

# Secord Township

Gladwin County, Michigan

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# Zoning Ordinance

Secord Township  
1507 Secord Dam Road  
Gladwin, MI 48624



# **SECORD TOWNSHIP ZONING ORDINANCE**

Secord Township  
Gladwin County  
Michigan

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Effective: January 8, 2015

**Prepared with the Assistance of:  
East Michigan Council of Governments and Northeast Michigan Council of Governments**

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# ARTICLE 1: 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."

## ARTICLE 2: DEFINITIONS

### Section 2.0 - Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".
- D. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- E. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- F. A "building" or "structure" includes any part thereof.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- H. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
  - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
  - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
  - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. The term "person" shall mean an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity, or their agents.
- J. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.

- K. "Township" shall refer specifically to Secord Township.
- L. Any necessary interpretation of this Ordinance shall be made by the Secord Township Zoning Board of Appeals.

## **Section 2.1 - Definitions**

For the purpose of this Ordinance, the following terms and words are defined as follows:

**Abutting:** Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

**Accelerated soil erosion:** The increased lay of the land surface that occurs as a result of man's activities.

**Access:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public road or highway or to a private road.

**Accessory Building or Accessory Structure:** A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

**Accessory Dwelling Unit:** A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

**Accessory Use:** A use which is clearly incidental and subordinate to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related

**Acreage, Net:** The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

**Adjacent Property:** Property which adjoins any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

**Adult Foster Care Facility:** see State-Licensed Residential Facility.

**Agriculture:** The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

*The following definitions A-J are related to agricultural tourism:*

- A. **Agricultural Tourism:** The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation,

education, or active involvement in the operation, other than as a contractor or employee of the operation.

- B. **Value-Added Agricultural Product:** The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.
- C. **Agricultural Products:** Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
- D. **Agriculturally Related Products:** Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and value-added agricultural products and production on site.
- E. **Non-Agriculturally Related Products:** Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
- F. **Agriculturally Related Uses:** Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
- G. **Non-Agriculturally Related Uses:** Activities that are part of an agricultural tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concerts, etc., and are subject to special use permit.
- H. **Farm Market/On-Farm Market/Roadside Stand:** The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.
- I. **Seasonal:** A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.
- J. **Seasonal Sign:** A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

**Alley:** Any dedicated public right of way affording a secondary or service means of access to abutting property and not intended for general traffic circulation.

**Alterations:** Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Animal Hospital:** A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

**Animal Shelter:** A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

**Apartment:** A dwelling in a multiple dwelling building or mixed use building intended for residence by one family or group of individuals living together as a single housekeeping unit.

**Appeal:** See "Zoning Appeal".

**Applicant:** Any person that applies for a permit.

**Application:** The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the township concerning such a request.

**Architectural Features:** Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Automobile Car Wash:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

**Automobile Repair:** A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

**Automobile Service Station:** A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed

directly to the public on premises; including sale of minor accessories and service for automobiles.

**Automobile or Trailer Sales Area:** Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

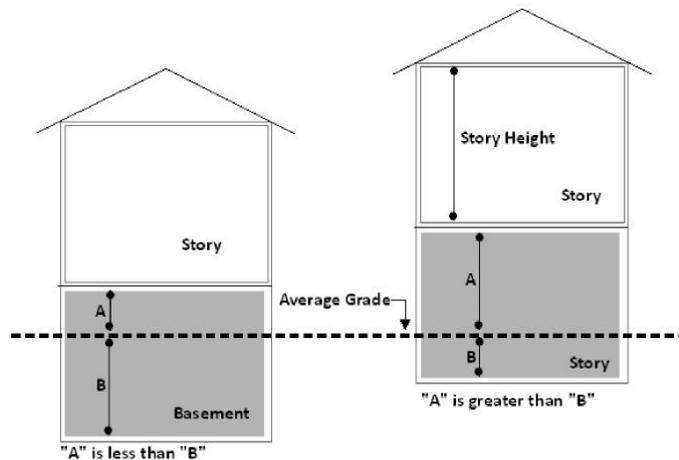
**Automobile Storage, Damaged:** Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

**Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

**Awning:** Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**Banner, Flag, or Pennant:** Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

**Basement:** That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade. Basements must have fire escape routes as designated in the current building code in use by Gladwin County.



**Bed and Breakfast Facility:** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**Bedroom:** A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

**Board of Appeals:** see "Zoning Board of Appeals"

**Boarding House:** see Rooming House.

**Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

**Breezeway:** Any covered passageway with open sides between two buildings.

**Buffer Strip:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. When a screen buffer is required, it shall consist of a dense ever green River planting or a solid fence or wall.

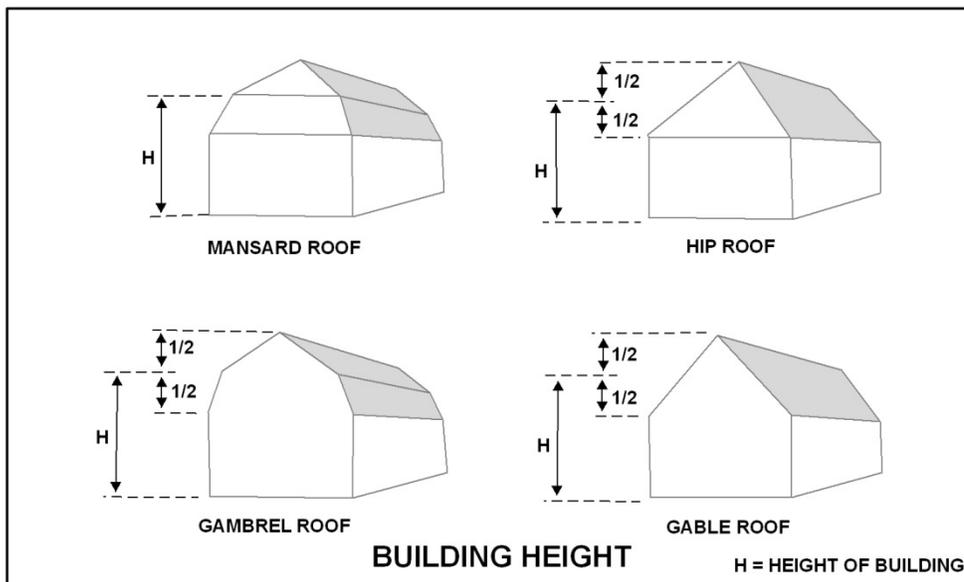
**Buildable Area:** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**Buildable Width:** The width of a lot left for building after required side yards are provided.

**Building:** Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

**Building, Farm:** Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and/or customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

**Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, and the average height between the lowest point and the highest point on a shed roof. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



**Building Line:** An imaginary line established by District setback regulations.

**Building, Principle:** The building or structure in which the principal use or authority on a lot or parcel takes place.

**Building Permit:** A building permit is the written authority issued by the Gladwin County Building Inspector in conformity with the provisions of the Construction Code Ordinance.

**Building, Temporary:** A nonpermanent structure which is permitted incidental to construction.

**Cabin:** A detached building that is used for seasonal occupancy, but not including motels or migrant housing.

**Cabin Court:** One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

**Campgrounds:** Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

**Canopy:** A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

**Carport:** A permanent roof-like shelter that is free-standing or extends from part of a building and is constructed of rigid material. A carport is considered an accessory structure.

**Child Care Facility:** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. Group Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. Child Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

**D. Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

**Church:** see "Religious Institution".

**Clinic, Veterinary:** A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

**Clinic, Human:** A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

**Club or Lodge:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

**Cluster Development:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**College:** A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**Commercial:** A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any twelve-month period.

**Commission:** Secord Township Planning Commission.

**Common Areas, Uses and Services:** Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as home site and condominium unit in site condominium developments.

**Construction Code:** Means the Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

**Convalescent or Nursing Home:** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care and which qualifies for license under the applicable Michigan law.

**Cottage Industry:** A home occupation in which goods or products are sold on the premises.

**Crawl Space:** An open area between the floor of a building and the ground.

**Deck:** An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four inches above finished grade.

**Density:** The number of dwelling units on, or to be developed upon, an acre of land.

**District:** "District" as used herein is synonymous with the word "zone" or "zoning district". See "Zoning District"

**Dock:** A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

**Dock, Floating:** A more or less rigid, free floating platform not attached to the land, made of buoyant materials: a dock, raft, float, ski jump, trampoline, swimming or diving platform.

**Drive-In Establishment:** A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

**Drive-In Restaurant:** A drive-in restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

**Drive-Through Establishment:** A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

**Driveway:** A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot.

**Dwelling, Farm:** A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

**Dwelling, Manufactured:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation. It is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this

Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

**Dwelling, Multiple-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Seasonal:** A dwelling that is not utilized in each month of the year.

**Dwelling, Single-Family:** A detached building containing not more than one (1) dwelling unit designed for residential use.

**Dwelling - Town House:** A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

**Dwelling, Two-Family or Duplex:** A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

**Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**Easement:** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**Edge of Road:** see: "Road Right-of-Way Line" for Edge of Road

**Erected:** Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill drainage, land clearing, and general property improvements are not considered part of this definition.

**Essential Services:** The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

**Excavation:** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming purposes, gardening purposes, and ground care.

**Family:**

- a. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling, or
- b. A collective number of individuals domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aqua cultural activities, machinery, equipment, and other appurtenances used in the production of commercial farm products.

**Farm Building:** see Building, Farm.

**Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

**Fence:** A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

**First Floor:** Elevation above level of Constructed building foundation.

**Filling:** The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

**Filling Station:** see "Automobile Service Station"

**Flood Plain:** The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years (FEMA standard).
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

**Floor Area:** The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

**Floor Area, Usable Commercial:** All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of usable floor area; for uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

**Floor Area, Usable Residential:** The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

**Garage-Commercial:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

**Garage-Private:** An accessory building which is used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

**Gasoline Service Station:** see Automobile Service Station.

**Garage, Rummage and Yard Sales:** The sale of any new, used, antique, second hand merchandise in any yard, garage, home building or vacant lot within the township.

**Gazebo:** An accessory building of an open (“see through”) design. A gazebo does not exceed fifteen (15) feet in length, width, and height. The open area may be glass and/or screen enclosed.

**Grade:** An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Greenbelt, Shoreline:** A strip parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

**Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**Heavy Industry:** Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

**Height of Structure:** The vertical distance measured from the established grade at the center of the front of the structure to the highest point of the structure whether it is a roof, wall, parapet or similar appurtenance of the structure. Building height is determined according to the definition “Building Height”.

**Home Occupation:** An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and

secondary to the use of the lot and dwelling for residential purposes. A home occupation may also occur in/on the following:

- a. Accessory building located on premises.
- b. Located on contiguous property owned by home owner.

**Hospital:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Hotel/Motel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

**Ice Retardant System:** Aerator, bubbler, or any device, equipment or any type of ice retardant system used within the lake or affects the lake surface so as to prevent the normal formation of ice on the lake surface.

**Ice Shanty:** A shanty or tent type structure designed for fishing through the ice. This may be a portable or stationary type of structure.

**Illegal Sign:** A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

**Industry:** A use engaged in manufacturing, fabricating, and/or assembly activities.

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

**Inn:** A residential structure with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide meals to guests and the public.

**Junk:** All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery (except farm equipment), household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**Junkyard:** An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

**Kennel:** Any building or land used for the sale, boarding, treatment, or breeding or more than two (2) dogs or three (3) cats or other household pets as a business.

**Keyhole Development:** A residential development in which a common lakefront lot is used to provide lake access to non-lakefront lot owners within the development.

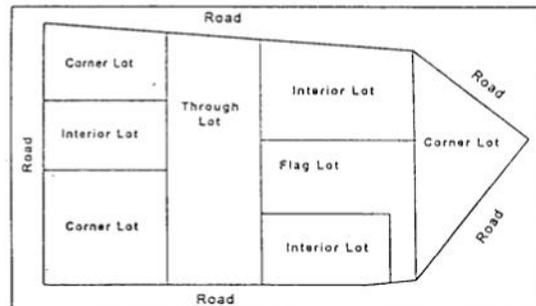
**Landscaping:** Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

**Livestock:** Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

**Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

**Lot:** The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

**Lot Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.



**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including

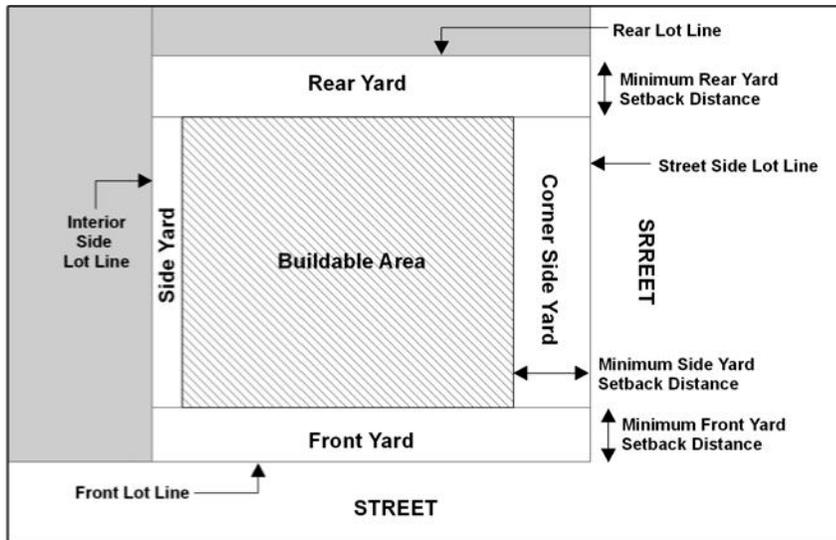
accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot Double Frontage or Through:** A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, lake, river or stream the required front yard setback shall be observed on those roads where such structures presently front. see also "Through Lot".

**Lot Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.

**Lot Lines:** The exterior perimeter boundary lines of a lot or parcel.



**Lot Line Front:** In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from such road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road according to the Gladwin County Road Commission. In the case of a waterfront lot, the line separating the lot from the water's edge shall be considered the front lot line.

**Lot Line Rear:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot. In the case of a waterfront lot, the line separating the lot from the road right-of-way shall be considered the rear lot line.

**Lot Line Side:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Gladwin County Register of Deeds, or site condominium unit established and recorded by master deed in the Gladwin County Register of Deeds on or before the effective date of this Ordinance.

**Lot Through:** see Lot, Double Frontage

**Lot Waterfront:** A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

**Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

**Manufactured Home:** see Dwelling, Manufactured.

**Manufactured Housing Community:** A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**Manufactured Housing Community Homesite:** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

**Medical marijuana definitions:**

1. **Enclosed, Locked Facility:** that term as defined in Section 3 of initiated law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.
2. **Marijuana:** a controlled substance as defined in Section 7106 of the public health code, PA 368 of 1978, MCL 333.7106.
3. **Medical Marijuana:** marijuana as defined by the Michigan Medical Marijuana Act (MCL 333.26421 et seq.) Grown, used or transferred for “medical use” as defined by the act.
4. **Primary Caregiver:** that term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who is at least 21 years old and who has been registered by state department of licensing and regulatory affairs or any successor agency to assist with a qualifying patients’ use of medical marijuana.
5. **Primary Caregiver Facility:** a building in which the activities of a primary caregiver are conducted.
6. **Qualifying Patient:** that term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the state department of licensing and regulatory affairs or any successor agency.

**Migratory Labor:** Temporary or seasonal labor employed in planting or harvesting.

**Mobile Home:** see Dwelling, Manufactured.

**Mobile Home Park:** see Manufactured Housing Community.

**Mobile Home Site:** see Manufactured Housing Community Homesite.

**Municipal Civil Infraction:** A violation of the Secord Township Zoning Ordinance. Such violation carries civil penalties.

**Municipal Civil Infraction Citation:** A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Motel or Motor Court:** A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

**Nonconforming Building or Structure:** A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

**Nonconforming Lot of Record:** A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or amendment.

**Nonconforming Sign:** A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

**Nonconforming Use:** A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the zoning district in which it is located.

**Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

**Nursing Home:** see "Convalescent Home"

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* roadside stand.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

**Open Space:** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

**Outdoor Display:** A land area occupied and used for the display of merchandise offered for sale.

**Outdoor Storage:** A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

**Outdoor Sales Facility:** Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- a. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- b. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.

**Owner:** A person holding any legal, equitable, option or contract of interest in land.

**Parcel:** see "Lot".

**Parent Parcel:** Any lot, from which sublots or subparcels are created after the adoption date of this Ordinance.

**Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

**Parking, Off-Street:** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**Parking, Off-Street, Lot:** see off street parking lot.

**Parking, Off-Street, Space:** An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road rights-of-way.

**Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

**Patio:** A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than four (4) inches above the finished grade of the property.

**Performance Guarantee:** A cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Secord Township Board.

**Personal Service Establishments:** Establishments offering services for a fee or other remuneration such as financial institutions, barber or beauty shops, clothing repair shops, professional offices and other similar uses.

**Pet:** Shall mean only such indigenous animals as may commonly be housed within domestic living quarters.

**Place of Worship:** see Religious Institution.

**Planned Unit Development (PUD):** A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

**Planning Commission:** The commission appointed by the Township Board under the provisions of Public Act 33 of 2008, the "Michigan Planning Enabling Act" as amended. Refers to the Secord Township Planning Commission.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

**Plot Plan:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

**Point of Sale:** Determined at the time of Signed Document of Property Transfer.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Open:** An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

**Pool, Private Swimming:** Any artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use by the owner, his family or guests for aquatic sports or recreation. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Principal Structure:** see Building, Principal.

**Principal Use:** The main use to which the premises are devoted and the primary purpose for which the premises exists.

**Private Road:** see "Road, Private".

**Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like, offering services for a fee or other remuneration such as financial institutions.

**Public Place:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element. A public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

**Recreational Vehicle:** A current licensed vehicle primarily designed and used as temporary living quarters for recreation or camping or a vehicle mounted on or drawn by another vehicle, includes but is not limited to motor homes, travel trailers, pop-up campers, modified trailers and tents.

**Recreation Vehicle Park (RV Park):** A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

**Religious Institution:** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple or synagogue.

**Rental Sales Establishments:** Establishments offering goods for sale such as food stores, drug stores, clothing sales, gift shops, hardware and appliance sales, restaurants and drinking places, variety stores and similar uses.

**Residential Structures:** Any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

**Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

**Restaurant:** A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

**Retail and Retail Stores:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**Right-of-Way:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Road Private:** Any road which is privately constructed and has not been accepted for maintenance by the Gladwin County Road Commission, State of Michigan or the federal government.

**Road Public:** Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

**Road Right-of-Way Line:** The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance. Edge of road (for variance purposes): to determine edge of the road right of way; the distance would be measured from the exact center of road:

Sixty-six (66) ft. road measures eleven (11) ft. of pavement and five (5) ft. of shoulder, plus seventeen (17) ft. of ditch for a total of thirty three (33) ft.

Fifty (50) ft. road measures eleven (11) ft. of pavement and three (3) ft. of shoulder, plus eleven (11) ft. of ditch for a total of thirty three (25) ft.

Forty (40) ft. road will be classified same as a Fifty (50) ft. road.

**Rooming House:** A residential building where rooms or suites of rooms are rented, for compensation, by arrangement for definite periods, where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, two and multi-family dwellings or fraternity and sorority houses. Meals may be served from a common kitchen.

**Sanitary Landfill:** A private or public landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

**School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

**Seasonal Use:** Any use or activity that is not conducted during each month of the year.

**Seasonal Use Sales:** Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**Setback:** The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

**Setback Waterfront:** The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

1. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **Adult Bookstore Or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
  - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or

Specified Anatomical Areas.

- b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- 3. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

- a. Persons who appear in a state of nudity;
- b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

- 4. **Adult Motel:** A hotel, motel or similar commercial establishment that:

- a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- 5. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

- 6. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by

Specified Sexual Activities.

7. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
8. **Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - b. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
  - c. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
9. **Specified Anatomical Areas:** Means and includes any of the following:
  - a. Less than completely and opaquely covered:
    - (1) Human genitals;
    - (2) Pubic region;
    - (3) Buttocks
    - (4) Female breast below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state even if completely or opaquely covered.
10. **Specified Sexual Activities:** Means and includes any of the following:
  - a. Human genitals in a state of sexual arousal;
  - b. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
  - d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**Shoreline:** The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

**Sign:** Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

#### **SIGN DEFINITIONS:**

- A. **Message Board Static:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- B. **Message Board Electronic:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- C. **Sign Abandoned:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- D. **Sign Accessory:** A subordinate sign for information or directional purposes only and that is located on the same lot or parcel as the principle sign (i.e. parking signs).
- E. **Sign Area:** The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.
- F. **Sign Awning:** A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.
- G. **Sign, Canopy:** Any sign attached to or constructed within or on a canopy.

- H. **Sign Clearance:** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- I. **Sign Copy:** The wording on a sign surface in either permanent or removable letter form.
- J. **Sign Face:** The area of a sign on which the copy is placed.
- K. **Sign Ground-Mounted (free-standing):** A sign supported by permanent uprights or braces in the ground.
- L. **Sign Height:** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.
- M. **Sign Lighted:** Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
- N. **Sign Marquee:** A sign displayed on a marquee that does not extend vertically or horizontally beyond the limits of the marquee.
- O. **Sign Monument:** A sign where the entire bottom of the sign is affixed to the ground.
- P. **Sign Off-Premise (billboard):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
- Q. **Sign Overhanging:** A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.
- R. **Sign Portable:** Any sign not permanently attached to the ground or a building and is designed to be transported including but not limited to signs:
- With wheels removed;
  - With chassis or support constructed without wheels;
  - Designed to be transported by trailer or wheels;
  - Converted A- or T-frame signs;
  - Attached temporarily to ground, a structure, or other signs;
  - Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
  - Menu and sandwich boards;
  - Searchlight stand; and
  - Hot-air or gas-filled balloons or umbrellas used for advertising.
- S. **Sign Primary:** Any sign not designated an accessory sign or a changeable copy sign and is used for the purpose of displaying primary information about the establishment.
- T. **Sign Projecting:** A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

- U. **Sign Real Estate:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- V. **Sign Surface:** That portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.
- W. **Sign Temporary:** A sign that is intended to be displayed for a limited period of time.
- X. **Sign Wall:** Any sign attached parallel to a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.
- Y. **Sign Window:** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Site Condominium (Condominium Subdivision):** A method of subdivision where the sale and ownership of sites is regulated by the condominium Act (P.A. 59 of 1978, as amended MCLA 559.101) as opposed to the subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance.

**Site Condominium Subdivision Plan:** Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

**Site Plan:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**Small-Scale Craft-Making:** Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals.

**Solar Energy Structures:** A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**Special Land Use:** A use which is subject to approval by the Township. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming use.

**Special Land Use Permit:** A permit issued by the Township Board/Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

**Stable:** A building or structure used to house horses, either for the property owner's private use or for hire.

**State-Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

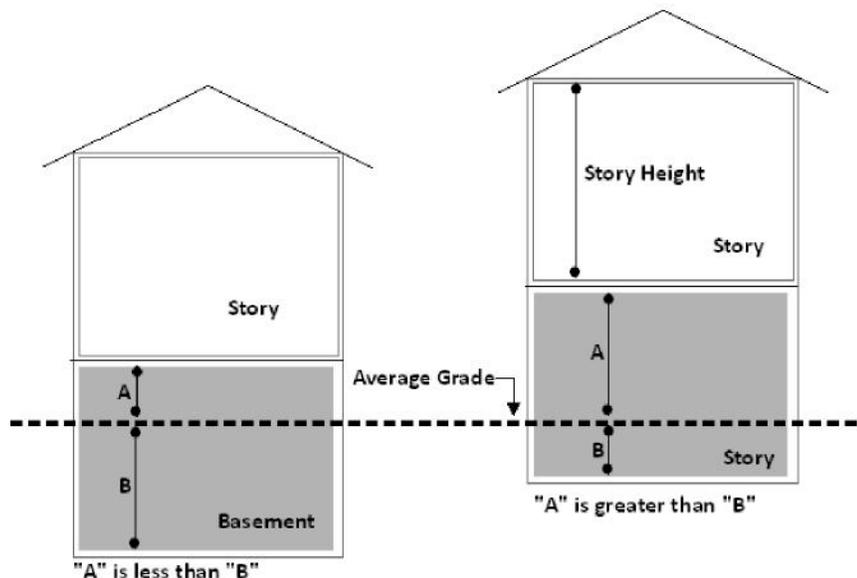
**Stormwater Detention Basin:** A facility which temporarily stores surface runoff.

**Stormwater Retention Basin:** A facility which stores surface runoff indefinitely.

**Story:** That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

**Story, Half:** An uppermost story lying under a sloping roof the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it.

**Story Height:** The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.



**Street:** A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

**Subdivision:** The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

**Telecommunication Towers and Facilities definitions:**

1. **Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **Antenna Array:** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
3. **Attachment Structure:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
4. **Co-Location/Site Sharing:** Co-location/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder, or by one wireless license holder for more than one type of communication technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.
5. **Equipment Facility:** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.
6. **FTA:** Federal Telecommunications Act of 1996, as amended.
7. **Height:** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
8. **Setback:** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure and equipment shelter or cabinet where applicable.
9. **Support Structure:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition.

**10. Temporary Wireless Communication Facility:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

**11. Wireless Communications:** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

**12. Wireless Communication Facility:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

**Temporary Accessory Building or Structure:** see Accessory Building or Structure, Temporary.

**Temporary Building:** see Building, Temporary.

**Temporary Sign:** see Sign, Temporary.

**Temporary Use:** see Use, Temporary.

**Tent:** As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

**Timber and Tree Products Production:** The cutting, splitting, hauling, extraction, and similar processing of tree products not including the selling of finished lumber products.

**Tourist Home:** Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

**Township:** Secord Township, Gladwin County, Michigan

**Township Board:** The Secord Township Board.

**Travel Trailer:** See Recreational Vehicle.

**Travel Trailer Park:** See Recreation Vehicle Park (RV Park).

**Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

**Use, Accessory:** see "Accessory Use".

**Use, Principal:** see Principal Use.

**Use, Public:** Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

**Use, Temporary:** A use, activity, or building permitted to exist during the period of construction of the main building or use or for special events.

**Variance:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

**Variance, Dimensional:** A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

**Vehicle Sales - New:** An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

**Vehicle Sales - Used:** An authorized dealership for the sale of used vehicles with completely enclosed-office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

**Wells and Septic Systems:** Wells and Septic systems that serve as a portable water source and sewage disposal for properties located within all Districts.

**Wind Energy:**

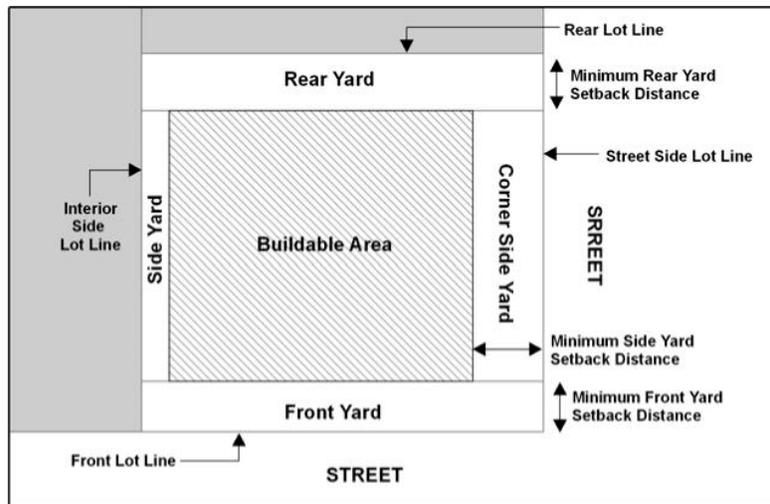
- A. **Ambient:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer:** A device used to measure wind speed.
- C. **dB(A):** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Hub Height:** The distance measured from the ground level to the center of the turbine hub.

- F. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.
- G. **Small On-Site Wind Energy Systems:** A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which is intended to primarily serve the property on which it is located.
- H. **Sound Pressure:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- I. **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- J. **Wind Energy Facility:** A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- K. **Wind Turbine Generator:** A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
  2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
  3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- L. **Wind Turbine (Horizontal Axis):** A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- M. **Wind Turbine (Vertical Axis):** A wind energy system in which the rotor rotates around a vertical shaft.
- N. **Wind Turbine Generator Total Height:**
1. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
  2. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the wind turbine generator.

**Yard:** An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses

or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

- A. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
- C. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- D. **Corner Side Yard:** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.



**Yard, Garage, or Porch Sale:** Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

**Zero Lot Line:** The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

**Zoning Administrator:** The person retained by the Township Board to administer and enforce this Zoning Ordinance. It can be the Township Supervisor or the Enforcement officer for the Township assigned with the above mentioned duties.

**Zoning Appeal:** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**Zoning Board of Appeals:** As used in this Ordinance, the term "Board of Appeals" or "ZBA" refers to the Zoning Board of Appeals of Secord Township.

**Zoning District:** A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Zoning Permit/Land Use Permit:** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval of the applied for construction.

## **ARTICLE 3:**

### **GENERAL PROVISIONS**

#### **Section 3.0 – Purpose**

The provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

#### **Section 3.1 – Application of Regulations**

Zoning affects every structure and use, and extends vertically. The following shall apply to all of Secord Township.

- A.** In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
- B.** No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C.** No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- D.** If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E.** In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.

### **Section 3.2 – Zoning Lots, Lot-Building Relationship and Access**

- A.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- B.** Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, industrial complexes and elsewhere in this Ordinance. There shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a zoning permit from the Zoning Administrator.
- C.** Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

### **Section 3.3 - Unsafe Buildings and Barrier Free Modifications**

- A.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Secord Township/Gladwin County Zoning Administrator.
- B.** Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the Americans with Disabilities Act.

### **Section 3.4 - Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and area limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

### **Section 3.5 - Accessory Buildings and Structures**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A.** Authorized accessory buildings or structures may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
- B.** No more than four (4) detached accessory structures may be located on one parcel.
- C.** Where any accessory building or structure is attached to a principal building, such accessory building or structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.
- D.** A detached accessory building or structure shall conform to the lot setbacks of the district in which it is located.
- E.** No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes. Approved secondary dwelling units as a Special Use shall be the exception.
- F.** Truck bodies, school bus bodies, mobile homes, travel trailers, ice shanties or other items built and intended for other uses shall not be used as accessory buildings. Semi-trailers may be used as temporary (under 31 days) storage for commercial, industrial, or agricultural establishments.
- G.** MATERIALS: Accessory structures using non-rigid materials to serve as walls or roof shall not be permitted.
- H.** Swimming pools shall be considered an accessory structure and require a zoning permit in the R-1 and R-2 Districts.

### **Section 3.6 - Temporary Buildings During Construction**

- A.** Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, and for temporary residency during a construction period as permitted herein.
- B.** All temporary buildings and/ or construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Appropriate ongoing cleanup will also be required as per the inspection by the Township Zoning Official and Planning Commission directive. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

- C. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units.
- D. Temporary Dwellings: For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:
1. The location shall conform to the provisions governing yard and setback requirements of standard dwellings in the district where located.
  2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months. One (1) additional six (6) month extension may be obtained from the Zoning Administrator upon expiration of the original zoning permit. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this ordinance.
  3. A septic system and water well shall be constructed and maintained in accordance with the standards for materials, design and installation required by the District Health Department, and shall precede occupancy of the temporary dwelling. In the event the temporary dwelling unit has self-contained sanitary facilities, these facilities may be utilized in lieu of a traditional septic system and water well for the maximum of 90 days.
  4. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
  5. No additions shall be constructed to temporary dwellings.

### **Section 3.7 – Basement as a Dwelling**

Dwelling spaces contained in basements shall meet the requirements of the State of Michigan Residential Code.

### **Section 3.8 - Moving Buildings**

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved either within or into the Secord Township without first obtaining a zoning permit from the Zoning Administrator.

### **Section 3.9 - Demolition of Buildings**

No principal structure shall be demolished until an inspection has been completed by the Gladwin County Building Official. The demolition shall be completed within such reasonable time period as shall be prescribed by the Gladwin County Building Official and under conditions that may be specified by the Gladwin County Building Official deemed necessary to protect the public health, safety and welfare. The Gladwin County Building Official is furthermore authorized to prescribe conditions relating to the filling of excavations, the proper termination of utility connections, and the manner in which demolition will be carried out in situations where asbestos is present.

### **Section 3.10 – Projections and Encroachments**

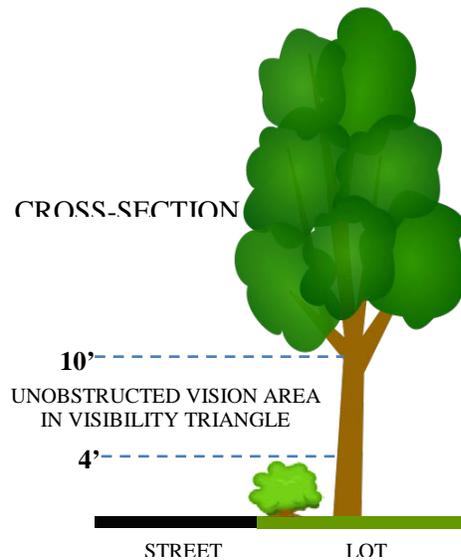
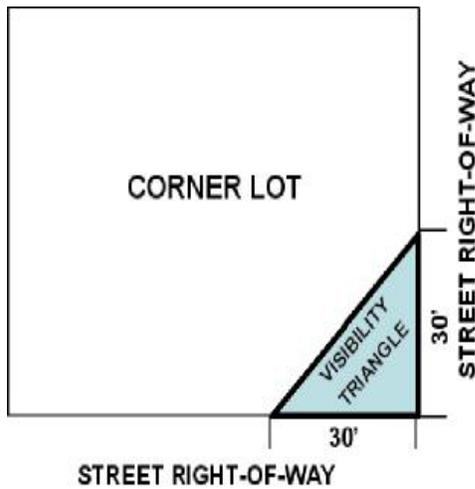
The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A.** Unattached terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure be unroofed (no solid, slatted, or flexible roofing material allowed) and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. All terraces, patios, decks, and similar structures shall maintain a ten (10) foot setback on one side for emergency purposes. Unattached terraces, patios, decks, and similar structures may have a four (4) foot high safety rail which may be no more than fifty (50) percent opaque.
- B.** Attached porches, terraces, patios, decks, and similar structure, shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof.
- C.** Eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- D.** Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the property line. Balconies must be totally cantilevered with no support within five (5) feet of the ground
- E. Driveways:** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These driveways shall not be considered as structural violations in front and

side yards. Further, any sidewalk or other surface servicing a like function, and not in excess of four (4) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

**Section 3.11 - Intersection Visibility and Street Rights-of-Way**

On any corner lot, no fence, wall, sign or other structure or planting shall obstruct vision between the heights of four (4) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of four (4) feet and ten (10) feet, measured above the elevation of the street center line, within ten (10) feet of any front property line.



**Section 3.12 - Essential Services**

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Secord Township in any use District, provided that the above meet the setback

and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Zoning Permit is obtained. Electrical substations shall comply with the fencing provisions of **§3.20** of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

### **Section 3.13 - Required Water Supply and Sanitary Facilities**

Buildings hereafter erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the District Health Department.

### **Section 3.14 – On Site Drainage and Runoff Requirements**

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

### **Section 3.15 - Manufactured Homes on Individual Lots or Parcels**

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A.** Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B.** The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C.** Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled “Manufactured Home Installation Standards”, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.

- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within Secord Township until a certificate of compliance and occupancy with the HUD Code has been issued by the Gladwin County Building Official.
- F. No manufactured home shall be located or placed in Secord Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be stored on any lot or parcel in Secord Township.

### **Section 3.16 - Recreational Vehicles and Travel Trailers**

- A. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
  - 1. The travel trailer or recreational vehicle shall carry current state license plates. No more than one (1) travel trailer or recreational vehicle may be stored per lot or parcel.
  - 2. Travel trailers or recreational vehicles may be stored in a rear or side yard of a lot containing a permanent dwelling, provided the yard setback requirements are met.
  - 3. The travel trailer or recreational vehicle shall not be stored without a permit.
  - 4. The unit shall not be used for permanent/continuous dwelling purposes.
  - 5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in **§3.16.B** and as may be permitted in accordance with a properly zoned outdoor storage or commercial facility.
- B. Overnight camping on private property shall be permitted in districts R-1, R-2 and A-1 providing that the recreational vehicle shall receive a permit from the Zoning Administrator and shall occupy a parcel for not longer than ninety (90) days in a calendar year, subject to the following conditions:
  - 1. Yard setback requirements for the district where the unit is located shall be met.
  - 2. Sanitation facilities must meet the requirements of and be approved by the District Health Department.
  - 3. The travel trailer or recreational vehicle shall be connected to water and sewer services.

4. The travel trailer or recreational vehicle shall carry current state license plates.
5. A maximum of two (2) travel trailers or recreational vehicles may be allowed on a parcel.
6. A Use Permit is not required for uses of seven (7) days or less. A Use Permit is required for eight (8) or more days up to ninety (90) days. If approved by the Zoning Administrator an extension may be granted for a total of (130) days per calendar year.
7. Prior to the issuance of a permit for RV/travel trailer occupancy, a well and septic system inspection may be required, as determined by the Zoning Administrator, to determine compliance with the Health Safety Sanitary Code in R-1, R-2, A-1 Districts. The property owner will be responsible for obtaining this inspection. Camping is not permitted in C-1 and C-2 districts.

### **Section 3.17 – Ice Retardant Systems**

Any system or equipment installed to prevent ice damage to boat docks or other structures installed in Secord Lake shall meet the requirements of this section.

- A. The terms and provisions of the ordinance shall be interpreted and applied as requirements for the promotion and protection of the public health, safety and general welfare and for the preservation of property values within the township.
- B. Scope: Aerators, bubblers, or any device, equipment or any type of ice retardant system used within the lake or affects the lake surface so as to prevent the normal formation of ice on the lake surface.
- C. Safety Regulations: Anyone in Secord Township installing or operating an aerator, bubbler or any type of ice retardant system must have an approved permit from the Secord Township Planning Commission/Zoning Administrator for an Ice Retardant System.
  1. Areas of free flowing water or air bubbles shall be clearly marked with orange reflecting fluorescent warning signs.
  2. Signs shall be a minimum size of 18" x 24" and placed such that they are clearly visible from any direction of approach to the open water.
  3. A minimum of four (4) warning signs must be installed and they must be readable from at least fifty (50) feet.
  4. A control system must be installed and in operation at all times to control the amount of open water. The maximum distance of open water shall be ten (10) feet in any direction from any part of the protected dock.
- D. General Requirements of Ice Retardant Systems: Anyone in Secord Township installing or operating an aerator, bubbler, or any type of ice retardant system shall comply with the following requirements:

1. All parts of the protected dock must be a minimum of ten (10) feet from the projection of the property owner's property lines into the lake.
  2. The installed system must not melt any ice beyond the projection of the property owner's property lines into the lake.
  3. The system must not make any objectionable noise or light.
- E. Any person or other entity who violates any provision of this Ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus cost, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall any costs, of more than \$500.00 be ordered. In addition, all violations of this Ordinance or any part thereof are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance. Each day that a violation shall continue is to constitute a separate offense.

### **Section 3.18 - Waterfront Setback**

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.
  - Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.
  - Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.
- A. Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Secord Township, shall be subject to waterfront setbacks for buildings and uses, as follows:
1. No fill or permanent construction shall occur in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps of the 7' or 15' quadrangle series, and which is further identified as an area that is prone to annual flooding (i.e. a natural storage basin during high water levels). Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
  2. Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water-dependent uses, shall observe a

minimum setback of forty (40) feet from the shoreline in all Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more than eight (8) months.

3. Walkways or stairs necessary for water access may extend to the shoreline and shall be limited to a maximum width of five (5) feet. Decks and patios which are less than eighteen (18) inches above the natural grade at the deck building line may extend to the shoreline.

#### B. Other Environmental Rules

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

### **Section 3.19 - Home Occupations and Cottage Industries**

While Secord Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

#### **A. Home Occupations and Cottage Industries: General Standards**

1. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is required.
2. In cases where goods or products are sold on the premises to the public, the use is considered a Cottage Industry. Cottage Industries are permitted as a Special Land Use in any Zoning District in which single-family dwellings are allowed, subject to review and approval by the Planning Commission as a Special Land Use in accordance with Article 8 of this Ordinance. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.
3. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.

- b. Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
4. Home Occupations or Cottage Industries shall be conducted by the person or persons occupying the premises as their principal residence. Not more than three (3) nonresident persons shall be employed at the place of the Home Occupation or Cottage Industry.
  5. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.
  6. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.
  7. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes. Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
  8. Outdoor Storage and Outdoor Display
    - a. Outdoor Storage: The outdoor storage of goods and/or materials of any kind is prohibited in the R-1 District. The outdoor storage of goods and materials may be permitted in all other districts on a case by case basis.
    - b. Outdoor Display: The outdoor display of merchandise for sale may be approved on a case by case basis.
  9. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
  10. Hours of operation for Cottage Industries shall be approved by the Planning Commission.
  11. The property must be maintained free of debris.
  12. There shall be no parking permitted within any setback areas. No Home Occupation or Cottage Industry shall require parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curbside on the street.

13. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.
14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.
15. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Home Occupation or Cottage Industry permit.
16. Signage shall conform to the requirements of **§3.35**.

**B. Home Occupations and Cottage Industries:** Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

### **Section 3.20 - Fences and Walls**

- A. Except for as provided in **§3.20.D** or unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District. The following standards shall apply:

1. R-1 and R-2 Districts:

- a. Height: Maximum of six (6) feet (all yards).
- b. Shall meet district setback for all yards.
- c. Shall meet waterfront setback for waterfront yards.

2. C-1, C-2, and A-1 Districts:

- a. Height:
  - i. Front Yard: Maximum height of four (4) feet.
  - ii. Rear and Side Yards: Maximum height of eight (8) feet.
- b. For agricultural, commercial or industrial uses, side and rear yard fences may be a maximum of eight (8) feet.
- c. Setback:
  - i. Front Yard: Minimum twenty-five (25) feet.
  - ii. Side and Rear Yards: No required setback.

**B.** The height of a fence is measured vertically from the surface of the ground to the top of the fence/post combination. For the purposes of fencing, the front yard shall be considered as beginning at the front of the primary structure to the front property line. Fences or walls installed or constructed in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic (see **§3.11**), nor create a hazard to traffic or pedestrians.

**C.** Site Condominiums and Planned Unit Developments: Chain link fences shall not be used in the front yard in any platted subdivision, site condominium development, or planned unit development. The height of fences in any platted subdivision, site condominium or planned unit development shall not exceed six (6) feet in the side or rear yard. Front yard fence height and setback requirements shall be the same as in **§3.20.A**.

**D.** Except for fences constructed for agricultural purposes:

- 1. All fences shall be finished on both sides.
- 2. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.

3. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
4. Barbed wire and electrified fencing is prohibited in R-1 and R-2 districts unless the said party obtains a permit and approval from the Planning Commission.
5. No fence shall be approved which:
  - a. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
  - b. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
  - c. will constitute a hazard to street traffic or to pedestrians.

### **Section 3.21 - Landscaping and Buffering**

It is the intent of this section to require landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this section to provide for buffering between residential and non-residential uses.

#### **A. Application:**

These requirements shall apply to all uses for which site plan review is required under **Article 7** of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, Greenbelt buffers, and screening consistent with the requirements set forth in this ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

#### **B. Landscape Plan:**

A landscaping plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

1. The location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area;
2. An identification of existing trees and vegetative cover to be preserved;
3. The Identification of grass and other ground cover and the method of planting: and

4. The enumeration of a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

**C. Flexible Design Standards:**

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.
2. The Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
  - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
  - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Township.
  - c. When safety considerations warrant alternative compliance.
  - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
  - e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

**D. Parking Lot Landscaping:**

Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

**E. Highway Landscape Buffers:**

1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a "highway landscape buffer". The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 1/2) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway

proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.

2. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

**F. Site Landscaping:**

1. In addition to any landscape areas and/or parking lot landscaping required by this ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

**G. General Landscape Development Standards:**

1. Minimum Plant Material Standards:

- a) All plant material shall be hardy to Gladwin County, free of disease and insects and conform to the standards of the American Association of Nurserymen.
- b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.

d) Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2 1/2" caliper
Deciduous Ornamental Trees:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" – 24" spread

- e) Existing plant material, which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- f) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

- g) The following trees are not permitted to be planted in required landscape areas as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	<i>Acer Negundo</i>
Ginkgo	<i>Ginkgo Biloba (female only)</i>
Honey Locust	<i>Gleditsia Triacanthos (with thorns)</i>
Mulberry	<i>Morus Species</i>
Poplars	<i>Populus Species</i>
Black Locust	<i>Robinia species</i>
Willows	<i>Salix Species</i>
American Elm	<i>Ulmus Americana</i>
Siberian Elm	<i>U. Pumila</i>
Slippery Elm: Red Elm	<i>U. Rubra</i>
Chinese Elm	<i>U. Parvifolia</i>

2. Minimum Standard for Berms:

- a) Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- b) Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- c) Berms shall be constructed in a way that does not alter the drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.

**H. Landscape Buffers and Protective Screening:**

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 400 feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in **Article 9**.

- 1. **Width of landscape buffers:** Landscape buffers (Greenbelts) shall be ten (10) feet in width.
- 2. **Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
- 3. **Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.

**I. Installation and Maintenance:**

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.
2. The owner or occupant, if different from the owner of property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and accessible water supply.

### **Section 3.22 - Parking and Loading Space Requirements**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to occupancy or use of the property as hereinafter prescribed. All vehicles parked outdoors

#### **A. Parking Requirements:**

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve.
3. Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Township Planning Commission in accordance with **Article 7** of this ordinance.
4. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
5. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
6. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces

between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.

7. In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.
9. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
10. Parking Space Dimensions:

All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space	
		Width	Length
0 degree (parallel parking)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	9 feet	20 feet
54 to 74 degrees	15 feet	9 feet	20 feet
75 to 90 degree	20 feet	10 feet	20 feet*

\* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

11. Vehicle Stacking Space:

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

12. The number of off-street parking spaces shall be in accordance with the following schedule:

<b>Residential Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
One family and two family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Mobile homes	2 for each mobile home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side yard setback

<b>Institutional Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	2 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater

Senior high schools	1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.

Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
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<b>Business Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging Establishments	1 for each 1.5 occupancy unit plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA

C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair

Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross leasable floor area
Mortuary establishment	3 for each 100 square feet of useable floor area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

<b>Miscellaneous Use Parking Requirements</b>	
<b>Use</b>	<b>Requirements</b>
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater
Mini-Storage, Self-Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, Exhibition Halls, Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.

Golf Courses	1 per every 2 persons allowed within the maximum occupancy load.
Industrial Establishments	One for every 1 1/2 employees based on the greatest number of persons employed at any one period during the day or night.

<b>Agricultural Tourism-Related Uses</b>
1. The number of parking spaces required will be determined on a case by case basis taking into consideration such factors as building size, expected visitor numbers, seasonal or year-round use, and other factors determined by the Planning Commission.
2. Parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
3. For uses permitted by Special Use Permit, parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to “Usable Floor Area”

**B. Loading Space Requirements:**

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
  - a. Up to twenty thousand (20,000) square feet — one (1) space.
  - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
  - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
  - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

**Section 3.23 - Water Supply and Sewage Disposal Facilities**

- A. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.

- B. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

### **Section 3.24 – Storm Water Retention**

The property owner or developer is required to retain on site all storm water drainage in excess of natural conditions. This provision may require storm water retention ponds where appropriate. An exception can be made for water leaving the site via an existing storm water pipe, or through other storm water facilities which will be developed at the same time as the proposed new use. All storm water facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

### **Section 3.25 - Groundwater Protection and Hazardous Substances**

- A. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- B. All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

### **Section 3.26 – Floating Docks and Ice Fishing Shanties**

Floating docks or ice shanties shall have light reflecting devices at each corner or side of the above said items that makes them clearly visible during night-time hours by boaters and snowmobilers. Floating docks must also have a three (3) inch by five (5) inch permanent sign or placard that conspicuously identifies the current lake property name and address of the owner. Ice shanties must be identified according to the DNR requirements, which state that the name and address of the owner must be on all sides of the shanty in legible letters at least 2 inches in height. The letters shall be readily visible and consist of material not soluble in water. The name and address must be on the shanty and may not be placed on a board or other material that is attached to the shanty.

### **Section 3.27 - Dumping of Motor Vehicles**

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle be stored on any property unless stored within a totally enclosed structure.

### **Section 3.28 - Dumping of Materials**

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A.** Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances.
  - 1. Such practices are a necessary accessory use to a permitted agricultural use.
  - 2. Such practices occur in a junk yard, landfill, recycling facility, or transfer station authorized under this Ordinance, and are included in the approved site plan.
  - 3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
- B.** Dumping of soil, sand and clay materials: The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.
- C.** Dumping of toxic materials and/or nuclear wastes shall not be allowed in Secord Township.

### **Section 3.29 - Outdoor Lighting**

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the

number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.

**A. Intent and Purpose:** The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

**B. General Standards:**

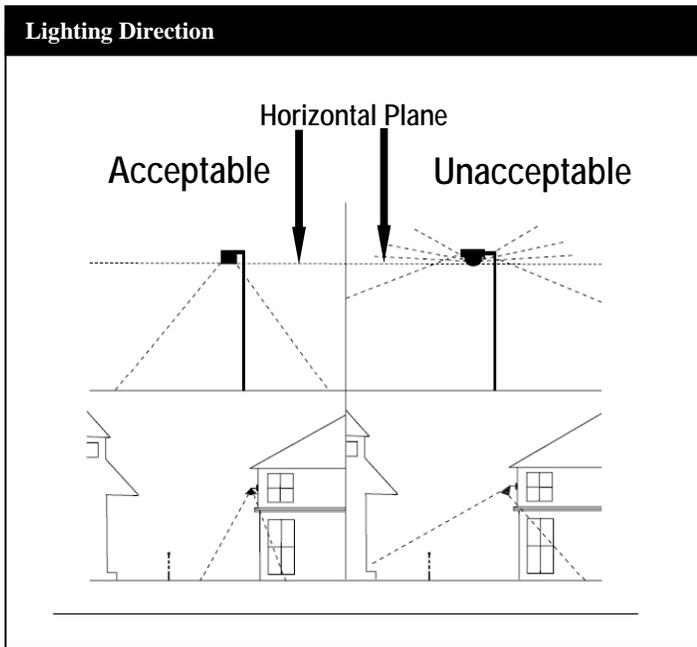
**1. Exempted Areas and Types:** The following types of outdoor lighting shall not be covered by this Ordinance:

- a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
- b. Lights located within the public right-of-way or easement.
- c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
- d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
- e. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
- f. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.

**2. Regulated Lighting:** The following types of lighting shall be regulated by this Ordinance:

- a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
- b. Multiple-family development parking lot lighting and site lighting.
- c. Privately-owned street lighting.
- d. Building facade lighting.
- e. Security lighting, spotlights, and floodlights.

- f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity and/or glare to the foregoing.
  - g. Standards related to the lighting of signs are contained in **§3.30**.
3. **Standards:** Lighting shall be designed and constructed as per the following requirements:
- a. **Lighting Confined To Site:** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
  - b. **Lighting Directed Downward/Shielded:** Except for diffused globe-style walkway lights and the lighting addressed in **subsection c below**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
  - c. **Upward Directional Lighting:** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
  - d. **Moving Lights:** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
  - e. **Interference with Traffic Control Devices:** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
  - f. **Gas Stations:** Ceiling lights in gas pump island canopies shall be recessed.



**Section 3.30 - Outdoor Advertising Signs**

The use and erection of all outdoor advertising signs shall be subject to the following provisions: All signs to be on common sign board constructed by twp.

**A. General Provisions for all Zoning Districts:**

1. **Approval:** No sign, except residential name plates and those signs established by the Township, County, State or Federal governments, shall be erected or altered until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.
2. **Signs which are in need of repair, obsolete, not affixed or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display for the purpose of advertising.
3. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.

4. **Signs in Right-of-Way:** Any sign except those established and maintained by Township, County, State or Federal governments shall not be erected in, nor project into, or overhang a street or road right-of-way.
5. **Directional Signs:** Directional signs required for the purpose of orientation, when established by Township, County, State or Federal governments shall be permitted in all zoning districts.
6. **Obstruction of/Confusion with Traffic Signals/Signs:** No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
7. **Glare/Flashing/Moving Signs:** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
8. **Political Signs:** Temporary political signs may be located in any zoning district and shall be removed within fourteen (14) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
9. **Real Estate Signs:** Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Such real estate sign may be placed in the road right-of-way or waterfront, but not on the shoulder of the road and not nearer an intersection than a sign indicating that there is a "stop sign ahead". Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.
10. **Free-Speech:** Signs which express non-commercial speech may be erected in any district. Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
11. **Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.
12. **Unsafe, Damaged and Illegal Signs:**  
In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator

determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

**B. Size Limitations:** Size limitations found in **Tables 3.30 A and B** apply to the sign face only, not the support structure.

<b>Table 3.30A: ON-PREMISE SIGNS – RESIDENTIAL SIGN REQUIREMENTS</b>			
	<b>Single &amp; Two- Family Uses</b>	<b>Home-Based Business/Cottage Industry</b>	<b>Multiple Family, Subdivisions, Manufactured Housing Dev.</b>
<b>Free-Standing Signs</b>	1 Nameplate at 5 ft <sup>2</sup>	1 at 5 ft <sup>2</sup>	1 per entrance at 10ft <sup>2</sup> Height = 6 ft with Planning Commission approval
<b>Wall Signs</b>	1 Nameplate at 5 ft <sup>2</sup>	1 at 5 ft <sup>2</sup>	-----

<b>TABLE 3.30B: ON-PREMISE SIGNS – AGRICULTURAL, BUSINESS &amp; INDUSTRIAL</b>				
	<b>Number &amp; Area</b>	<b>Height</b>	<b>Setback</b>	<b>Other Regulations</b>
<b>Ground Mounted Signs (Pylon Signs and Monument Signs)</b>	2 at 64 ft <sup>2</sup>	The top of any ground-mounted sign shall be not more than ten (10) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.30 A & B)	Shall not be located nearer to the front lot line than 1/2 the required front yard setback.	The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
<b>Time &amp; Temperature Signs</b>	1 allowed	n/a	n/a	Must be an integral part of principle sign – size does not count toward allowable square footage of principle.
<b>Wall Signs</b>	Can occupy maximum of 25% of wall area (of entire building).	The sign shall not project above the edge of the roof of a structure.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
<b>Projecting Signs</b>	1 at 10 ft <sup>2</sup>	Minimum height of 8 ft	n/a	Sign supports and brackets shall be compatible with the design and scale of the sign.
<b>Awning or Canopy Signs</b>	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
<b>Cluster Signs</b>	Up to six (6) signs in addition to the sign bearing the name of the complex.  Each sign in a cluster shall be no greater than 15 ft <sup>2</sup> in area.	20 ft	10 ft from front lot line	Cluster signs may only advertise a group of businesses located together which share an access to the primary road. Any business which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the business is located. Cluster signs must be located near the access from which each business in the cluster is located.
<b>Message Boards (Static) &amp; Digital)</b>	See Section 3.30C			

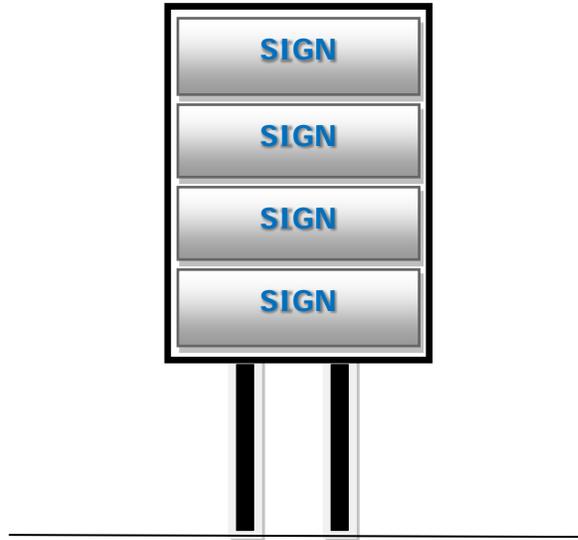


Figure 3.30A

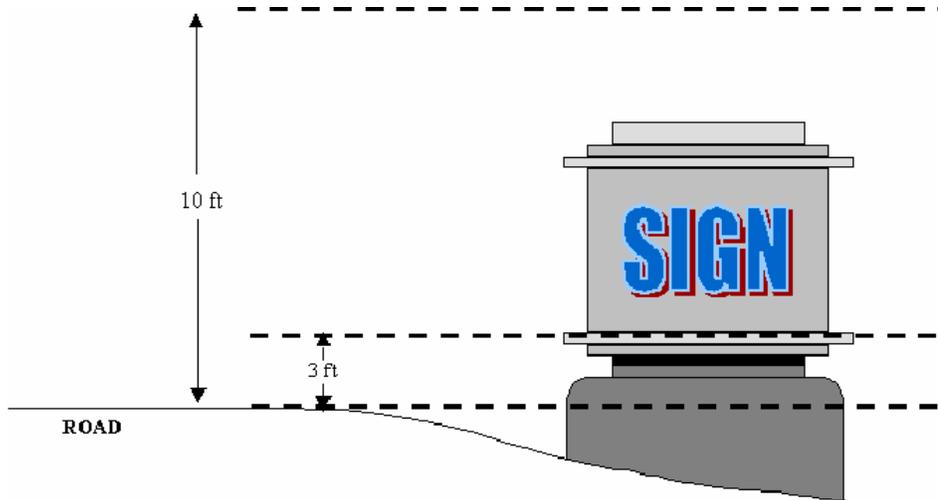


Figure 3.30B

### C. Message Boards:

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units with permit. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - a. Static message boards are not allowed in the R-1 District.
  - b. Static message boards are not allowed in the R-2 District except in the case of nonresidential uses.
  - c. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than sixty-four (64) square feet.
  - d. If the static message board is a part of the primary sign, then both the message board and primary sign together shall not exceed the total sign size allowed by district.
  
2. **Electronic Message Boards:** Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - a. Electronic message boards are not allowed in the R-1 District.
  - b. Electronic message boards are not allowed in the R-2 District except in the case of nonresidential uses.
  - c. If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than sixty-four (64) square feet.
  - d. If the electronic message board is a part of the primary sign, then both the message board and primary sign together shall not exceed the total sign size allowed by district.
  - e. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
  - f. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
  - g. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - h. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

- i. Message boards may contain advertising for on-premise or off-premise establishments but shall contain advertising for on-premise establishments.
- j. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**D. Off-Premise Signs (Billboards):**

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

1. **Off-Premise Sign Regulations:** Billboards may be established in Secord Township provided that they meet the following conditions:
  - a. Off-Premise Signs shall only be allowed on State highways and other Class A roads in Secord Township.
  - b. Not more than one (1) billboard may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Secord Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted.
  - c. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet. They will not be allowed in the R-1 and R-2 Residential Zoning Districts.
  - d. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
  - e. The surface display area of any side of a billboard may not exceed seventy-two (72) square feet
  - f. The height of a billboard shall not exceed ten (10) feet above the elevation of the centerline of the abutting roadway.
  - g. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.

- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.

**k. Digital Billboards:**

- i. **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
- ii. **Luminance:** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
- iii. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

- 2. Permit Required:** No person, firm or corporation shall erect a billboard within Secord Township without first obtaining a permit from the Secord Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Secord Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the zoning permit fee required hereunder shall be established by resolution of the Secord Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Secord Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

**E. Private Off-Premise Directional Signs (On Private Property):**

Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the Township shall be allowed on private property provided there exists a written agreement between the

property owner and the business/industry. Said agreement shall be filed with the Township.

- a. Off-premise directional signs shall be no greater than six (6) square feet.
- b. Off-premise directional signs must be located at intersections.
- c. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
- d. One (1) off-premise direction sign is permitted per non-residential zoning lot.
- e. Off-premise directional signs shall be readable and finished on all sides as viewable from all public approaches.

**F. Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

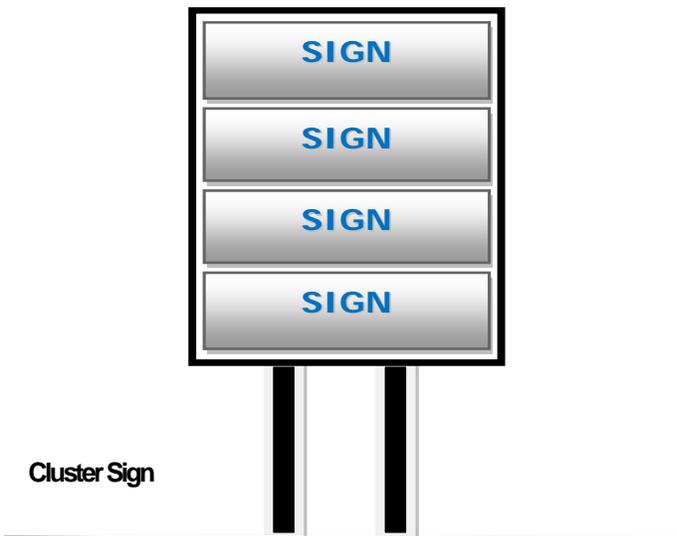
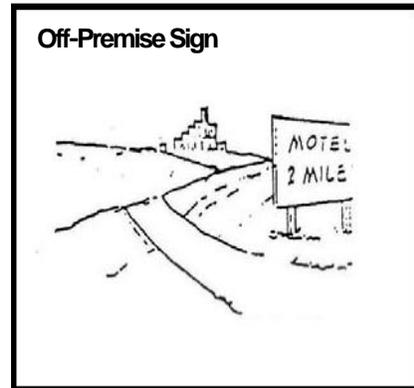
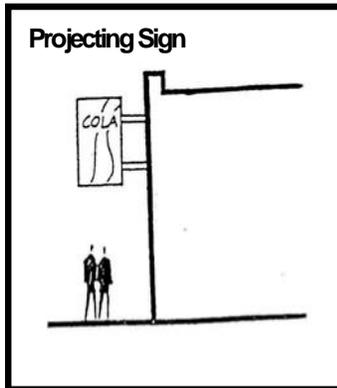
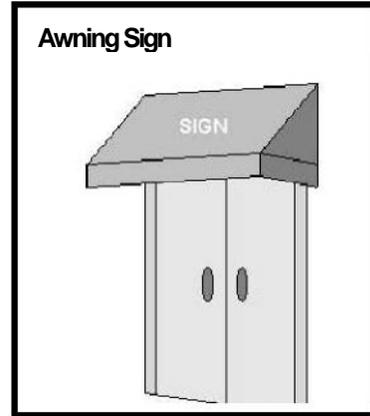
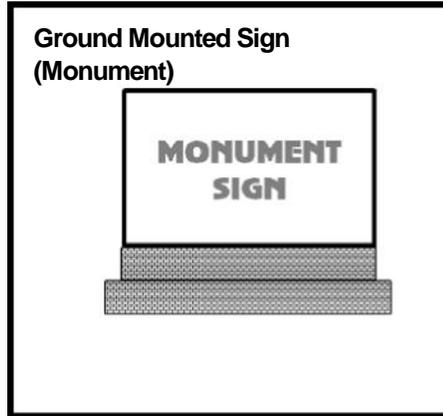
1. **Residential Nameplates:**
2. **Real Estate (Residential and Commercial):**
3. **Political or Opinion Signs:** Temporary, non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject.
4. **Caution Signs:** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.
5. **Non-Advertisement Informational:** Informational signs not exceeding eight (8) square feet (2'X4') in area may be utilized for additional traffic regulation, including, but not limited to, loading dock, low clearance, garage, office, warehouse, and service signs.
6. **Directional Signs:** Three (3) signs per parking lot not exceeding three (3) square feet and six (6) feet in height identifying the business and providing driving, ingress/egress, and parking information.
7. **Memorial/Historical Signs:** Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
8. **Flags:** Flags bearing the design of a nation, state, municipality, educational institution, or noncommercial organization.
9. **Point-of-Sale Signs:** Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, cost of product, and the methods of payment.

- 10. Noncommercial Designation Signs:** Signs not exceeding two (2) square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
- 11. Affiliation Signs:** Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.
- 12. Yard/Garage Sale:** Temporary, non-illuminated signs advertising yard, rummage, garage, basement, porch, or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted two days prior to the event and shall be removed within a period of 24 hrs.

**G. Removal of Signs in Violation of this Ordinance:**

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located. The Township aims at bringing all non-compliant signs into compliance or removal within 60 days of the adoption of this Zoning Ordinance.

## H. Sign Diagrams



### Section 3.31 - Pets and Livestock

- A. The sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) cats or other household pets, other than animals under six months of age born to a female under the care, custody, or control of resident of the property, as a business will be considered a kennel and requires a zoning permit as such. No poisonous or dangerous reptiles, wild or dangerous animals, may be kept as an accessory residential use on any premises.
- B. The raising and keeping of livestock is prohibited on in the R-1 District and is permitted by Special Use Permit in the R-2 District. In addition to the Special Use standards in §8.1, the following shall apply to livestock in the R-2 District:
  - 1. Adequate space shall be provided for the clean and healthful keeping of such animals.
  - 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
  - 3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.
- C. The raising and keeping of livestock is allowed in the A-1 District. In addition:
  - 1. Adequate space shall be provided for the clean and healthful keeping of such animals.
  - 2. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.
  - 3. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

### Section 3.32 - Driveways and Private Roads

- A. **Driveways:** Driveways that provide access to not more than four (4) parcels shall meet the following standards: Access to the principle structure(s) shall require a driveway which has fifteen feet (15') horizontal and twelve feet (12') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles. A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling thirty foot (30') vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. Gladwin County or Secord Township cannot be held responsible for non-maintenance of access.
- B. **Nonconforming Existing Private Roads:** In the case of private roads built prior to this ordinance, such roads may be utilized and improved and additional access points for new structures are permitted. However, emergency fire service will be provided at the discretion of the Fire Office. Secord Township bears no liability for emergency services on nonconforming private roads.

**C. Private Roads:** Private roads, providing access to five (5) or more parcels, are permitted provided they conform to the requirements of this section. No private road shall be constructed, after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application, review and approval of a proposed private road shall follow the same procedures as Special Uses.
2. The proposed private road shall meet the currently Gladwin County Road Commission design standards.
3. No structure or development activity shall be established within approved rights-of-way or easements.
4. No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility.
5. No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.
6. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
7. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
8. Construction authorization from the Gladwin County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunk line. When applicable, a permit is also required from the County under Part 91 of the Natural Resources and Environmental Protection Act.
9. Intersections of private roads with public roads shall meet the current Gladwin County Road Commission standards.
10. Storm water runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed storm water runoff plan. Where storm water runoff is proposed to run into an existing county or state road storm water system, the storm water plan for the private road shall be submitted to the Gladwin County Drain Commissioner and the Gladwin County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

11. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

**D. Road Construction Approval Procedures:** No private road shall be constructed after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
  - a. Existing and proposed lot lines.
  - b. The location of existing and proposed structures.
  - c. The width and location of the private road easement.
  - d. A cross-section of the proposed road, showing the type of material the road base and surface will meet County road standards.
  - e. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.
  - f. Proposed locations of driveways off the private road.
  - g. Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.
  - h. Proposed road name.
2. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
3. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Secord Township Clerk and the Gladwin County Register of Deeds providing for:
  - a. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
  - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
  - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five percent (25%) of the total costs.
  - d. No public funds of Secord Township will be used to build, repair or maintain the private road.

4. Road easement agreement signed by the proprietor(s) shall be recorded with the Secord Township Clerk and the Gladwin County Register of Deeds providing for:
  - a. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
  - b. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.
5. Application Review and Approval or Denial:
  - a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunk line for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.
  - b. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.
  - c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
  - d. The Zoning Administrator shall arrange for inspections during construction or, and upon completion of the private road.
6. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
7. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
8. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a Secord background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with the County Road Commission to avoid a duplication of names.

9. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
10. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
  - a. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.
  - b. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
  - c. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.
11. Fees: Before final approval, an application fee established by the Township Board and the cost for a qualified professional to review the plans and inspect the construction shall be paid by the proprietor(s).
12. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

### **Section 3.33 – Wells and Septic Systems**

The Buyer / Seller must obtain a certificate from the Central Michigan District Health Department certifying that the well and septic systems are in compliance with the Health Safety Sanitary Code in R-1, R-2, A-1, C-1 and C-2 Districts at the Point of Sale.

#### **A. Violation Procedures:**

1. A formal letter will be issued to the Buyer / Seller by the Secord Township Supervisor or designated representative, who shall be the enforcing agent if noncompliance is present.  
  
Buyer / Seller to have this completed by closing to obtain inspection from Central Michigan District Health Department and comply with current well and septic regulations, including, completion of final inspection of any modifications.
2. Existing System Evaluations by the Central Michigan District Health department will be reviewed by the township, if evaluation has been done in past 5 years.
3. Non-Compliance and Violations Penalties shall be in effect according to of **§10.8** of this Ordinance.
4. The Buyer / Seller have the Right of Appeal according to of **§10.5** of this Ordinance.

5. Land Contracts and quit claim deeds are considered a transfer of interest and are subject to this Ordinance.

**B. Exceptions: The following are exempt:**

1. A sale, transfer or conveyance of premises containing buildings or structures, all of which are to be immediately demolished and not occupied after the sale, transfer or conveyance. With no building requiring a well or septic.
2. A sale, transfer or conveyance of premises containing a new home that has not been previously occupied or lived in for which a satisfactory final inspection was issued by the Central Michigan Health Department within the last 24 months.
3. A sale, transfer or conveyance of premises that The Central Michigan District Health Department has inspected and certified acceptable within the past 5 years.

**C. Other Actions:**

If a system is suspect or reported to be in violation of County Health Department code, the Township shall have the right to demand an inspection of said system at the cost of the property owner.

### **Section 3.34 – Classification of Unlisted Uses**

When the proposed use of land or use of a structure is not specified in this Ordinance, the Planning Commission shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Planning Commission shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Second Township Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Planning Commission.

### **Section 3.35 – Site Condominiums**

**A. Intent:**

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way

interfere with the provisions and standards of any other state and federal laws and regulations.

**B. General Requirements:**

- 1. Compliance with Federal, State and Local Laws:** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
- 2. Zoning Requirements:** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
  - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
  - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
  - c. Required yards shall be measured from the boundaries of the site condominium unit.
- 3. Site Plan Review:** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with Article 7 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
  - a. Application:**
    - (1) An application for site plan approval shall be filed for review as per the requirements of Article 7 of this Ordinance. All procedures and standards of Article 7 shall apply to site condominium projects.
    - (2) All condominium site plans shall include the information required in Section 66 of the Condominium Act.
    - (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
    - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building

envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

**b. Deed Restrictions, Master Deed, By-Laws.**

(1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

**c. Performance Guarantees:**

As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of **§10.7**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

**4. Easements for Utilities:**

Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

**5. Additional Filings Required:**

Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

### **Section 3.36 – Garage, Rummage and Yard Sales**

A maximum of three (3) garage, rummage and yard sales shall be allowed in any one year period. Each sale shall be no longer than seven (7) days in duration.

### **Section 3.37 – Rental Property**

The rental of property in the Township to permanent or transient renters requires a zoning permit and a well and septic inspection. The property owner must have the well and septic system inspected by the Central Michigan District Health department and be in compliance with the current state well and septic regulations. An approved permit will be issued when all inspections have been completed, including completion and final inspection of any necessary repairs or modifications.

# ARTICLE 4:

## ZONING DISTRICTS

### **Section 4.0 - Classification of Zoning Districts**

For the purpose of this Ordinance, the Township of Secord is hereby divided into the following Zoning Districts:

#### **A. Recreational Residential District: R-1**

This zoning district includes all “water front” property in Secord Township. For the purpose of this ordinance “water front” means all parcels that have one or more sides of the parcel having linear frontage on the waters of the Secord Lake. Some minor exceptions may exist; hence for the purpose of this ordinance a final list of all parcels that are zoned R-1 is maintained by the Planning Commission. The Township Zoning Map shall be used as a reference for the purpose of Zoning Ordinance implementation.

The sole purpose of this zoning district is to protect and preserve the waters and waterfront of the precious natural resource of the community by managing land use and development in those areas. This district will help maintain the character of the community.

#### **B. Mixed Use Residential District: R-2**

In general these parcels are larger in size than the “water front” parcels and many have access from one or more roads that circle around Secord Lake. Most of these parcels are on the opposite side of the road from the “water front” parcels some exceptions are the parcels that are not near the lake and do not have road frontage on the roads circling the lake.

This district also includes all parcels south of Secord Dam Road that have water frontage on the Tittabawassee River, with the exception of the area from the south side of Secord Dam Road extending three hundred feet to the south and west of Lakeshore Drive to the Tittabawassee River. All other parcels previously zoned R-1 south of Secord Dam Road will now be zoned R-2. A complete listing of all R-2 parcels is maintained by the Planning Commission.

#### **C. Commercial District: C-1**

This district is generally located at the intersection of Secord Dam Road and Lakeshore Drive.

**D. Mixed Use Commercial District: C-2**

All of the parcels being zoned Mixed-Use Commercial will be the parcels that were previously zoned R-1 at the northeast corner of the intersection of M-30 and Secord Dam Road.

**E. Agriculture Recreational District: A-1**

The primary purpose of this district will be maintain and preserve the agricultural/cultivable lands of the Township.

**Section 4.1 - Zoning Map**

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Secord Township Zoning Map" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

The Zoning Map shall be maintained in the Township Hall and shall show all changes which are made in district boundaries according to procedures set forth in this Ordinance.

The Planning Commission will maintain a complete list of all parcels and their corresponding zoning District.

**Section 4.2 - Boundaries of Districts**

The boundaries of these districts are hereby established as shown on the "Official Zoning Map of Secord Township", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A.** Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- C.** A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- D.** Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of

district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals after recommendation by the Planning Commission.

#### **Section 4.3 - Public Rights-of-Way**

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately adjacent to the public right-of-way.

#### **Section 4.4 - Zoning of Vacated Areas**

Whenever any street, alley or other public way within Secord Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way said property shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

#### **Section 4.5 - Zoning of Filled Areas**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the applicable local, State, or Federal agency, as necessary.

#### **Section 4.6 - Zoning District Changes**

When district boundaries change, any legal non-conforming use may continue subject to all other applicable provisions of this Ordinance.

#### **Section 4.7 - Zoning of Public Land**

Public land is considered non-zoned land in Secord Township. At the time that public land is placed into private ownership, the land shall automatically be considered in the A-1 District, after which the Planning Commission may determine that another zoning district is more appropriate at which time official rezoning proceedings shall be initiated by the Planning Commission.

# ARTICLE 5: DISTRICT REGULATIONS

## Section 5.0 – General

### A. Permitted Uses

Permitted uses in all districts shall be limited to the uses listed in **Table 5.1** through **Table 5.14**: “Tables of Uses Permitted by Right and Special Land Use”

### B. Uses by Special Land Use Permit

Permitted Special Land Uses in all districts shall be limited to the uses listed in **Table 5.1** through **Table 5.14**: “Tables of Uses Permitted by Right and Special Land Use Errors”, and shall be subject to the provisions of **Article 7**, **Article 8** and the applicable portions of **Article 9**.

### C. Area and Height Regulations

No building or structure shall hereafter be erected, altered or enlarged unless the height, setback, and lot requirements in **Schedule 5.6**: “Schedule of Regulations” are met and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by **Article 6**.

## Section 5.1 - Recreational Residential District: R-1

### A. Purpose:

This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use, and the minimization of adverse environmental impacts of urban development.

### B. Desired development:

The only desired dwelling units are single-family dwellings. Services, facilities and uses incidental or accessory to single-family residential developments are included.

Other uses compatible with residential development including commercial uses may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in Article 8: Special Land Uses of this Ordinance.

## Section 5.2 – Mixed Use Residential District: R-2

### A. Purpose:

This district is designed to permit a more varied density of residential development than that provided in the R-1 Recreational Residential District.

This district is established in recognition of the areas of sparse development customarily occurring in agriculturally oriented communities. It is not intended that high concentration of development be permitted in this district except as authorized by the Zoning Ordinance.

Special Uses will be permitted if they comply with the applicable regulation pertaining to Special Uses as outlined in **Article 8**: Special Land Uses of this Ordinance.

### B. Desired development:

Desired development includes single-family dwellings. Services, facilities and uses incidental or accessory to residential development are included. Limited commercial and retail uses are also allowed on a limited basis. Two-family, multiple family dwellings and other uses compatible with residential development including commercial uses may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in **Article 8**: Special Land Uses of this Ordinance.

## Section 5.3 – Commercial District: C-1

### A. Purpose:

This district is designated as a district to serve the local population. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

### B. Desired development:

The desired developments for this district include: Retail sales establishments, Personal service establishments, General offices, Public utility facilities, Financial institutions, Marine facilities and Gasoline service stations.

### C. Other Development Regulations

1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7**: Site Plan Review of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.

3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

## **Section 5.4 – Mixed Use Commercial District: C-2**

### **A. Purpose:**

This district is designated as a district to serve the local population. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services. This Mixed-Use District is a special district created in this ordinance to allow a range of uses from light commercial to light industrial and light manufacturing.

Any development in this District shall follow the regulation of **Article 7 and Article 8** of this Ordinance.

### **B. Desired development:**

The desired developments for this district include: Light industrial operations, Warehouses, General light manufacturing operations, general offices, general commercial, Gasoline service stations, Auto, truck and marine sales and repair.

### **C. Other Development Regulations**

1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7** of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

## Section 5.5 – Agricultural Recreational District: A-1

### A. Purpose:

This district is designated to maintain and preserve the agricultural/cultivable/forest lands of the Township and serve the local population. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

### B. Desired development:

Farming and general agriculture activities, single family dwellings, recreational activities and establishments such as golf courses, driving ranges, bowling alleys.

### C. Other Development Regulations

1. A site plan shall be submitted for each permitted use in this zoning district in accordance with **Article 7**: Site Plan Review of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a light commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

## Section 5.6 – Schedule of District Regulations

Zoning District	District Name	Minimum Lot Area <sup>1</sup>		Maximum Height of Structure	Minimum Setbacks				Minimum Floor Area <sup>2</sup>	Maximum % of Lot Coverage <sup>3</sup>
		Area	Width	Feet	Front	Interior Side	Corner Side	Rear		
R-1	Recreational Residential	12,000 sq.ft.	65'	35'	40'	10'	40'	40'	1,200 sq.ft. 8	50%
R-2	Mixed Residential	1 Acre /43,560 sq.ft.	150'	35'	40'	10'	40'	40'	1,200 sq.ft. 5, 6	35%
C-1	Commercial	1 Acre /43,560 sq.ft.	NA	35' <sup>4</sup>	40'	15'	40'	40' 7	800 ft <sup>2</sup> 7	35%
C-2	Mixed Use Commercial	1 Acre /43,560 sq.ft.	NA	35' <sup>4</sup>	40'	15*	40'	40' 7	800 sq.ft. 7	35%
A-1	Agricultural Recreational	1 Acre /43,560 sq.ft.	NA	35' <sup>4</sup>	40'	20'	40'	40'	1,000 sq.ft.	35%

### Schedule of District Regulation Footnotes:

- 1 Each lot will not exceed a depth to width ratio of 4:1 except as allowed by Act 288 of 1967 (Land Division Act) section 560.109 (1b) (The municipality having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.) The depth to width ratio requirements of this land division do not apply to parcels larger than then (10) acres.
- 2 Applies to permanent dwelling units and commercial structures.
- 3 Applies to percentage of lot coverage by permanent structures.

- 4 Height regulations shall apply to any area that could be used as dwelling or commercial space (belfries, etc.), but shall not apply to areas that could not be used for dwelling or commercial space (chimneys, etc.). Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities.
- 5 Each multiple-family dwelling unit in this zoning district shall have a minimum of twelve hundred (1,200) square feet of usable floor area exclusive of unenclosed porches, garages and basements.
- 6 Manufactured Housing Communities 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. All other uses shall comply with the area and height regulations of the R-2 District.
- 7 Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.
- 8 Dwellings shall have a minimum structure width of eighteen (18) feet.

**Section 5.7 – Tables of Uses Permitted by Right and Special Land Uses**

R = Permitted by Right
S = Permitted with a Special Use Permit
† Supplemental site development regulations apply, see (ARTICLE 9)

1. Accessory Uses and Structures
2. Accommodation and Food Services
3. Agriculture, Forestry, Fishing and Hunting
4. Arts, Entertainment and Recreation
5. Construction
6. Educational and Institutional Services
7. General Commercial and Business Services
8. Human Care and Social Assistance
9. Manufacturing, Industrial and Waste Management
10. Public Facilities
11. Residential Uses
12. Retail Trade
13. Transportation, Warehouse and Storage
14. Utilities, Energy and Communication

**Tables of Permitted and Special Uses:**

<b>ACCESSORY USES AND STRUCTURES</b>		<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Garages	R	R	R	R	R
2	Pole Barns	R	R	R	R	R
3	Storage Buildings and Sheds	R	R	R	R	R
4	Private Swimming Pools	R	R	-	-	R
5	Decks	R	R	R	R	R
6	Porches	R	R	R	R	R
7	Playground Equipment	R	R	R	R	R
8	Carports	R	R	R	R	R
9	Home Occupations	R	R	-	-	R
10	Cottage Industry	S	S	-	-	R
11	Keeping of not more than two Roomers or Boarders	S	R	-	-	R
12	Outside storage of Owner Recreational Equipment	R	R	R	R	R
13	Signs	R	R	R	R	S
14	Fences	R	R	R	R	R

**Table 5.1: Accessory uses and Structures**

	<b>ACCOMMODATION AND FOOD SERVICES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Bakeries	-	S	R	S	S
2	Bed & Breakfasts	S	R	-	-	S
3	Caterers	-	S	R	S	S
4	Campgrounds & Travel Trailer Parks (RV Parks)	-	S	-	-	S
5	Drinking Establishments (bars and taverns)	-	S	R	S	S
6	Food Service Contractors	-	S	R	S	S
7	Hotels & Motels	-	S	-	-	S
8	Resorts	-	S	-	-	S
9	Restaurants without Drive-Through	-	S	R	S	S
10	Restaurants with Drive-Through	-	S	R	S	S
11	Rooming Houses (more than 2 roomers)	-	R	-	-	S
12	Tourist Homes	-	S	-	-	S

**Table 5.2: Accommodation and Food Services**

	<b>AGRICULTURE, FORESTRY, FISHING &amp; HUNTING</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Agricultural Business related to the sale of field crops, forest products, and livestock	-	S	S	S	R
2	Agricultural Products Processing	-	S	S	S	R
3	Animal Shelter/Kennels	-	S	S	S	R
4	Biofuel Production Facilities on Farms		R S			R S
5	Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers	-	S	S	S	R
6	Cider Mills/Wineries	-	S	-	-	R
7	Farms and Agricultural Operations	-	S	-	-	R
8	Forestry and Forest Management (including timber harvesting)	-	S	S	S	R <sup>†</sup>
9	Game Preserves (where game is hunted)	-	S	S	S	R
10	Greenhouse, Nursery, Landscaping and Floriculture Production	-	S	-	-	R
11	Lumberyards	-	S	-	-	R
12	Raising and Growing Plants, Trees, Shrubs, Nursery Stock	-	S	R	R	R
13	Riding Arenas or Boarding Stables	-	S	-	-	R
14	Roadside Stands	-	S	-	-	R
15	Sawmills, planing mills, and veneer mills (that operate for more than 60 days)	-	S	S	R	R
16	Seasonal Outdoor Mazes (of agricultural origin)	-	S	-	-	R
17	Seasonal "U-Pick" Fruit and Vegetable Operations	-	S	-	-	R
18	Slaughter Houses/Meat Packing Houses	-	S	-	-	S
19	Veterinary Services, Animal Clinics, Animal Hospitals	-	S	R	S	R
20	Ancillary Uses related to Agricultural Tourism (see following):	-	S	-	S	R
21	Bakeries selling goods grown primarily on-site	-	S	R	S	R
22	Educational tours, classes, lectures, and seminars	-	S	R	S	R
23	Family-oriented animated barns (fun houses, haunted houses)	-	S	R	S	R
24	Gift shops for agriculturally-related products, crafts	-	S	R	S	R
25	Historical agricultural exhibits	-	S	R	S	R
26	Kitchen facilities, processing/cooking items for sale	-	S	R	S	R
27	Organized meeting space (weddings, birthdays, corporate picnics)	-	S	S	S	R
28	Petting farms, animal display, and pony rides	-	S	R	S	R
29	Picnic areas (including rest rooms)	-	S	R	-	R
30	Playgrounds, wagon/sleigh rides, nature trails	-	S	R	-	R
31	Restaurant operations related to the agricultural use of the site	-	S	-	-	R
32	Small-scale entertainment (music concert, car show, art fair)	-	S	S	S	R

**Table 5.3: Agriculture, Forestry, Fishing and Hunting**

	<b>ARTS, ENTERTAINMENT AND RECREATION</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Amusement Arcades	-	-	-	-	S
2	Boat & Canoe Liveries/Marinas	-	S	R	R	S
3	Bowling Centers/Billiard Clubs	-	S	-	S	S
4	Docks, Launch Ramps, Associated Parking Area, and other water-related supportive uses	-	S	-	S	R
5	Fitness/Recreational Sports Centers/Indoor Skating Rinks	-	-	-	S	R
6	Golf Courses/Country Clubs	-	S	-	S	R
7	Nature Parks & Recreation Areas (private)	-	S	-	S	R
8	Museums	-	S	-	S	R
9	Outdoor Recreational Facilities (private) (ex: mini golf, go-karts)	-	S	-	S	R
10	Performing Arts Companies; Dance, Music, Voice Studio	-	S	-	S	R
11	Private Clubs; Lodges	-	S	-	S	R
12	Shooting Range (in a completely enclosed building)	-	S	S	S	S
13	Spectator Sports Arenas (private)	-	S	S	-	R
14	Sports Clubs	-	S	S	-	S
15	Theaters	-	S	S	-	R
16	Theaters – Drive-In	-	S	S	-	R
17	Zoos & Botanical Gardens	-	S	S	-	R

**Table 5.4: Arts, Entertainment and Recreation**

	<b>CONSTRUCTION</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Building, Developing & General Contracting (no outside storage of materials)	-	S	R	R	S
2	Storage Facilities for Building Materials/Contractor's Equipment	-	S	R	R <sup>†</sup>	S
3	Special Trade Contractors (ex: electrical, plumbing)	-	S	R	R	S

**Table 5.5: Construction**

	<b>EDUCATIONAL &amp; INSTITUTIONAL SERVICES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Private Instructional Facilities	S	R	-	-	S
2	Public or Private Schools	-	S	-	-	S
3	Religious Institutions	-	S	-	-	S

**Table 5.6: Educational and Institutional Services**

	<b>GENERAL COMMERCIAL/BUSINESS/SERVICES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Automotive Body/Paint/Interior & Glass Repair	-	-	S	S	-
2	Automotive Refueling Station (Gas Station)	-	S	R	R	-
3	Automotive Mechanical & Electrical Repair & Maintenance	-	-	S	S	-
4	Automotive Service Stations/ Oil Change & Lubrication Shops	-	-	R	S	-
5	Business, Labor, Political & Like Organizations	-	S	R	S	-
6	Carwashes	-	S	R	R	-
7	Cemeteries	-	S	-	-	S
8	Commercial/Industrial Equipment Rental/Leasing/Sales Yards	-	S	S	R	-
9	Commercial Equipment Repair & Maintenance	-	-	S	R	-
10	Dry Cleaning & Laundry Services	-	S	R	R	-
11	Electronic & Precision Equipment Repair & Maintenance	-	S	R	R	-
12	Extermination & Pest Control Services	-	-	R	R	S
13	Financial Institutions	-	S	R	S	-
14	Financial Institutions with drive-through	-	S	R	R	-
15	Funeral Homes & Mortuaries	-	S	S	S	-
16	Furniture Refinishing	-	S	R	R	-
17	General Rental Centers	-	S	R	S	-
18	Interior Designers/Showrooms	-	-	R	S	-
19	Laboratories	-	-	S	R	-
20	Medical Marijuana Primary Caregiver Facility				R	
21	Personal & Household Goods Repair & Maintenance	-	S	R	S	-
22	Personal Services (barber/beauty shops, tailoring)	-	S	R	S	-
23	Pet Care (except Veterinary and Animal Shelters)	-	S	R	S	-
24	Photofinishing/Photographers	-	S	R	S	-
25	Printing/Publishing/Copying/Newspaper Office	-	S	R	S	-
26	Professional Cleaning Services	-	S	S	S	-
27	Professional Offices/Real Estate Offices/Insurance Offices	-	-	R	R	-
28	Sexually Oriented Businesses	-	-	-	S	-
29	Tattoo/Piercing Parlor	-	S	S	S	S

**Table 5.7: General Commercial and Business Services**

	<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Child Day Care Services (see following)	R	R	-	-	R
2	Family Child Care Home	S	S	-	-	S
3	Group Child Care Home	S <sup>†</sup>	S <sup>†</sup>	-	-	S
4	Child Care Center or Day Care Center	S <sup>†</sup>	S <sup>†</sup>	-	-	S
5	Health Care Clinics/Dental Clinics	-	S	S	-	S
6	Hospitals	-	S	S	-	S
7	Nursing & Residential Care Facilities (see following)	-	-	-	-	S
8	State-Licensed Residential Facilities (6 or less adults)	R	R	-	-	R
9	State-Licensed Residential Facilities (more than 6 adults)	-	S	-	-	S
10	Nursing/Convalescent Home	-	S	-	-	S
11	Other Residential Care Facilities (substance abuse, correctional)	-	S	-	-	S
12	Social Assistance (see following)	-	-	-	-	S
13	Individual & Family Services	-	S	-	-	S
14	Community/Emergency & Other Relief Services	-	S	-	-	S
15	Vocational Rehabilitation Services	-	S	R	R	S

**Table 5.8: Human Care and Social Assistance**

	<b>MANUFACTURING/INDUSTRIAL/WASTE MANAGEMENT</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Bulk Storage and Distribution Facilities for Petroleum, Gas Products, Paint, Chemicals	-	-	S	R	S
2	Computer, Electronic, & Appliance Product Mfg	-	-	S	R	S
3	Dry Bulk Blending Plants	-	-	S	R	S
4	Food/Beverage Processing and Packaging	-	-	S	R	S
5	Furniture & Related Product Mfg	-	-	R	R	S
6	Glass Products Manufacturing	-	-	S	R	S
7	Industrial Parks	-	-	R	R	S
8	Junkyards/Landfills/Salvage Yards	-	-	S	S	S
9	Leather & Allied Product Mfg	-	-	S	S	S
10	Mines, quarries, gravel pits, and materials processing (Resource Extraction)	S	S	S	S	S
11	Miscellaneous Manufacturing	-	-	S	R	S
12	Oil and Gas Processing Facilities	-	-	S	S	S
13	Printing & Related Support Activities	-	-	R	R	S
14	Recycling Facilities /Transfer Stations	-	-	S	S	S
15	Textile & Apparel Manufacturing	-	-	R	R	S
16	Tool, Die, Gauge, Metal, Machine Shops	-	-	R	R	S
17	Waste Collection Services	-	-	S	S	S
18	Waste Treatment & Disposal Services	-	-	S	S	S
19	Wholesale Trade	-	-	R	R	S
20	Wood Product Manufacturing	-	-	R	R	S

**Table 5.9: Manufacturing, Industrial, and Waste Management**

	<b>PUBLIC FACILITIES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Community Centers	-	S	-	-	S
2	General Government Administration Facilities	-	S	S	S	S
3	Libraries	-	S	-	-	S
4	Police and Fire Stations	-	S	S	S	S
5	Public Parks, Playgrounds and Recreation Areas	S	S	-	-	S

**Table 5.10: Public Facilities**

	<b>RESIDENTIAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Dwelling Units in Support of Commercial Establishment	-	-	S	S†	
	Manufactured Housing Community	-	S	-	-	-
3	Multiple-Family Dwelling	-	R	-	-	R
4	Senior Citizen Apartment Complex	-	S†	-	-	S
5	Townhouses/Condominiums	-	S	-	-	-
6	Planned Unit Development	S†	S†	-	-	S†
7	Secondary Dwelling Units	S	R†	-	-	R
8	One-Family Dwelling	R	R	-	-	R
9	Two-Family Dwelling	-	R	-	-	R
10	Amateur Radio Antennae (roof- or ground-mounted)	R	R	-	-	R
11	Platted Subdivisions	-	R	-	-	R
12	Keyhole Development	-	S	-	-	S

**Table 5.11: Residential Uses**

	<b>RETAIL TRADE</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Building Material & Garden Equipment & Supplies Dealers	-	S	R	R	S
2	Electronics & Appliance Stores	-	S	R	R	S
3	Clothing & Clothing Accessories Stores	-	S	R	R	S
4	Florists	-	S	R	R	S
5	Food & Beverage Stores; Bakery	-	S	R	R	S
6	Furniture & Home Furnishings Stores	-	S	R	R	S
7	General Merchandise Stores; Medical Supplies; Pharmacy	-	S	R	R	S
8	Hardware Stores	-	S	R	R	S
9	Health & Personal Care Stores	-	S	R	R	S
10	Home Improvement Centers	-	S	R	R	S
11	Manufactured Home Dealer	-	S	R	R	S
12	Movie Rental Stores	-	S	R	R	S
13	Office Supply Stores	-	S	R	R	S
14	Outdoor sales facilities (open air sales)	-	S	S	R	S
15	Pawn Shops/Resale Shops	-	S	R	R	S
16	Small-Scale Craft Making (i.e. cabinet shop, candle-making, etc)	-	S	R	R	S
17	Sporting Goods, Hobby, Book & Music Stores	-	S	R	R	S
18	Truck and heavy equipment sales/service establishments	-	S	R	R	S
19	Vehicle Dealers & Leasing	-	S	R	R	S

**Table 5.12: Retail Trade**

	<b>TRANSPORTATION SERVICE/WAREHOUSING/STORAGE</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Airports & Landing Fields	-	S	-	-	S
2	Couriers/Parcel Packing/Delivery Establishments	-	S	R	R	S
3	Postal Service	-	S	R	R	-
4	Scenic/Sightseeing Transit/Ground Passenger Transportation	-	S	R	R	S
5	Truck Transportation Facilities	-	S	R	R	S
6	Warehousing & Storage	-	S <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	S <sup>†</sup>

**Table 5.13: Transportation, Warehouse and Storage**

	<b>UTILITIES/ENERGY/COMMUNICATION</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>A-1</b>
1	Commercial Wind Energy Facilities and Anemometer Towers	-	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>
2	On-Site Wind Energy Systems	-	S <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup>	S <sup>†</sup>
3	Public utility facilities (without storage yards)	-	S	R	R	S
4	Public utility facilities (with storage yards)	-	S	R	R	S
5	Antenna co-located on existing telecommunications towers or alternative tower structures	R <sup>†</sup> S <sup>†</sup>	R <sup>†</sup> S <sup>†</sup>	R <sup>†</sup> S <sup>†</sup>	R <sup>†</sup>	R <sup>†</sup> S <sup>†</sup>
6	Telecommunications Towers & Facilities & Alternative Tower Structures (Wireless Communications Support Structures)	-	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>	S <sup>†</sup>

**Table 5.14: Utilities, Energy and Communication**

**ARTICLE 6:**  
**NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND  
SIGNS**

**Section 6.0 - Nonconforming Buildings and Structures**

If a structure is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is in the best interest of Secord Township that these nonconformities be discontinued as circumstances permit.

**A. Maintenance of Nonconforming Buildings and Structures**

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Gladwin County Building Official.

**B. Completion of Nonconforming Buildings and Structures**

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

**C. Damaged or Total Destruction of Nonconforming Building or Structure**

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire, or other acts of God or the public enemy.

The Secord Township Zoning Board of Appeals shall make such determination based on the Request for Land Use Variance to repair, replace or modify the above-mentioned non-conforming structure.

Any debris that is remaining as a result of the destruction or damage shall be removed from the site within thirty (30) days of said damage or destruction. A new Zoning Permit and an approved Land Use Variance is required before any work or reconstruction is started. The Zoning Permit and Land Use Variance must be obtained within twelve (12) months from the date of the damage.

#### **D. Alterations of a Nonconforming Building or Structure**

1. Structural alterations which do not increase the nonconformity of the building or structure shall be permitted with an approved Zoning Permit.
2. Nothing in this Ordinance shall prevent the modification of a building without limit when doing so to comply with barrier-free requirements and the Americans with Disabilities Act. If modifications require structural revisions a Zoning Permit is required.
3. Expansion or modification of a structure does not remove the non-conformance unless the expansion or modification actually removes the nonconformity.

#### **E. Moving of a Nonconforming Building or Structure**

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

### **Section 6.1 - Nonconforming Uses**

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance.

#### **A. Abandonment of a Nonconforming Use**

If a property owner has the intent to abandon a nonconforming use or structure and in fact abandons a nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

#### **B. Change of Nonconforming Use**

No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.

Any nonconforming use may be changed to another nonconforming use provided the new use is equally or more appropriate to the district than the existing nonconforming use. The Planning Commission shall make the determination as to what is more appropriate to the District.

#### **C. Extension of Nonconforming Use**

A Special Use Permit for extension of a nonconforming use throughout a building or parcel of land not completely occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission when not contrary to the purposes of the Ordinance or the District. Extension of a nonconforming use throughout a building or structure does not remove nonconforming status.

### **Section 6.2 - Nonconforming Lots of Record**

Except as provided in §6.3, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

### **Section 6.3 - Nonconforming Contiguous Parcels**

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

### **Section 6.4 - Nonconforming Signs**

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

- B.** No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C.** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in **§6.4.D.**
- D.** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E.** Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted so long as the cost of such work does not exceed, within any twelve (12) month period, fifty (50) percent of the value of such sign.
- F.** If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment.
- G.** If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:

  - 1.** It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
  - 2.** The advertising message it displays becomes illegible in whole or substantial part; or
  - 3.** The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

## ARTICLE 7:

### PLOT PLANS AND SITE PLAN REQUIREMENTS AND REVIEW

#### Section 7.0 - Purpose

The purpose of this article is to specify the documents and/or drawings required for a Site Plan Review or a Plot Plan so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

#### Section 7.1 - Plot Plan

- A. Circumstances Requiring a Plot Plan:** Plot plans shall be submitted with all applications for Zoning Permits for the following:
1. Single and Two-Family Dwelling Units.
  2. Residential Special Land Uses.
  3. All uses which do not require a site plan.
  4. Accessory buildings.
- B. All applications for Zoning Permits:** listed in **§7.1.A** shall be accompanied by a Plot Plan, drawn to scale, and Constructions Plans showing the following:
1. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum, the boundary lines of the property, all dimensions and a legal description is required for items 1 and 2 above. The Zoning Administrator may require a survey for items 3 and 4 above depending on the request.
  2. The shape, location and dimensions of the lot, drawn to scale. The scale of this plot drawing shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance.
  3. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
  4. The date, a north arrow, property owners name, the scale and the name of the individual or firm responsible for preparing the plan. The scale must be at least one (1) inch = sixteen (16) feet for all areas showing existing structures and proposed new work. Several sheets may be used to show all necessary work. The preferred sheet size is 8 ½" x 11".

5. Location of required setbacks for the appropriate zoning district.
6. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures. In most all cases for items 1 and 2 above the elevation drawings will be required.
7. The location and configuration of the lot access and driveway, drawn to scale.
8. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
9. Location of existing and proposed septic system and water well.
10. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
11. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 25%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
12. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

## **Section 7.2 - Site Plan Review**

Required Site Plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the Site Plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

### **A. Circumstances Requiring a Site Plan:** Site plans are required for the following uses:

1. All new uses and/or structures except:
  - a. single-family or two-family dwelling units
  - b. accessory structures.
2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.
3. Changes of use for an existing structure or lot except for the circumstances listed in subsection B (below).
4. Multiple-family dwelling units, condominiums, and site condominiums.

5. Any Special Land Use (except residential Special Land Uses such as Group Day Care Homes and Cottage Industries, which require a plot plan)
6. Planned Unit Developments.
7. Any use requiring off-street parking, except single-family or two-family dwelling units.
8. Other uses as required by this Ordinance.

**B. Site Plan Waiver:** The Zoning Administrator may waive site plan review requirements for permitted uses and the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.
2. Seasonal Use Sales

**C. Pre-application Conference:** The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission. Except for §9.21, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

**D. Site Plan Data Required:** Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. The parcel's legal description.
3. All drawings shall contain the date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = sixteen (16) feet for all areas showing existing structure and areas of new construction or work..

4. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
5. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over twenty-five (25) percent, drainage and other similar features.
6. The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas , recreational areas and facilities, and any impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.
7. Area of the property subject to be covered by structures (not available as open space).
8. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
9. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
10. The front yard dimensions of the nearest building on both sides of the proposed structure.
11. The existing zoning district in which the site is located and the zoning of adjacent parcels.
12. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
13. The location, size and slope of all surface and subsurface drainage facilities.
14. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
15. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
16. Description and location of on-site wastewater treatment and disposal systems.
17. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
18. The location of snow storage areas.

19. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
20. Generalized soil analysis data, which may include data prepared by the Gladwin County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
21. All site plans shall comply with the terms of the Gladwin County Soil Erosion and Sedimentation Control Ordinance and Storm Water Ordinance. It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.
22. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
23. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
  - a. Minimum floor area of dwelling units.
  - b. Total number of units proposed.
  - c. Number of bedrooms per unit in multiple family developments.
  - d. Areas to be used for open space and recreation.
24. Impact Statement. The statement shall address itself to the following as applicable to the type of use:
  - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
  - b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
  - c. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

#### **E. Application Submittal Procedures:**

1. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
2. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
  - a. The Gladwin County Soil Erosion and Sedimentation Control Officer.
  - b. The Gladwin County Drain Commissioner.
  - c. The Gladwin County Road Commission and, if appropriate, the Michigan Department of Transportation.
  - d. District Health Department.
  - e. Local fire and ambulance service providers.
3. Application fees to cover the estimated review costs as determined pursuant to **§10.6** of this Ordinance shall be paid when the application and site plan are submitted.
4. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
5. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting.

#### **F. Standards for Granting Site Plan Approval:**

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

- a. **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- b. **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- c. **Drainage:** On site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate storm water and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- d. **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.

All streets, whether public or private, shall be developed in accordance with **§3.32**.

- g. Access: Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- h. Outdoor Storage: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- i. Exterior Lighting: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- j. Compliance with other Statutes and Regulations: Site plans shall conform to all applicable requirements of state and federal statutes and the Secord Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

The following standards relate to groundwater protection:

- k. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- l. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Gladwin County Drain Commissioner.
- m. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality. General purpose floor drains, which discharge to groundwater, are prohibited.
- n. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- o. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.

- p. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations or the Michigan Department of Environmental Quality.
  - q. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - r. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the Michigan Department of Environmental Quality.
  - s. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
  - t. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County or District Health Department.
  - u. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.
2. The Planning Commission may seek the recommendations of the Fire Chief, the Gladwin County Road Commission, the County Health Department, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, or other agencies as appropriate, where applicable.

**G. Approval of Site Plan:**

- 1. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
- 2. If the Planning Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and the Zoning Administrator or Commission mutually agrees, the time limit may be extended.
- 3. If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

- H. Conformity to Approved Site Plan Required:** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
- I. Amendment of Approved Site Plan:** Amendment of an approved site plan shall be permitted only under the following circumstances:
1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. All minor changes must meet all zoning ordinance requirements, setbacks, area covered, structure height etc. Minor changes shall include the following:
    - a. Reduction of the size of any building and/or sign.
    - b. Movement of buildings and/or signs by no more the ten (10) feet.
    - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
    - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
    - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
    - f. Changes that will preserve the natural features of the site without changing the basic site layout.
    - g. Changes related to items (a through f) above, required or requested by Secord Township, Gladwin County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
    - h. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection **§7.2.1.1** shall be processed in the same manner as the original site plan application.

**J. Expiration of Site Plan:**

1. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year if it finds good cause for the extension.
2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

**K. Conditional Approvals:** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§10.2** of this Ordinance.

**L. Performance Guarantee Required:** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **§10.7** of this Ordinance.

## ARTICLE 8: SPECIAL LAND USES

### Section 8.0 - Purpose

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Uses requiring special approval shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

### Section 8.1 - Special Land Use Procedures

#### A. Applications:

An application for a special land use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in **§8.1.A.1-4**. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice within thirty (30) days with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next available Planning Commission meeting as a “Public Hearing”, after the notice has been provided and published in accordance with **§10.3**.

1. Site plan prepared under the requirements of **Article 7**.
2. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee established by the Township Board.

#### B. Special Land Use Approval Standards:

The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed special land use complies

with all the following standards in addition to the site plan review standards contained in **Article 7**.

1. **Allowed Special Land Use:** The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
2. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
  - a. Use activities, processes, materials, equipment, or conditions of operation;
  - b. Vehicular circulation and parking areas;
  - c. Outdoor activity, storage and work areas;
  - d. Hours of operation;
  - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - f. Impacts on adjacent property values; and
  - g. The relative ease by which the impacts above will be mitigated.
3. **Public Services:**
  - a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
  - b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
4. **Economic Well-Being of the Community:** The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.
5. **Compatibility with Natural Environment:** The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.
6. **Impact of Traffic on Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge

capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

7. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.
8. **Compliance with Supplemental Site Development Standards:** The proposed special land use complies with all applicable supplemental site development standards as contained in **Article 9** of this Ordinance.

**C. Decision:**

After a public hearing, site plan review, and deliberation, the decision of the Planning Commission on a Special Land Use shall be incorporated into a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

**D. Amendment of Approved Special Land Use:**

Amendment of an approved special land use shall be permitted only under the following circumstances:

1. The owner of property for which a special land use has been approved shall notify the Zoning Administrator of any desired change to the approved special land use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval or violate any part of this Ordinance. Minor changes shall include the following:
  - a. Reduction of the size of any building and/or sign.
  - b. Movement of buildings and/or signs by no more the ten (10) feet.
  - c. Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
  - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- f. Changes which are required or requested by Secord Township, Gladwin County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor violate any of the specified conditions imposed as part of the original approval.
  - g. All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved special land use that cannot be processed by the zoning administrator under **§8.1.D.1** above shall be processed in the same manner as an original Special Land Use application.

**E. Inspection:**

The Zoning Administrator or Township official shall have the right to inspect any special land use, to ensure continued compliance with the conditions of the special land use and this Ordinance.

- F. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of Special Land Use approval and the continuance thereof.
- G. As a minimum, or unless specifically modified by the provisions of **Article 9**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of **Article 9** or the approving body.
- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **§10.2**.

**I. Expiration of a Special Land Use:**

- 1. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- 2. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

3. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Planning Commission shall consider the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the Special Land Use have been removed.
- d. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
- e. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

**J. New Ownership of a Special Land Use:** A Special Land Use Permit does not expire on transfer or sale of the property.

## 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.

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.

- 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, planing 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 - Junkyards, 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.

- 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.
- B. 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.

- 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 B and 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.

- 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:

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.

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

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).

- 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 throw 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.

**B. 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 throw 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.

- 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 (MDSS).
- 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.

- 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 ten (10) 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.I**.

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.

- 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.

## Section 9.23 Medical Marijuana Primary Caregiver Facilities

### A. Purpose and Intent:

It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marijuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marijuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Secord Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marijuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

### B. Findings: This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marijuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marijuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marijuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Secord Township.
3. In other States where medical marijuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marijuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marijuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. Secord Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

### C. Permitted Use:

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use limited only to the C-2 District, subject to the zoning permit requirements of Article 10.

### D. Review Standards:

An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

1. **Primary Caregiver Facility:** All marijuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to subsection "5" hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
2. **Limits on Quantities:** A Primary Caregiver shall not possess more marijuana than 2.5 ounces or 12 marijuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited:** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
4. **Isolation Distance:** A Primary Caregiver facility shall be located no closer than one thousand (1,000) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any dwelling. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
5. **Dispensing Medical Marijuana:** No medical marijuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities:**
  - a. A Primary Caregiver Facility shall not be used as a medical marijuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marijuana shall be permitted on site. No medical marijuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.
  - b. No alcoholic beverages shall be sold, conveyed or consumed on the premises of the Primary Caregiver Facility.

- c. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

## **Section 9.24 Mining, Quarries, and Gravel Pits**

- A. Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
  - 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
  - 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva vs. Ada Township*, 416 Mich. 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
    - a. The relationship of extraction and associated activities with existing land uses.
    - b. The impact on existing land uses in the vicinity of the property.
    - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
    - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
    - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
    - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

**ARTICLE 10:**  
**ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

**Section 10.0 - Zoning Administrator**

- A. The provision of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine is reasonable. The Township Zoning Administrator shall have the power of a police officer in the enforcement of this Ordinance.
- C. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- D. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- E. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

**Section 10.1 - Zoning Permit**

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, moved or demolished, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator and a Building Permit has been issued by the Gladwin County office of Construction Codes Enforcement, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
  - 1. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the

Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by: A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in **Article 7**.

2. Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
- B. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a zoning permit. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
  - C. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit.
  - D. The zoning permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.
  - E. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
  - F. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Gladwin County may however charge additional fees for the Building Permit. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
  - G. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

## **Section 10.2 - Conditions**

The Secord Township Planning Commission and Secord Township Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land,

and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

### **Section 10.3 - Public Notification**

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

- A. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Secord Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
  - 1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - 3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
  - 4. Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

**C. Personal and Mailed Notice:**

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Secord Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **§10.4**.
  - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
2. **Notice Deemed Given:** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission Secretary shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

- D. Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

## Section 10.4 - Registration to Receive Notice by Mail

- A. General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **§10.3.C.1.c** or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- B. Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

## Section 10.5 - Rehearing Process

- A. Final Decisions:** Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  3. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. Rehearing Procedure:** A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

### **Section 10.6 - Fees**

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete

thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

## **Section 10.7 - Performance Guarantee**

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A.** One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B.** Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C.** The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

## Section 10.8 - Violations and Penalties

### A. Nuisance per se:

Any land, dwellings, buildings or structures used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

### B. Inspection:

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

### C. Penalties:

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than five hundred and 00/100 (\$500.00) dollars. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.
2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

### D. Stop Work Order:

1. If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.
2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to

abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

## Section 10.9 – Actions Summary Table

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

### ACTIONS--PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Variance	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal of administrative decision	Any aggrieved party or any state, county, board, bureau or department	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Site plan approval	Applicant or Zoning Administrator	Planning Commission	If requested by any party	Not required	Not required	Not applicable
Appeal of site plan denial	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Special use permit	Applicant or Zoning Administrator	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Planned unit development	Applicant or Zoning Administrator	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Rezoning	Applicant, Planning	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days	Not less than 15 days	No action until after Township Board decision

	Commission	Step 2: Township Board	Yes	Not less than 15 days	Not less than 15 days	Subject to protest petition
<b>Text change</b>	Applicant, Planning Commission	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days	Not required	No action until after Township Board decision
		Step 2: Township Board	Yes	Not less than 15 days	Not required	Subject to protest petition
<b>Fee waiver</b>	Applicant	Township Board	No	Not required	Not required	Circuit court

# ARTICLE 11:

## ZONING BOARD OF APPEALS

### Section 11.0 – Creation and Membership

- A.** The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.
- B.** The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- C.** The remaining members must be selected from the electors of Secord Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- D.** An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.
- E.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- F.** The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- G.** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## Section 11.1 – Meetings

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
- B. The Zoning Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- C. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

## Section 11.2 – Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant dimensional variances as provided for in **§11.4**. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.

- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

### **Section 11.3 – Stay**

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

### **Section 11.4 – Variances**

- A. **Dimensional Variance Review Standards:** The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
  - 1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, topography, or any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary and is not due to the applicant's personal or economic hardship.
  - 2. The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature; it does not apply to other properties.
  - 3. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - 4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser

variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

5. The need for the requested variance is not the result of action of the property owner or previous property owners.
6. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

### **Section 11.5 – Submittal**

The applicant is required to submit six (6) copies of surveys, plans and data as required under **Article 7**, or other information deemed reasonably necessary by the Zoning Board of Appeals for making any informed decision on his or her appeal.

### **Section 11.6 – Conditions of Approval**

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **§10.2**.

### **Section 11.7 – Exercising Powers**

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

### **Section 11.8 – Time Limit**

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

## **Section 11.9 – Appeals to Circuit Court**

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court of Gladwin County. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

**ARTICLE 12:**  
**ADOPTION AND AMENDMENTS**

**Section 12.0 - Amendment to this Ordinance**

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Secord Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
  2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
  3. The procedure to be followed for initiating and processing an amendment shall be as follows:
    - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
    - b. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
    - c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
    - d. The public notice procedure shall be the same as that contained in **§10.3**.
    - e. **Rezoning Standards:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
      - i. Is the proposed rezoning consistent with the Secord Township Master Plan?
      - ii. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
      - iii. Will there be an adverse physical impact on surrounding properties?

- iv. Will there be an adverse effect on property values in the adjacent area?
  - v. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
  - vi. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
  - vii. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
  - viii. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
  - ix. Is the site served by adequate public facilities or is the petitioner able to provide them?
  - x. Are there sites nearby already properly zoned that can be used for the intended purposes?
- f. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
  - g. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
  - h. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **§10.3**.
  - i. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **§10.3**.
  - j. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
  - k. After any such public hearing as allowed under **§12.0.A.3.h-i**, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.

- I. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- m. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

### **Section 12.1 - Conditional Rezoning**

**A. Intent:** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. Additional fees may apply as determined by the Township Board based on the content of the request.

**B. Application and Offer of Conditions:**

- 1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- 5. Any use or development proposed as part of an offer of conditions that would require a Special Land Use permit under the terms of this Ordinance may only be commenced if a Special Land Use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance

for such use or development is ultimately granted by the Planning Commission in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

### **C. Planning Commission Review:**

1. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
2. Township Board Review, after receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
3. **Approval:**
  - a. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
  - b. The Statement of Conditions shall:
    - i. Be in a form recordable with the Register of Deeds of Gladwin County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

- ii. Contain a legal description of the land to which it pertains.
  - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Gladwin County.
  - vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Gladwin County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- f. Compliance with Conditions.
- i. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
  - ii. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

- g. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

## **Section 12.2 - Conflicting Regulations**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

## **Section 12.3 - Severability**

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

## **Section 12.4 - Repeal and Savings Clause**

- A. This Ordinance repeals and replaces any previous Secord Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Secord Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

## **Section 12.5 - Enactment and Effective Date**

- A. This Ordinance was adopted on December 17, 2014,, by the Secord Township Board of Trustees and will be effective January 8, 2015. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on November 1, 2014.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.