

ARTICLE : 9

Supplemental Regulations

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.0 - Supplemental Regulations:

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 9.1 - Bed and Breakfasts, Tourist Homes and Boarding Houses

- A. While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, tourist homes, or boarding houses, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast, tourist home, or boarding house is a subordinate use to a single-family dwelling unit subject to the following conditions:
1. The bed and breakfast, tourist home, or boarding house shall not alter the residential character of the structure.
 2. The operator shall live on the premises when the operation is active.
 3. Bed and breakfasts, tourist homes, or boarding houses will operate in compliance with all local, state and federal requirements.
 4. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher and carbon monoxide detector in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
 5. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
 6. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be fourteen (14) consecutive days.
 7. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.

Section 9.1 - Bed and Breakfasts, Tourist Homes and Boarding Houses continued

8. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
9. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of §3.30, to indicate that the dwelling is being utilized for any purpose other than as a residence.
10. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
11. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Section 9.2 - Group Day Care Homes and Child Care Center

- A. Special Land Use Permit will be issued if the group day care home or child care center meets all of the following conditions:
 1. Is not located closer than fifteen hundred (1,500) feet to any of the following:
 - a. Another licensed group day care home.
 - b. An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - c. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has at least four hundred (400) square feet of fenced outdoor space.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.
 5. This parcel is fully compliant with the total Zoning Ordinance.

Section 9.3 - Drive Through and Drive-In Businesses

- A. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.
- B. Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:
1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
 2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
 3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.
 4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential or Conservation Resource use.
 5. Stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **§3.22**.

Section 9.4 - Campgrounds and Travel Trailer Parks

- C. A minimum lot size shall be five (5) acres, and not less than six hundred (600) feet width.
- D. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- E. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- F. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- G. Campsites shall be located at least fifty (50) feet from property lines.
- H. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department requirements.

Section 9.5 - Car Wash Facilities

- A. **Layout:** All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. **Entrances and Exits:** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the Wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 9.6 - Cemeteries

- A. **Location:** No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. **Accessory Buildings:** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan, and in compliance with appropriate district setbacks and this Zoning Ordinance.
- C. **Setbacks:** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 9.7- Commercial and Industrial Uses with Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 9.8 - Commercial Outdoor Recreational Facilities

Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot high protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.

Section 9.8 - Commercial Outdoor Recreational Facilities continued

- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

Section 9.9 - Lumber Yards

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 9.10 - Sawmills and Other Mills

Sawmills, planning mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than two-hundred fifty (250) feet.
- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.
- E. Operating hours shall be from sun up to sun down.
- F. Location of saw mills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution
- G. Residue from saw mill operations such as slab wood saw dust, other by products etc. shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.
- H. Property must be returned to original state as much as possible.

Section 9.11 - Automobile Repair and Service Stations

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than fifty (50) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- C. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with §3.29 of this Ordinance.
- E. Parking and stacking spaces shall be provided subject to §3.22.

Section 9.12 – Junk Yards, Salvage Yards, and Sanitary Landfills

- A. Junk and salvage yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the Mixed Use Commercial District C-2, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. Sanitary landfills shall:
 - 1. Only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the Michigan Department of Environmental Quality in conformance Part 111 of the Natural Resources and Environmental Protection Act; as amended.
 - 2. Have direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.
- C. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well-maintained evergreens.

Section 9.12 – Junk Yards, Salvage Yards, and Sanitary Landfills continued

- D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays, shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 9.13- Kennels, Veterinary Clinics and Animal Hospitals

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or animal hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Planning Commission.
- E. Animals shall be kept in an enclosed building between the hours of 10 p.m. and 6 a.m.
- F. All principal use activities shall occur within an enclosed main building.

Section 9.14 - Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.
- D. A travel trailers or recreational vehicle shall not be permitted to be used as a dwelling unit in a manufactured housing development.

Section 9.15 - Outdoor Sales Facilities

Outdoor sales lots for automobile, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- 8. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the under frame of a vehicle more than five (5) feet above the ground.
- D. Display lot lighting shall comply with terms of §3.29, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.

Section 9.16 – Sexually Oriented Business

The purpose and intent of the section 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 which 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 and 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 which are prohibited by Township ordinances, 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.

Section 9.16 – Sexually Oriented Business continued

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsection Band C above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of Secord Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height, and that:
 - 1. Persons under the age of 18 are not permitted to enter the premises and,
 - 2. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.

Section 9.16 – Sexually Oriented Business continued

- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - 5. Has no holes or openings in any side or rear walls.

Section 9.17 - Storage Uses

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence.

Section 9.18 - Wireless Communications Equipment and Support Structures

- A. Compliance with Michigan Zoning Enabling Act:

Section 9.18 - Wireless Communications Equipment and Support Structures continued

1. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment (WCE) is a permitted use of property and is not subject to Special Land Use approval or any other approval if the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure (WSS) or existing equipment compound is in compliance with this Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.
 - c. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.
2. New wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) or (d) are a permitted use of property upon Special Land Use approval under subsections 3 to 6 below.
3. An application for Special Land Use approval of wireless communications equipment described in subsection 2 (above) shall include all information required by Article 8.
4. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. 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.
5. If, before the expiration of the 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 14- day period under subsection (4) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

Section 9.18 - Wireless Communications Equipment and Support Structures continued

6. 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.
 7. Special land use approval of wireless communications equipment described in subsection 2 may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
 8. If the Township requires special land use approval for wireless communications equipment that does not meet the requirements of subsection 1(a) or for a wireless communications support structure, subsections 4 to 6 apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.
- B.** Unless otherwise provided, wireless communications support structures shall comply with all of the following standards.
1. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
 2. **Need & Co-Location:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
 3. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
 4. **Size:**
 - a. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - b. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such

Section 9.18 - Wireless Communications Equipment and Support Structures continued

equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

- C. Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
1. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (**MAC**) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 2. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 3. Lighting may consist of a red top light that does not pulsate or blink.
- D. Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
- E. Height Decrease:** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- F. Signs:** No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.
- G. Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
- H. Setback from Dwellings:** The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
- I. Setback from Property Line:** The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
- J. FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

Section 9.18 - Wireless Communications Equipment and Support Structures continued

- K. Use:** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- L. Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds a performance guarantee to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
- M. Cease of Operations/Abandonment:** If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
- N. ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.
- O.** No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- P.** The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

Section 9.19 - Reserved

Section 9.20 - Wind Turbines and Wind Energy Systems

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

A. TECHNOLOGICAL ADVANCES AND DESIGN STANDARDS FLEXIBILITY:

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

B. Small On-Site Wind Energy Systems: A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure.

1. **Tower Height:** For property sizes up to one (1) acre, the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. **Blade Clearance:** A minimum twenty (20) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
3. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
4. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line or waterfront than the required setback for the district in which the unit is located.
5. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
6. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
7. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
8. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
9. **Potential Ice Throw:** The potential ice throws or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
10. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
11. **Color:** Residential wind turbines shall be painted a non-obtrusive, neutral color.

12. Other Regulations: On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

8. Wind Energy Facilities and Anemometer Towers: Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 7 and 8.**

1. Principal or Accessory Use: A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Sufficient Wind Resources: The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

3. Minimum Site Area: The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.

4. Setbacks: Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

a. Setback from Property Line: Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

- b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
 - c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 1/2) times the total height of the wind turbine generator.
 - d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 1/2) times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall not exceed a hub height of two hundred seventy-five (275) feet. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process. The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is met:
- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - or
 - b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.
- In subsections (a) and (b) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.
6. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.
7. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.

8. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).
9. **Maximum Vibrations:** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
10. **Potential Ice Throw:** The potential ice throws or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
11. **Signal Interference:** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.
12. **Visual Impact, Lighting, Power Lines:**
 - a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
 - b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
 - c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - i. Shall be the intensity required under State or federal regulations.
 - ii. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 - iii. May be a red top light that does not pulsate or blink.

Section 9.20 - Wind Turbines and Wind Energy Systems continued

- iv. All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under P.A. 295 of 2008 are exempt from local zoning regulations.

13. Shadow Flicker:

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. Safety:

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable on the exterior.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.

- e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.
- 15. State or Federal Requirements:** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.
- 16. Hazard Planning:** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MOSS).
 - d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
- 17. Approvals:** All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.
- 18. Removal of Wind Turbine Generators:**
- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - i. The anticipated life of the project.
 - ii. The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - iii. The method of ensuring that funds will be available for decommissioning and restoration.
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.

Section 9.20 - Wind Turbines and Wind Energy Systems continued

- b. Any wind turbine generator or anemometer tower that is nonoperational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.
- c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
- d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

- 19. Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

Section 9.21 - Planned Unit Development

- A. Purpose:** The Planned Unit Development allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Secord Township Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

B. Criteria: The criteria set forth below apply to Planned Unit Developments. Procedures set forth in this section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in Articles 7 and 8 also apply.

1. **Size:** A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
2. **Internal Design Standards:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas, and public services.
3. **External Effects:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

C. Approval Procedures: Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this ordinance.

1. **Pre-Application Meeting:** The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.
2. **Preliminary Plan Submission Requirements:** Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit fourteen (14) copies of the Preliminary Planned Unit Development plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified under **Article 7**.
3. **Planned Unit Development Review Procedure**
 - a. **Public Hearing:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **§10.3** of this Ordinance.
 - b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Second Township Planning Commission shall recommend approval, disapproval or approval subject to specified conditions/revisions. Such recommendation

shall be based on the standards listed in **Articles 7 and 8** of this ordinance and **§9.21. B**.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

- c. Final Site Plan Approval:** Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with **§10.3** of this Ordinance. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the review criteria listed in **Articles 7 and 8** of this ordinance and **§9.21. B** and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Building Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off- site have changed in such a manner as to necessitate the rejection or modification.
 - d. Performance Guarantee:** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per **§10.7**.
- 4. Amendments to an Approved PUD:** Minor amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor amendments subject to administrative review are addressed in **§7.2.1**.

A major amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Planning Commission shall determine if other similar changes constitute a major amendment.

Section 9.22 - Biofuel Production Facilities on Farms

- A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
 - c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires special land use approval under subsections (3) to (5):
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b) but that does not meet the requirements of subsection (1)(c).
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b).
 3. An application for special land use approval for a biofuel production facility described in subsection (2) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

Section 9.22 - Biofuel Production Facilities on Farms continued

- f. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for special land use approval under subsection (2) not more than 60 days after the application is filed.
5. Special land use approval of a biofuel production facility described in subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
6. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
7. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
8. Air pollution emissions.
9. Transportation of biofuel or additional products resulting from biofuel production.
10. Use or reuse of additional products resulting from biofuel production.
11. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
12. The biofuel production facility includes sufficient storage for both of the following:
13. Raw materials and fuel.
14. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
15. This section does not authorize biofuel production facilities that are not located on farms.

TOWNSHIP OF SECORD COUNTY OF GLADWIN, STATE OF MICHIGAN ORDINANCE NO. 9:23
ADOPTED: September 21, 2022 EFFECTIVE: October 28,2022

MEDICAL MARIHUANA FACILITIES ORDINANCE

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. Seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana grower, Processor, secure transporter, provisioning center and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that: [a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that; "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..." and

WHEREAS, Section 205 of PA 281 of 2016 requires municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receive notifications from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Secord Township, Gladwin County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281.

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in Secord Township pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE TOWNSHIP OF SECORD IN GLADWIN COUNTY, MICHIGAN ORDAINS:

SECTION I TITLE

This ordinance shall be known as and may be cited as the Secord Township Medical Marihuana Facilities Ordinance.

SECTION II DEFINITIONS

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

SECTION III

AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. The following medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance Not more than six (6) grower(s) shall be authorized in the Township, which number shall include all of the following Class A, Class B and Class C growers authorized in the Township:
 1. Not more than two Class A growers (500 marihuana plants) may be authorized in the Township.
 2. Not more than two Class B growers (1,000 marihuana plants) may be authorized in the Township.
 3. Not more than two Class C growers (1,500 marihuana plants) may be authorized in the Township.
2. b) NO processor shall be authorized in the Township.
3. c) NO provisioning center shall be authorized in the Township.
4. d) NO safety compliance facility shall be authorized in the Towns
5. e) NO secure transporter shall be authorized in the Township.

2. On and after October 21, 2022 the Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Supervisor and/or other designee of the Township Board (hereinafter referred to as "Supervisor"). Once the Supervisor receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the Township. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Supervisor at any time and receive refund of the initial annual medical marihuana fee submitted.

3. Within thirty days from conditional authorization from the Township or from December 15, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Supervisor that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Supervisor and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

4. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Supervisor and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

5. A conditionally authorized applicant shall receive full authorization from the Township to operate the medical marihuana facility within the Township upon the applicant providing to the Supervisor proof that the applicant has received a state operating license for the medical marihuana facility in the

Township and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the Township.

6. If a conditionally authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Supervisor and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

SECTION IV

GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
2. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township zoning ordinance regulations. The facility shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations.
3. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
4. An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
5. If at any time an authorized medical marihuana facility violates this ordinance the Township Board may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Supervisor shall cancel the Township authorization and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.
6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.
7. The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

SECTION V**ANNUAL MEDICAL MARIHUANA FACILITY FEE**

There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of \$5,000 for each authorized medical marihuana facility within the Township,

to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee of \$ 5,000.00 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility.

SECTION VI VIOLATIONS AND PENALTIES

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION VII SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX EFFECTIVE DATE

This ordinance shall take effect thirty days after publication upon adoption.

This RESOLUTION was offered by Board member Vernier, supported by Board member

Holmes at a meeting on September 21, 2022. The members of the Township Board voted as follows:

The TOWNSHIP SUPERVISOR declared the ORDINANCE duly adopted.

Joel Vernier, Township Supervisor

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Secord Township Board held on September 21, 2022 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Karen Gawron Clerk Township of SECORD, GLADWIN County, Michigan