

Model Ordinance
to regulate
Ethanol Production Facilities



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ETHANOL PRODUCTION FACILITIES

CHAPTER X: AG AGRICULTURAL DISTRICT

SECTION X: PERMITTED USES

Except as provided in Section X (AG District - Special Land Uses), in an AG District, no building or land shall be used and no building or structure shall be erected except for the following specified uses:

1. Ethanol Production Facilities if none of the adjoining property is zoned for any residential district, the ethanol being produced is used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol, and the production of the ethanol is limited to a “Small Plant” as defined by the Alcohol and Tobacco Tax and Trade Bureau which limits production to 10,000 gallons per year. The 10,000 gallon limit will be enforced irrespective of any allowances for greater production that may be provided for by the Alcohol and Tobacco Tax and Trade Bureau rules.

SECTION X: SPECIAL LAND USES

The following uses are permitted in the AG District when approved as special land uses pursuant to the procedures provided in Chapter X (Special Land Uses):

1. Ethanol Production Facilities, if any adjoining property is zoned for any residential district or production exceeds 10,000 gallons per year, provided the ethanol being produced is used exclusively for uses associated with the agricultural operations of the farmer producing the ethanol.

CHAPTER X: SPECIAL LAND USES

SECTION X: SPECIAL LAND USE SPECIFIC REQUIREMENTS

1. Ethanol Production Facilities

The intent of this section is to provide regulations for the proper location and safe operation of Ethanol Production Facilities in order to provide for the safety and welfare of nearby residents, protect property, and preserve the natural environment.

- A. A building permit shall be required for the installation of an Ethanol Production Facility.

- B. All equipment used to produce ethanol, storage tanks used to hold ethanol, and buildings used in the production of ethanol shall be a minimum of 100 feet from any property line in addition to meeting all setbacks and standards for the agricultural district, as well as all standards, setback requirements, fire codes, and building codes of local, state, and federal government agencies.
- C. Ethanol production shall not occur unless the owner operator of the Ethanol Production Facility can provide the Township with proof of compliance that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (MDEQ) and other State and Federal agencies which are involved in permitting any of the following aspects of ethanol production: storage of raw materials, fuel, and byproducts used in, or resulting from, ethanol production; reuse and disposal of byproducts resulting from ethanol production; air quality standards associated with ethanol production; and transportation of ethanol products.
- D. An applicant for an Ethanol Production Facility shall provide a site plan in accordance with the requirements of Chapter X (Site Plan Review) as well as all of the following information:
1. A map of the property, existing and proposed buildings, and the proposed location of the ethanol operation;
 2. The process used to produce the ethanol;
 3. The anticipated production of ethanol, measured in gallons per year;
 4. An emergency access and fire protection plan with review and approval by responding service providers;
 5. Written documentation from the applicable Ottawa County, State of Michigan and Federal agencies that the proposed use will comply with local, state, and federal regulations (these regulations will include, but not be limited to, the following: storage of raw materials, fuel, and byproducts; reuse and disposal of byproducts; air quality; and transportation of fuel);
 6. A study of water usage by a Michigan professional engineer or other professional familiar with hydrogeologic reports addressing how much water will be utilized and identifying the impact upon Township infrastructure and water sources; and
 7. Any additional information as may be required by the Planning Commission

This information shall be provided and reviewed by the Commission before a public hearing is held on the Special Land Use request.

- E. The owner operator of the Ethanol Production Facility shall maintain the facility in a neat and clean condition and operate it so as not to create a nuisance. An Ethanol Production Facility shall contain sufficient storage for raw materials, fuel and byproducts or have the capacity to dispose of the same through land application, livestock consumption or sale, each in accordance with local, state, and federal regulations. Conditions within the premises shall be controlled to minimize noise, odors, and lighting pollution. The Township shall have the

right to make inspection of the premises upon which any Ethanol Production Facility is maintained.

CHAPTER X: SITE PLAN REVIEW

SECTION X: SCOPE

Except as provided elsewhere in this Ordinance, site plan approval under this Chapter is required for the following:

1. Ethanol Production Facilities.

SECTION X EFFECTIVE DATE

This Ordinance shall take effect seven days after its publication as provided by the provisions of the Michigan Zoning Enabling Act.