

**ARTICLE:1**

**PURPOSE**

**AND**

**AUTHORITY**

## ARTICLE 1.0 / 1.1 / 1.2

### PURPOSE AND AUTHORITY

#### **Section 1.0 - Purpose**

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Secord Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

The purpose and intent of the Section of this ordinance pertaining to wireless telecommunications towers, structures, antennas and wind energy facilities is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities within the Township. The Township also recognizes the need to protect the scenic beauty of Secord Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures, antennas and wind energy facilities may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this ordinance seeks to:

- A. Protect residential areas from potential adverse impact of towers, antennas, and wind energy facilities;
- B. Minimize the total number of towers throughout the community;
- C. Encourage new tower development in areas dispersed throughout the community;
- D. Encourage the joint use of new and existing tower sites;
- E. Encourage developers of towers, antennas, and wind energy facilities to configure them in a way that minimizes their adverse visual impact;
- F. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- G. Consider the public health and safety of telecommunication towers, alternative tower structures and wind energy facilities; and
- H. Avoid potential damage to adjacent property from tower and wind turbine failure.

#### **Section 1.1 - Authority**

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended.

#### **Section 1.2 - Title**

This ordinance shall be known as the Secord Township Zoning Ordinance of 2014 and shall be referred to herein as "this Ordinance."