ Address: \_\_\_\_\_



## STATEMENT OF COMPLIANCE

1. I represent that the enclosed application will comply with the following General Standards:
  - a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - b. The special land use shall not inappropriately change the essential character of the surrounding area.
  - c. The special land use shall not interfere with the general enjoyment of adjacent property.
  - d. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
  - e. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
  - f. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
  - g. The special land use shall not place demands on public services and facilities in excess of available capacity.
  - h. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Bainbridge Township Development Plan.

Signature of Applicant: \_\_\_\_\_ / Date: \_\_\_\_\_

**PUBLIC HEARING REQUEST  
FOR A POWER GENERATING FACILITY PERMIT**

11-01- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Property Tax Code Number

I hereby request a public hearing for the purpose of securing a Power Generating Facility Permit for property described by the property tax code number shown above.

The address of this property is:

\_\_\_\_\_  
(Address) (City) (State) (Zip)

The requested Power Generating Facility Permit is for the following purpose:

\_\_\_\_\_  
\_\_\_\_\_

I enclose application, site plan, proof of ownership and legal description of the property, proof of paid taxes, a list of names and addresses of the owners of property within 300 feet of the property covered by this application, and a statement of compliance.

\_\_\_\_\_  
(Name of applicant)

\_\_\_\_\_  
(Street and Number)

\_\_\_\_\_  
(City) (State) (Zip)

\_\_\_\_\_  
(Signature) / \_\_\_\_\_  
(Date)

# ARTICLE XI

## Site Plan and Scaled Drawing Requirements

### Section 11.01 - Intent

- A. The intent of requiring site plan or scaled drawing submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this Ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Bainbridge Township.

### Section 11.02 - When Required

- A. Variance or Special Land Use – Except for Single-Family, Two-Family: A site plan shall be prepared and submitted in accordance with Sections 11.03 A. and 11.04 with any application for:
  - 1. Variance or Special Land Use Permit, other than for a Special Land Use Permit for a Home Occupation;
  - 2. With any application for Rezoning, other than Rezoning for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use;
  - 3. With any application for a Zoning Compliance Permit or Building Permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and
  - 4. With any application for a Planned Unit Development or Condominium.
- B. Rezoning – Single-Family, Two-Family: A scaled drawing shall be prepared for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto and submitted in accordance with Sections 11.03 B. and 11.04 with any application for:
  - 1. Rezoning;
  - 2. Zoning Compliance Permit;
  - 3. Building Permit; or
  - 4. Variance.



### **Section 11.03 - Contents**

- A. A required site plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
1. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
  2. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two (2) feet.
  3. The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.
  4. Natural features such as wood lots, trees of more than one (1) foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
  5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.
  6. The size and location of all existing and proposed public and private utilities and required landscaping.
  7. A vicinity sketch showing location of the site in relation to the surrounding street system.
  8. A legal description of the land and lots included in the site plan.
  9. Any other information necessary to establish compliance with this and any other ordinances.
  10. The availability of adequate utility capacity.
  11. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development shall be prepared by a registered architect, engineer, professional community planner or land surveyor.
- B. A required scaled drawing shall be drawn at a scale appropriate to the dimensions of development and shall contain the following information:
1. A legal description of the land involved.

### **Section 11.03 – Contents (Continued)**

2. A vicinity sketch showing location of the site in relation to the surrounding street system.
3. The size and location of all structures proposed for and presently located on the site.
4. The boundary lines of the parcel of land involved including dimensions and an arrow pointing north.
5. Proposed streets and driveways. The width of streets and driveways shall be shown.
6. Any other information necessary to establish compliance with this and any other ordinances.
7. The name, signature and mailing address of the person who prepared the scaled drawing.

### **Section 11.04 - Review Process and Approval**

- A. Any required site plan or scaled drawing shall be submitted, of original quality, to the Zoning Administrator along with a cover letter signed by the owner of the land and/or prospective developer providing a general explanation and background information on the proposed development.
- B. The Zoning Administrator shall examine the site plan or scaled drawing as to proper form and content and particularly as to compliance with all applicable requirements of this Ordinance.
- C. If the proposed development does not require the issuance of a Special Land Use Permit by the Planning Commission, Variance by the Board of Appeals or a Rezoning of land by the Township Board, within thirty (30) days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan or scaled drawing. If the site plan or scaled drawing is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this Ordinance. The Zoning Administrator may, at his discretion, request consultation with the Planning Commission prior to his approval or disapproval of the site plan.
- D. If the proposed development requires issuance of a Special Land Use Permit, the Zoning Administrator shall transmit his findings as described in paragraph C. above, to the Planning Commission along with a copy of the site plan and covering letter. The proposer of the development shall be notified of the status of his requested site plan approval.

#### **Section 11.04 - Review Process and Approval (Continued)**

- E. If the proposed development requires a rezoning of land, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Township Board which shall follow the amendment procedure as provided in Article XV (15). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- F. If the proposed development requires a Variance, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Board of Appeals which shall follow the Variance procedure as provided in Article XIII (13). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 11.03, A. The decision rejecting, approving or conditionally approving a scaled drawing shall be based upon the requirements contained in Section 11.03, B.
- H. A site plan or scaled drawing shall be approved if it contains the information required by this Ordinance and is in compliance with this Ordinance and the conditions imposed thereunder, other applicable Township, County, State or Federal laws, rules or regulations.
- I. The site plan or scale drawing as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan or scaled drawing, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and approving body.
- J. Upon approval of a site plan, the secretary of the approving body shall, within five (5) days, file with the Zoning Administrator a copy of the approved site plan or scaled drawing.

## ARTICLE XXII

### Power Generating Facilities

#### Section 22.01 – Intent

- A. The intent of this Article is to provide a procedure for the application, regulation, construction and operation of electric power generator, power generating facilities and transformer stations, gas regulator stations with service yards, water and sewerage pumping stations and telephone exchange buildings.
- B. It is the intent to allow Power Generating Facilities having electric power generating capacity of five (5) megawatts or more in current or future I, Industrial District with the Township, subject to Special Land Use Permit as set forth in this Article and Article X (10).

#### Section 22.02 – Definitions

- A. **A Power Generating Facility:** All Electric power generating facilities including windmills, electric power transformer stations and substations, gas regulator stations with service yards, water and sewerage pumping stations and telecommunication exchange facilities and/or antennas.

#### Section 22.03 – Application Procedure

- A. **Applicant:** Any person owning or having an interest in the subject property may file an application for a Power Generating Facility provided for in this Article in the zoning district in which the land is situated. No Power Generating Facility shall be erected in the Township without first having acquired all permits as described in this Section.
- B. **Application:** An application and site plan shall be submitted through the Zoning Administrator, to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.
- C. **Required Information:** The Zoning Administrator shall then submit to the Planning Commission after review for completeness pursuant to Article X (10) and the following:
  - 1. An engineering drawing of the facility design signed by a licensed Michigan Professional Engineer specializing in structural engineering verifying that the tower design meets all wind load and soil load bearing requirements for the tower or windmill installation, if applicable.

2. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance in a reasonably prudent standard.
  3. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes shall be filed with the Township Clerk. This information shall be continuously updated by the applicant during all times the facility is on the premises.
  4. A map showing the location, name and address of the owner(s) and/or operators of any Power Generating Facility within the Township and any facility within a five-mile (5) radius of the proposed site, identifying any other colocation utilized on each facility.
  5. A land division application, if requirements of the Michigan Land Division A, Act 288 of 1967, as amended apply.
  6. A site plan in conformance with Article XI (11).
  7. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Article X(10) and other standards imposed by this Ordinance affecting the special land use under consideration.
  8. Such other information as may be reasonably required by the Planning Commission to determine whether a permit should be issued.
- D. **Incomplete Application:** An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

#### **Section 22.04 – Processing**

- A. **Copy of Application to Planning Commission:** The Zoning Administrator shall forward a copy of the application for the Power Generating Facility to the Planning Commission within thirty (30) days of receiving the request.
- B. **Hearing:** After a preliminary review of the site plan and an application for the Power Generating Facility, the Planning Commission shall hold a hearing on the site plan and special land use request in accordance with Article X (10).

#### **Section 22.05 – Review and Approval**

- A. All procedures for review will comply with those procedures and regulations in Article X (10).

B. The Planning Commission may approve such Special Land Uses for such Power Generating Facility subject to the following limitations:

1. The proposed site must meet all front, side and rear yard setback minimum requirements where not specifically addressed herein and any minimum road frontage requirements that may be established.
2. The facility shall be fenced at a minimum with a six (6) foot high chain link fence.
3. Any such site which is approved shall maintain an access road or driveway.
4. Accessory structures are limited to uses associated with the operation of the facility and may not be located any closer to any property line than standard setback requirements.
5. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
6. All buffer yard requirements within this Ordinance shall be otherwise satisfied.
7. The division of property for the purpose of locating a Power Generating Facility is prohibited unless all requirements and conditions of this Ordinance are met.
8. The Power Generating Facility construction plans shall be certified by a structural engineer registered by the State of Michigan.
9. All Power Generating Facilities must meet the standards of the Federal Communications Commission.
10. Height of the generating facility shall not exceed three hundred (300) feet from the grade.
11. Existing on-site vegetation shall be maintained.
12. Identification is required for emergency purposes and shall be displayed or erected on the property.
13. The paint scheme shall minimize the off-site visibility of the generating facility.
14. Structures shall be subject to any Township, County, State and Federal laws, rules or regulations. If more restrictive standards are adopted in the future, the facility shall be made to conform to said regulation within thirty (30) days or the Special Land Use approval will be subject to revocation by the Township Board. All costs for testing and verification of compliance shall be borne by the operator of the facility.

15. The Township may require landscaping or other improvements to the site so as to minimize the aesthetic or other damage the tower causes to the surrounding properties.
16. If a tower is proposed, a signed statement from a registered Michigan Professional Engineer specializing in structural engineering shall be provided verifying the installation of the tower was completed in accord with the approved plans and specifications.
17. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes shall be filed with the Township Clerk. This information shall be continuously updated by the applicant during all times the facility is on the premises.

#### **Section 22.06 – Issuance, Revocation or Suspension of Permit**

- A. A permit may be revoked upon finding by the Township Board that the applicant operates in any manner inconsistent with the terms of the approved permit to statements in the application or by amendment thereto, or fails to comply with any special requirements or conditions which the Township may order set forth in the permit to protect the health, welfare and safety in the general circumstances of the situation.

#### **Section 22.07 – Notification of Intent to Revoke Permit**

- A. The applicant shall be give notice, mailed or personally served, at least five (5) days prior to the date of the meeting of the township at which revocation is considered, and shall be granted the opportunity to be heard in person or by counsel. Said notice shall specify the date, time and place of the meeting and the reason or reasons why the revocation is under consideration and of the applicant's right to be heard either in person or by counsel. Revocation of a permit shall not exempt the applicant from punishment for violation of the ordinance as provided herein.

#### **Section 22.08 – Appeals**

- A. Any person, firm, corporation or other party aggrieved by the decision of the Planning Commission on Special Land Uses for the purpose of establishing a Power Generating Facility Special Lane Use may seek review by the Board of Appeals in the manner prescribed in Article XIII (13).
- C. The Board of Appeals may vary the area, height, bulk and placement regulations as reasonably compatible with the intent and character of the district. Said terms of the variance, if granted by the Board of Appeals, shall be incorporated into the Special Land Use Permit if approved by the Planning Commission.

**Section 22.09 – Effect of Approval of Planning Commission**

- A. The approval of the application by the Planning Commission shall allow the Zoning Administrator to issue a Zoning Compliance Permit in conformity with the application as approved and Article X (10)