CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

APPROVAL OF THE AGENDA:

NEW BUSINESS:
1) Review of pending amendments to be forwarded to the Township Board
   a. Provisions for Commercial Recreational Uses in the FR District
   b. Provisions for the Rebuilding of Nonconforming Structures after a Disaster
   c. Regulations for Solar Farms
   d. Provisions to allow Detached Accessory Structures on Adjacent Lots in certain districts
   e. Amendments to MMMA Activities in the FR District
2) Animal Units Discussion
3) Accessory Structure Regulations
4) Beautification Ordinance Discussion
5) Review of items on the PC Action List
6) Other Business Items

ADJOURNMENT:
NEW BUSINESS #1a
To: Planning Commission  
Tyrone Township, Michigan

From: Brian Keesey, AICP  
Senior Planner

Date: February 13, 2018

Subject: Amendments to Commercial Recreation Area Special Land Use Regulations – Draft #4

The following are updates to the proposed regulations for Public and Private Recreation Areas and Facilities, based on discussion by the Planning Commission during its January meeting.

Also, of note but not relevant to the ordinance revisions, the Planning Commission discussed the need for the Township Board to discuss an addition to the fee schedule for annual review requirements associated with site plan and special land use approvals. We wish to note this here so that it is addressed during the review/ adoption process for this proposed amendment. We look forward to discussing this information with you.

If you have any questions in the meantime, please don’t hesitate to contact me. Thank you.

Respectfully Submitted,

[Signature]

Brian Keesey, AICP  
Senior Planner
Section 4.03.H Special Land Uses in FR and RE

H. Recreational Areas. Recreational areas, institutional or community recreation centers, swimming pool or similar clubs, seasonal recreation areas, and other similar or unique recreational uses, whether public or private, and those uses found substantially similar by the Township may be considered subject to additional requirements in Section 22.05.F. Such uses in operation for less than 15 contiguous days and less than 30 total days in a calendar year shall be considered temporary and are subject to the requirements of Section 21.31 Temporary Uses and Structures.

Section 22.05.F Public and Private Recreation Areas and Facilities

F. Public and Private Recreational Areas and Facilities. Recreation areas, institutional or community recreation centers, swimming pool or similar clubs, seasonal recreation areas, and other similar or unique recreational uses, whether public or private, or those uses found substantially similar by the Township, are subject to the following conditions:

1. Description of Use. Plans for commercial recreation areas and facilities must include a written statement of use describing the purpose of the facility, the uses proposed, whether the uses will require formal memberships or will be available to the public, whether the use will be permanent, year-round, or seasonal in nature, intended hours of operation, number of employees on a maximum shift, facility bylaws, nuisance mitigation measures, and other information applicable to the business and use.

2. Compatibility of Use. Commercial recreational areas and facilities may be permitted in residential districts only where it can be determined that the commercial nature of the use does not affect the primarily residential character of the site and surrounding properties. Factors concerning the public health, safety, and welfare of the public, including, but not limited to, liability insurance, parking assistance, safety and security contractors, refuse disposal etc., may be required to ensure compatibility of use.

3. Duration Intensity of Use. Recreation areas and facilities intended for operation for less than 15 contiguous days and less than 30 total days in a calendar year shall be considered temporary and are subject to the requirements of Section 21.31 Temporary Uses and Structures. In reporting the intended duration of use, the Township will consider days in which the area/facility is open to be utilized by the public or intended user group. Days for setup and cleanup shall not be included in the intended timeframe but shall be estimated and reported in the description of use. Recreation areas and facilities may be approved administratively by the Zoning Administrator after it has been demonstrated to his/her satisfaction there will be minimal adverse impacts to the surrounding properties or neighborhood in terms of intensity of use, noise, odor, visual nuisance, traffic, landscape, drainage, duration of use, or any other identified potential impact. The Zoning Administrator may request the opinion of a subcommittee of the Planning Commission to assist in a determination of appropriateness of administrative review. All uses not deemed appropriate for administrative review shall be reviewed as a special land use.

4. Traffic Impacts and Road Access. The proposed use must not generate traffic volumes of an amount that will create hazardous conditions for users of adjacent properties or contribute to altered character of properties in the vicinity. The Township may request formal feedback from the Livingston County Road Commission and an independent traffic study to determine impacts.

5. Landscaping and Setbacks. Landscaping and screening must achieve the standards of Article 21A of this Ordinance. The Township may waive certain landscape requirements where it is determined that the intent
of the landscaping standards is achieved with existing site conditions.

The setback standards in Section 20.01 of this Ordinance apply to all structures associated with the commercial recreation area. Accessory buildings and structures shall be located in accordance with Section 21.02, Accessory Buildings and Structures Provisions, to the extent feasible. Due to the unique and diverse nature of recreation areas defined herein, the Township may modify side and rear setback requirements to accommodate unique circumstances or structure types. Modification of setbacks may only be considered where vegetative screening, berming, or other form of buffering is proposed to help minimize the effect of the modified setback.

6. Parking. The number of off-street parking spaces provided in support of temporary uses may be considered on a case-by-case basis. Where specific parking space requirements cannot be determined by Section 25.11 or credible external resources, the site must dedicate 320 square feet of land area for parking per expected vehicle at maximum anticipated capacity.

   a. Off-street parking. Off-street parking is subject to the standards of Article 25 of this Ordinance, but certain design standards may be waived to permit informal parking areas with surfaces of turf, mulch, stone, or other similar material suitable for driving or parking. Parking area delineation may be accomplished by paint, string, or other means deemed appropriate by the Planning Commission.

   b. On-street parking. On-street parking is prohibited unless authorization is expressly granted by the Livingston County Road Commission, MDOT, or other applicable authority of record for the road right-of-way.

7. Use-Specific Standards. The following standards are intended to be for a specific use and may not apply to all commercial recreation areas and facilities:

   a. Pools. Whenever a pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height, and entry shall be provided by a controlled gate. Additional standards of the Michigan Construction Codes may apply as determined by the Building Official.

   b. Shooting range, war games club, trap and skeet range/club, archery range. A fence at least six (6) feet high shall be erected around the perimeter of the property. On-site facilities shall not be located within two hundred (200) feet of the property line. If the site is used for "war games" utilizing air guns, a fence at least six (6) feet high shall be erected around the perimeter of the property. In addition, ropes, ribbons or similar materials shall be erected or hung from trees to form a visible line of demarcation at least fifty (50) feet inside of and parallel to the perimeter fence. Signs clearly stating NO TRESPASSING shall be erected around the perimeter fence as approved by the Zoning Administrator. Site plans for any use described in this paragraph may be forwarded to the County Sheriff for approval and determination of adequate safety.

8. Deviations. The Township anticipates a large variety of potential recreational areas and facilities that may be considered as a special land use as described herein. Accordingly, the Planning Commission may consider minor deviations from the ordinance standards herein after a public hearing has been held, where the purpose and intent of this article and the zoning ordinance are supported. The Planning Commission may also request additional reasonable information in order to make a determination that the proposed use
will not negatively impact the health, safety, and welfare of adjacent property owners and the greater community. Standards for deviations include:

a. **Substantial Justice.** Proposed deviations will provide substantial justice to the appellant as well as to other property owners in the vicinity. Resulting development will relate harmoniously with adjacent land uses and will not alter the essential character of the neighborhood.

b. **Minimum Deviation Required.** The requested deviation will be the minimum required to provide substantial justice and the deviation can be granted in such fashion that the spirit of these regulations will be supported and public safety and welfare secured.

c. **Extraordinary Circumstances.** There are conditions applicable to the use or property involved that do not apply generally to other properties and uses in the area. The circumstances shall not be self-created by the owner or a former owner of the land. The described circumstances or conditions shall uniquely identify this request.

d. **No Safety Hazard or Nuisance.** The deviation will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

9. **Annual Review.** On an annual basis, special land uses described herein will undergo review. Due to the unique and potentially evolving nature of these types of uses, the annual review is intended to ensure operations are in harmony with the surrounding neighborhood as intended, conditions of the approval are being followed, improvements to operations are identified and mutually agreed-upon, and the interests of the owner/operator and Township are supported.

a. **Annual Report.** The owner/operator of the Special Land Use shall submit a written report to the Township Zoning Administrator detailing ongoing operations, compiling complaints received and their resolution, listing police or zoning enforcement activities, identifying potential improvements to the site that could further ensure minimized impact on the surrounding community, and calling out desired changes in operation which would require updating the approved plan.

b. **Township Review.** The Township Zoning Administrator, in collaboration with a subcommittee of the Planning Commission and Township consultants, as necessary, shall review the annual report and identify changes to the site or operation which may necessitate amending the special land use.

c. **Actions.** If the Zoning Administrator identifies no issues or discretionary decisions to be made, the annual report may be filed, and no further actions are required. If there are concerns to address or updates to the approved land use required, the report is to be directed to the Planning Commission to discuss at a subsequent Planning Commission meeting with potential action to be taken in accordance with the Special Land Use approval procedures of the Zoning Ordinance.

d. **Costs.** Reasonable costs incurred for annual review will be the responsibility of the operator of the Special Land Use.
e. **Review Waiver.** The Planning Commission\footnote{Zoning Administrator} may, at the time of an annual review, consider an alternative review cycle or waive the annual review requirement as it deems appropriate.
NEW BUSINESS #1b
To: Planning Commission  
   Tyrone Township, Michigan

From: Brian Keesey, AICP  
      Senior Planner

Date: February 13, 2018

Subject: Proposed Nonconforming Structure Regulations – Draft #3

At the January Planning Commission subcommittee meeting, we discussed the topic of rebuilding nonconforming structures in more detail, with minor corrections identified by the subcommittee. The following text represents those alterations.

If you have any questions in the meantime, please don’t hesitate to contact me. Thank you.

Respectfully Submitted,

Brian Keesey, AICP  
Senior Planner
SECTION 26.04 NONCONFORMING STRUCTURES

Any lawful nonconforming structure established prior to the effective date of this Ordinance shall not be considered in violation of this article and may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Enlargement, Extension, or Alteration of a Nonconforming Structure.

1. Increase in Nonconformity Prohibited: A structure’s nonconformity may not be enlarged or altered in any way which increases its nonconformity except as specifically provided in this section. Any such expansion, alteration or extension must be within required setbacks and all other Ordinance requirements must be met.

2. Increase in Nonconformity. A structure's nonconformity shall be considered increased if the structure is modified in any of the following ways:
   a. Extended along a nonconforming setback;
   b. Extended closer to the lot line;
   c. Increased in height in any nonconforming location;
   d. Or otherwise modified so as to not comply with the area, height, bulk, or lot coverage regulations applicable in the district in which it is located.

3. Permitted Expansion or Extension: A residential nonconforming structure may be expanded or extended upon approval from the Zoning Board of Appeals in accordance with the standards in subsections a. through e. below. Any proposed expansion which does not meet the following requirements shall only be permitted after obtaining a variance from the Zoning Board of Appeals in accordance with the criteria of Section 28.03.C.
   a. The expansion does not extend closer to the side or rear lot line than any existing nonconforming part of the structure.
   b. The expansion does not extend beyond the predominant existing building line along the same Block, does not obstruct lines of sight for traffic or block views from adjacent lots, or impede light and air.
   c. The addition retains compliance with all other setback, lot coverage, and height requirements.
   d. The addition, whether at ground level or above, shall not extend beyond the existing nonconforming first floor footprint of the building.
   e. The resultant addition will be compatible in terms of scale and design with the existing structure and the established character of the neighborhood.
4. **Alterations that Do Not Increase Nonconformity.** Any nonconforming structure or portion thereof may be altered if such alteration decreases the nonconformity of the structure via a vertical and/or horizontal retraction, or results in no increases or prohibited extensions of a nonconformity as described above.

B. **Reconstruction of a Nonconforming Structure.** The ability to reconstruct a nonconforming structure shall be determined by the standards below. A nonconforming structure that does not meet these standards shall not be reconstructed:

1. **Definition of a catastrophic event.** An occurrence of wind, lightning, tornado, fire, or other natural disaster deemed similar by the Planning Commission which results in damage to a nonconforming structure. Damage caused by humans, such as vehicular accidents, vandalism, or similar, may be considered a catastrophic event if it can be demonstrated the owner of the structure did not intentionally the cause of the damage.

1.2. A nonconforming structure damaged by a catastrophic event beyond reasonable repair, as determined by the County Building Official or a Township-contracted State-registered Building Inspector, may be permitted to be reconstructed as a nonconforming structure after a public hearing and Planning Commission review and approval. Planning Commission shall determine that the following standards are observed:

   - **a. Neighborhood Compatibility.** The nonconforming structure will be designed, constructed, and maintained to be compatible with the existing character of the general vicinity in consideration of:
     - 0.1. Environmental impacts and drainage
     - 0.2. Views
     - 0.3. Aesthetics
     - 0.4. Noise, vibration, glare, and air quality
     - 0.5. Traffic
     - 0.6. Property values
   - **b. Health, Safety, and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.
   - **c. Additional Development.** The nonconforming structure shall be of a location, height, and nature that will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
   - **d. Unreasonable Burden.** Reconstruction of a similar structure in strict conformance with the standards of the Zoning Ordinance will be unreasonable or unnecessarily burdensome, preventing the use of land for any and all permitted purposes.
   - **e. Substantial Justice.** Reconstruction of the nonconforming structure will provide substantial justice to the appellant and will not prove injurious to property owners in the vicinity.

2. A nonconforming structure that does not meet the above-listed criteria shall not be
reconstructed, except where the structure will comply with all current zoning ordinance standards for new construction.

3.1. **Definition of a catastrophic event.** An occurrence of wind, lightning, tornado, fire, or other natural disaster deemed similar by the Planning Commission which results in damage to a nonconforming structure. Damage caused by humane, such as vehicular accidents, vandalism, or similar, may be considered a catastrophic event if it can be demonstrated the owner of the structure is not the cause of the damage.

C. **Relocation of a Nonconforming Structure.** A nonconforming structure shall not be moved for any reason or for any distance, unless the new location conforms to the requirements of this Ordinance for the district in which it is located.

D. **Alteration to Lessen Nonconformity.** If a structure is altered so as to eliminate, remove, or lessen any of its nonconforming characteristics, then those nonconforming characteristics shall not later be re-established or increased.

E. **Maintenance Permitted.** Routine maintenance and repairs, including repair or replacement of non-bearing walls, deck repair, fixtures, plumbing, heating and cooling systems, re-roofing, re-siding, window replacement, wiring, driveway maintenance and improvement, electrical upgrades, heating and cooling improvements, or the addition of a conforming garage may be conducted on any nonconforming structure, provided that the nonconformity is not increased.
NEW BUSINESS #1c
To: Planning Commission
Tyrone Township, Michigan

From: Brian Keesey, AICP
Senior Planner

Date: April 5, 2018

Subject: Proposed Solar Energy System Regulations – Draft #3

The following are updates to the proposed regulations for solar facilities in Tyrone Township. The Township Attorney has advised that the previously proposed ‘Financial Implications Report’ is not likely defensible if challenged and has recommended the standard be removed. We have also added general natural feature preservation standards for the Planning Commission’s consideration. We look forward to discussing this information with you.

If you have any questions in the meantime, please don’t hesitate to contact me. Thank you.

Respectfully Submitted,

Brian Keesey, AICP
Senior Planner
SECTION 21.46 ESSENTIAL PUBLIC SERVICES AND REQUIRED UTILITIES

A. Buildings and Structures. Essential services buildings and structures shall be permitted, as authorized under any franchise in effect within the Township. Such essential services shall be subject to State laws, Township Ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.

B. Public and On-Site Utilities. Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the Township. Onsite septic systems shall be designed in accordance with the standards of the Livingston County Health Department.

C. Utility-scale Solar Energy Facilities. Tyrone Township recognizes the positive environmental impact solar energy systems promise as an energy alternative to traditional sources. Concurrently, the Township has an obligation to ensure use of lands within its jurisdiction provide a net positive effect in terms of impact, support of the Township Master Plan, and availability of land resources. The following regulations are intended to ensure the interests of the landowner and the Township are achieved harmoniously with no negative effect to the long-term viability of the subject property or those surrounding it. In zoning districts where they are permitted or special land uses, facilities for the capture, storage, and distribution of solar energy for commercial purposes are subject to the following standards:

1. Location and Setbacks. The solar energy system shall not be located closer to the street than any portion of a principal building located on the same parcel. Solar energy systems must meet minimum front, side and rear yard setback requirements of the applicable zoning district. All accessory equipment shall be subject to the same requirements.

2. Height. The height of the solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.

3. Screening. Landscaping shall be provided to screen the racking and any accessory equipment from view from adjacent properties or public rights-of-way.

4. Glare. Solar energy systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility.

5. Batteries and Accessory Equipment. When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

6. Natural Feature Preservation. The plan for installation of a solar farm shall include a tree survey and plan for cutting of trees greater than 6” DBA. No such trees shall be cut in any required setback other than those reasonably required for the installation of a drive to access the facility. Retention of natural grades, soils, and groundcover material is encouraged where feasible.
7. Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days’ written notice, the township may remove or secure the removal of the solar energy system or portion thereof, with the township’s actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

--- Financial Implication Report ---
NEW BUSINESS #1d
To: Planning Commission  
Tyrone Township, Michigan

From: Brian Keeseey, AICP  
Senior Planner

Date: April 5, 2018

Subject: Proposed Amendments to Permit Detached Accessory Structures on Adjacent Lots  
Draft #3

Please find the attached updated amendment language concerning accessory structures on adjacent lots. Significant changes since Draft #2 include specifying this option is only available in single-family districts, clarification on floor area restricts, and clarification on deed restriction applicability.

I look forward to discussing this with you. If you have any questions in the meantime, please don’t hesitate to contact me. Thank you.

Respectfully Submitted,

Brian Keeseey, AICP  
Senior Planner
Section 21.02.H. – New subsection in “Accessory buildings and structures provisions; Regulations for Detached Accessory Structures on Adjacent Lots”

New Subsection:

H. Detached Accessory structures located on a Semi-Adjacent Property adjacent lots. In limited instances an accessory structure, for the purposes of this section defined as outbuildings, may be placed on property on which there exists no structure intended for a permitted principal use, subject to the following:

i. Intent. Tyrone Township recognizes there are limited instances where a residential parcel is not large enough to accommodate a residential structure and a detached accessory structure. In these circumstances, it may be appropriate to permit a structure typically considered accessory, such as a garage, as the sole structure on a property. The Township also recognizes this situation has the potential to invite property neglect, maintenance concerns, theft due to non-occupation, change in neighborhood character, and other negative effects. This section is intended to permit outbuildings as defined herein, while simultaneously introducing safeguards to ensure proper maintenance and continuation of neighborhood character.

ii. Definitions.

a. Semi-adjacent properties adjacent lots. Properties on which all the following are true:

i. Two parcels or lots owned and utilized by the same individual or entity;

ii. Separated by a public right-of-way, private road easement, shared driveway, or any other kind of roadway that serves multiple lots;

iii. Nearest lot lines overlap by at least 50% for each parcel or lot (see Figure X);

iv. Parcel boundaries are not separated by more than 66 feet at their closest point.

b. Outbuilding. The typically-accessory structure placed on a vacant parcel or lot. Said structure is subservient to a principal structure on an semi-adjacent property adjacent lot.

iii. Applicability. The ability to place an outbuilding on a semi-adjacent property adjacent lot is limited to properties in the RE, R-1, R-2, and LK-1 Zoning Districts, in instances where it is demonstrated a conforming detached accessory structure cannot feasibly be constructed on a parcel with a residence due to setback or lot coverage limitations. One (1) of the properties must
have frontage on a lake. No outbuilding shall be permitted on a parcel or lot with lake frontage. Only one outbuilding is permitted per permitted residential structure.

iv. **Special Land Use Approval Required.** Outbuildings may only be permitted subject to special land use approval by the Township Board, subject to the standards and procedures of Article 22 of this ordinance.

v. **Special Land Use Standards for Outbuildings.**

a. **Deed Restrictions.** In considering approval of an outbuilding, the applicant must submit proof of recorded deed restrictions tying the sale, use, and occupation of both semi-adjacent properties on adjacent lots together. Tyrone Township shall be a named signatory for the dissolution of the deed restrictions so that in the event the owner wishes to sell the properties independently of one another, the Township can verify the outbuilding has been removed or can be used for a permitted principal use.

b. **Agency and Association Approval.** The applicant shall submit proof of approval, as applicable, from the agency with jurisdiction over the following:
   i. Roadway - Livingston County Road Commission, the governing neighborhood association, or similar;
   ii. Drainage – Livingston County Drain Commission;
   iii. Neighborhood Association Rules and Bylaws - Neighborhood association.

c. **Setbacks.** Placement of outbuildings is subject to the required setbacks for principal structures in the zoning district. Such placement is intended to provide separation from adjacent properties and allow for future conversion of the structure into a habitable primary structure.

d. **Landscape Requirements.** A landscape plan must be provided. The front yard of any property used for an outbuilding must be landscaped in a manner characteristic of residential structures in the neighborhood.

e. **Architectural Guidelines.** The proposed outbuilding shall be designed to reasonably mimic the design characteristics of the residential structures of the neighborhood, including building materials, roof pitches, architectural flourishes, windows, colors, and other unique characteristics, as determined by the Planning Commission. The structure must include a non-vehicular front entry door that faces the road. Exterior lighting characteristic of residential structures must be provided and should be oriented to minimize light intrusion on adjacent properties.

f. **Outbuilding Size.** The building footprint of any outbuilding shall comply with the following standards intended to encourage sizes characteristic of single-family residential structures:

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Story</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>One and one-half Story</td>
<td>850 sq. ft. – 1,200 sq. ft.</td>
</tr>
<tr>
<td>Two Story</td>
<td>900 sq. ft. – 1,200 sq. ft.</td>
</tr>
</tbody>
</table>

vi. **Ongoing Property Maintenance.** Outbuildings and semi-adjacent properties on adjacent lots shall be maintained in a manner characteristic of the residential properties in the neighborhood. Violations may result in civil infractions or revocation of the special land use and the forced removal of the outbuilding. Ongoing maintenance includes, but is not limited to:

a. Regularly mowed turf, if applicable;

b. Vegetation remains viable and orderly;

c. The structure remains in good repair;
d. External storage of any equipment, vehicles, or materials for a duration exceeding 24 hours is prohibited;

d-e. Regular maintenance of neighborhood-appropriate landscaping.

e. Property maintenance infractions as determined by the Building Official or Zoning Administrator.

vii. **Transfer or Sale.** The terms of the special land use approval remain valid in the event of a sale or transfer of the semi-adjacent properties/adjacent lots. New owners are required to comply with the plans and conditions of record for the approved special land use.

vii.viii. **Occupancy.** An accessory building permitted under this section may not be used as permanent or temporary living quarters unless expressly authorized by Tyrone Township.

viii.ix. **Outbuilding Removal or Repurposing.** Upon removal of an outbuilding or the conversion of an outbuilding to an approved structure utilized for a permitted use in the district, the Township Board may consider a request to dissolve any deed restrictions tying the semi-adjacent properties together for sale or use. The Township shall support the steps required to dissolve deed restrictions only if an outbuilding has been removed or if it has been modified to a conforming structure for a permitted use.
NEW BUSINESS #1e
A. **Findings.** These requirements for Medical Marijuana Uses are based on the following findings of fact:

1. **Voter Approved.** Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act”).


3. **Intent.** The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.

4. **Controlled Substance.** Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.

B. **Purpose.** It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Tyrone Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Tyrone Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well. At the time of adoption, the Michigan Supreme Court and Michigan Attorney General had ruled or opined collectives, dispensaries, or cooperative establishments existing to allow primary caregivers or qualifying patients to share or
transfer medical marijuana between primary caregivers or between qualifying patients, or which allow contact with or access to medical marijuana by those not registered with the State of Michigan as primary caregivers or qualifying patients, are not permitted by the Act.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. **Prior Use.** Any use which purports to have engaged in the medical use or distribution of marijuana prior to the enactment of this Section shall be deemed not to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

D. **Definitions.** For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. **Drug Paraphernalia** means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.

2. **Medical Marijuana Caregiver Operation or Caregiver Operation** means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.

3. **Medical Marijuana Collective, Cooperative, or Dispensary** means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the
following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act and the Administrative Rules of the Michigan Department of Community Health. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a state-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

4. **Medical Use of Marijuana**, also known as **Marihuana**, also known as **Cannabis** has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.

5. **Primary Caregiver or Registered Primary Caregiver** is defined as set forth in the Act.

6. **Qualifying Patient or Registered Qualifying Patient** is defined as set forth in the Act.

E. **Compliance Required.** “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 21.55.G for qualifying patients, and the requirements of Section 21.55.H for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health. Caregiver operations shall be available for inspection, during business hours, by the Township Supervisor or his designee, to confirm the operation is operating in accordance with State laws and Township ordinances.

F. **Marijuana Collectives, Cooperatives and Dispensaries Prohibited.** It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Tyrone Township.

X **Marihuana Facilities, as defined in PA 281 of 2016, as amended.** Tyrone Township elects to prohibit Marihuana Facilities, inclusive of growers, processors, secure transporters, provisioning centers, and safety compliance facilities.
G. Requirements for Qualifying Patients. Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:

1. Consumption. Consumption of marijuana by a qualifying patient may not occur at a medical marijuana caregiver operation, at any place of business, in any public place, or at a primary caregiver’s dwelling unit, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.

2. Growing for Personal Use. Growing of marijuana by a qualifying patient for his or her own personal use, as set forth in the Act, is permitted in any location within the Township, subject to the following requirements:

   a. Patient Control. The site must be under the control, through written lease, contract, or deed, in favor of the qualifying patient. In residential districts, growing for personal use must be an accessory use in a portion of an existing single family residence, or in an accessory structure located on the lot or parcel. The single family residence must be owned and occupied by the qualifying patient or his/her parent or legal guardian.

   b. Enclosed Facility. Such growing, indoors and outdoors, shall only be allowed as set forth by the Act.

   c. Shielded Windows. If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage to adjacent residential properties. Shielding shall be accomplished without alteration to the exterior of the dwelling unit.

H. Requirements for Caregiver Operations. Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements identified below.

1. Where Permitted. A primary caregiver shall conduct his or her growing operation and/or provide services to a qualifying patient only in the FR, M-1 Light Manufacturing District, or PIRO Planned Industrial Research Office District as a special land use. The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and only those qualifying patients residing in the residence may be supported by the primary caregiver from the structure.
a. **FR District.** A caregiver operation shall not be permitted if an occupied single family residence does not exist on the lot. If the growing portion of the caregiver operation will exist in a single family residential area, the structure shall comply with the following requirements:
   i. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;
   ii. There shall be no outward appearance of a caregiver operation.

b. **M-1 and PIRO Districts.** Structures shall comply with the following requirements:
   i. The structure shall be at least 50 feet from any adjacent residential structure and/or associated shared private driveway or private road.
   ii. There shall be no outward appearance of a caregiver operation.

2. **Growing.** Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:

   a. For marijuana grown indoors, a closet, room or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.

   b. For marijuana grown outdoors:
      i. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and
      ii. Are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
      iii. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and
      iv. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.
The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.

3. **Lighting.** If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.

4. **One Caregiver per Approved Caregiver Operation.** The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver’s services as allowed under the Act.

5. **Delivery Required.** Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.

6. **Location.** Caregiver operations shall comply with the following location requirements:

   a. **Separation Measurement.** The distances set forth below shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the caregiver operation, or between the nearest point of the zoning district boundary from which the caregiver operation is to be separated to the nearest point of the property line of the caregiver operation.

   b. **Separation from Schools.** The location shall not be located within 1,000 feet of any public or private school having a curriculum including kindergarten or any grades between 1 and 12, or any state-licensed child care or day care facility, to insure community compliance with Federal “Drug-Free School Zone” requirements.

   c. **Separations.** The location from which a primary caregiver grows for service to a qualifying patient shall not be within 1000 feet of any of the following:

      i. Caregiver to caregiver;
      ii. A church, place of worship, or other religious facility;
      iii. A public library, public park, or public playground;
      iv. An established school bus stop;
      v. A residential district other than FR.
Additionally, the structure shall be at least 50 feet from any adjacent residential structure and/or associated shared private driveway or private road.

Additional separation requirements may be recommended by the Planning Commission and approved by the Township Board to ensure compatibility with existing adjacent development.

7. **Operation in Conjunction with Other Uses.** To facilitate monitoring, and to comply with the limited access requirements of the Act, a caregiver operation must be located in a single use building with an outside entrance separate from any other use, except for a permitted single family residential dwelling or permitted single family accessory structure. No other commodity, product or service shall be available on the same lot.

8. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.

9. **Consumption.** Consumption of marijuana by a qualifying patient may not occur at a caregiver operation, at any place of business, in any public place, or at a primary caregiver’s dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient’s dwelling unit is permitted. Also a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

10. **Special Land Use and Site plan Approval Required.** Special land use and site plan approval shall be required for any Medical Marijuana Caregiver Operation prior to its establishment in Tyrone Township. The requirements and procedures of Article 22 Special Land Uses and Article 23 Site Plan Review of this Ordinance shall apply. As provided in Article 23, the Planning Commission may modify the site plan requirements to be consistent with the Township’s checklist for medical marijuana facilities.

11. **Special Land Use Permit Fee and Annual Renewal Required.** To ensure compliance with the Act and the requirements set forth herein, all Medical Marijuana Caregiver Operation special land use permits shall require payment of an annual fee as set forth by the Township Board, and shall expire one (1) year after issuance. Renewal of the special land use permit shall be granted upon successful completion of a Township inspection of the caregiver operation site, confirming the Primary Caregiver remains legally registered with the state of Michigan, the caregiver operation complies with the requirements set forth in the Act, and the caregiver operation complies with Section 21.55 herein.
I. **Security.** Qualifying patients and primary caregivers shall provide secure locations, consistent with the Act, for cultivation and storage of medical marijuana. Primary caregivers shall submit a security plan and a floor plan identifying the number of plants, storage locations for chemical and growing materials, and other critical aspects of the layout, and how they intend to secure the facility, with the special land use application. Security measures for primary caregiver operations shall include, but are not limited to, security cameras installed to monitor all areas of the premises where persons may gain or attempt to gain access to marijuana or cash. Security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition a monitored alarm system shall be provided. The recorded data shall be made available to law enforcement personnel and the Tyrone Township Zoning Administrator or other Township designee upon request to allow confirmation of compliance with these regulations. The Township may require additional security measures such as fencing, security lighting, and other measures as conditions of the special land use approval. The security plan shall be considered a confidential document by the Township and exempt from disclosure under the Freedom of Information Act.

J. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.

K. **Taxes Paid.** No special land use shall be approved by the Township unless the property taxes are paid and up-to-date at the time of approval.

L. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.

M. **MMMA Amendments.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008, inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.

**Township’s checklist for medical marijuana facilities.**

1. The growing of medical marijuana shall not be outwardly visible to adjacent properties.
2. No nuisance factors shall exist, inclusive of noise, odors, traffic, excessive outdoor equipment, or any other element which would direct attention or interest to the property.
3. All products supporting a grow operation (soil, fertilizer, containers) shall be stored in such a manner as to not be outwardly visible from an adjacent property.
4. In the FR district, caregiver operations shall not conflict with the residential character of the immediate area.

5. In the FR district, caregiver operations shall have the outward appearance of a single family residence.

6. No conflicts with neighbors will be tolerated. Any outward appearance of a growing operation or conflict with neighbors shall result in the SLUP being revoked.

7. Other?
NEW BUSINESS #2 - 4

No documents included.
NEW BUSINESS #5
Future Planning Commission Items

Regulation Amendments
1. Pending zoning amendments public hearing
   b. Provisions for the Rebuilding of Nonconforming Structures after a Disaster.
   c. Regulations for Solar Farms.
   d. Provisions to allow Detached Accessory Structures on Adjacent Lots in certain districts.
2. Sight Lines and Building Height Clarifications
3. Article 27: Signs - Review for compliance with SCOTUS decision – Content neutral requirement
4. Amendment of MMMA regulations
5. 5 year master plan review
6. PC annual report
7. Animal units – keeping of chickens and bees
8. Accessory structure standards
9. Alternative building materials
10. Tiny houses
11. Environmental study requirements
12. Cemetery standards
13. Limited lot waivers
14. Noise ordinance

Applications
1. Privately owned cemetery
2. Foster/Lockwood rezone to PCI
3. Foster Commercial Assembly Site (Benecor)
4. Durocher outdoor storage of construction equipment
5. Caregiver SLUP (including public hearing)
6. Gary Edwards Ledgewood Revine site condominium
7. Sutfin 1200 sq ft accessory structure
8. Proposed Land Division- Matthew Brown/Faussett Rd
9. Payne-Dentonview LD, Parcel 4704-11-100-028
10. Bentley Sand & Gravel
11. Solar Farm
12. Vale Royal site plan amendment (fire suppression shed)
13. Boss Sanctuary at Tyrone Development
14. Rex-Panfil boundary realignment
15. Tipsico Lake/Germany Proposed Land Division

Speculative
1. Revise master plan to allow EI at white lake road and US-23
2. Rezone property to EI at white lake road and US-23
3. EI site plan and permit