

**MARION TOWNSHIP PLANNING COMMISSION  
AGENDA**

REGULAR MEETING

February 22, 2022

7:30 PM

Virtual access instructions to participate in the meeting are posted on [www.mariontownship.com](http://www.mariontownship.com)

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: February 22,2022 Regular Meeting

Approval of Minutes from: January 25,2022 Regular Meeting

Call to the Public:

Public Hearing:

- 1) Public hearing for RZN#01-21 129 Mason HS to UR

New Business:

- 1) Review RZN#01-21 129 Mason HS to UR
- 2) Discussion of Section 14.01 intent and decide direction

Unfinished Business:

- 1) Review Attorney proposed Penalty Provisions language TXT#01-22
- 2) Review Wind and Solar TXT#02-22
- 3) Continue discussion on hobby kennels TXT#01-21
- 4) Review issues with 17.32 home-based business
- 5) Add definition for 'RURAL' discuss differences with each District

Special Orders:

Announcements:

Call to the Public:

Adjournment

Approved by: \_\_\_\_\_  
Larry Grunn, Chairperson

Date: \_\_\_\_\_

**MARION TOWNSHIP PLANNING COMMISSION  
IN-PERSON / VIRTUAL MEETING MINUTES  
JANUARY 25, 2021 / 7:30PM**

**MEMBERS PRESENT:** LARRY GRUNN – CHAIRPERSON *(In-Person)*  
JAMES ANDERSON – VICE CHAIR *(In-Person)*  
CHERYL RANGE – SECRETARY *(In-Person)*  
BOB HANVEY – *(In-Person)*  
BRUCE POWELSON – *(In-Person)*

**OTHERS PRESENT:** DAVE HAMANN – ZONING ADMINISTRATOR *(In-Person)*  
ZACH MICHELS – CARLISLE WORTMAN *(In-Person)*

**MEMBERS ABSENT:** NONE

**CALL TO ORDER**

Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF JANUARY 25, 2022 PLANNING COMMISSION MEETING AGENDA**

Bruce Powelson made a motion to approve the agenda for the January 25, 2022 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

**APPROVAL OF November 23, 2021 PLANNING COMMISSION MEETING MINUTES**

Cheryl Range made a motion to approve the November 23, 2021 Planning Commission meeting minutes, as presented. Jim Anderson seconded. **MOTION CARRIED**

**CALL TO THE PUBLIC**

A resident made comments about the wind and solar language, included in the packet.

**NEW BUSINESS:**

**1) SET A PUBLIC HEARING FOR FEBRUARY 22, 2022 FOR RZN#01-21 129 MASON HS TO UR**

Cheryl Range made a motion to set a Public Hearing for RZN# 01-21 129 Mason Road on February 22, 2022. Bruce Powelson seconded. **MOTION CARRIED**

**2) OFFER RESOLUTION TO SET TIME AND PLACE OF PLANNING COMMISSION MEETINGS FOR 2022**

Bob Hanvey recommended adding a meeting for January 24, 2023 to the 2022 schedule.

Bob Hanvey made a resolution to approve the 2022 Planning Commission meeting schedule with the January 24, 2023 addition.

**ROLL CALL:** LARRY GRUNN: YES; JAMES ANDERSON: YES; CHERYL RANGE: YES; BOB HANVEY: YES; BRUCE POWELSON: YES  
RESOLUTION PASSED 5: YES; 0: NO

**3) PUD FOR TAMARACK PLACE FOR REVIEW**

Dave Hamann explained that this PUD is going to the Board for approval but Bob Hanvey wanted to take a look one more time. Zach Michels with Carlisle Wortman said that as long as there is consistency with the Site Plans, then everything should be good.

## **UNFINISHED BUSINESS**

### **1) REVIEW ATTORNEY PROPOSED PENALTY PROVISIONS LANGUAGE TXT# 01-22**

Zach Michels explained that a nuisance is something that exists and causes an annoyance to someone else. "Nuisance Per say" is something that exists and is not allowed, event though it is not bothering anyone.

Bob Harvey stated that we should change the term Township President to Supervisor.

Dave Hamann explained that every formal complaint issued, is sent by certified mail to the offender.

Zach stated that in order for an actual ticket to be issued, the person filing a complaint has to also submit some type of proof or evidence. There has to be a witness or proof if the nuisance is not something that can be seen all the time.

Dave Hamann stated that John Enos and John Gormley need to get together to discuss this. Dave said that John Enos is going to bring a formal proposal and then we can set a public hearing.

Jim Anderson made a motion to have John Gormley and John Enos prepare language for text amendment TXT#01-22. Larry Grunn seconded. **MOTION CARRIED**

### **2) REVIEW WIND AND SOLAR TXT# 02-22**

Zach Michels explained that John Enos recommendation is to treat these as an accessory structure. Zach is going to get some pricing on the batteries for these wind and solar panels.

### **3) CONTINUE DISCUSSION ON HOBBY KENNELS**

Jim Anderson said that our language should be as consistent as possible with what the County is doing. Jim suggested that Zach tell John Enos to get in touch with him, so they can review this language and workout the inconsistencies.

Jim Anderson made a motion to postpone this discussion until the next meeting, February 22, 2022 so he can get with John Enos and Dave Hamann to finish preparing this language. Cheryl Range seconded. **MOTION CARRIED**

### **4) REVIEW ISSUES WITH 17.32 HOME-BASED BUSINESS**

Zac Michels explained what a "Police Powered Ordinance" is. He also stated that every jurisdiction is going to handle things differently.

The Planning Commissioners discussed different situations throughout the community involving Home-Based Businesses.

Bruce Powelson motioned to postpone further discussion until the next meeting, February 22, 2022. Larry Grunn seconded. **MOTION CARRIED**

### **5) ADD DEFINITION FOR 'RURAL' AND DISCUSS DIFFERENCES WITH EACH DISTRICT**

Bruce Powelson motioned to postpone further discussion until the next meeting, February 22, 2022. Larry Grunn seconded. **MOTION CARRIED**

## **SPECIAL ORDERS**

Annual Planning Commission Report submitted by the secretary, Cheryl Range.

## **ANNOUNCEMENTS**

Bruce Powelson discussed the new development off Mason Road, just before Burkhart. He believes there is going to be around 900 units in the development.

## **CALL TO THE PUBLIC:**

Les Andersen discussed the complaints involving the fireworks that were going off on Saturday evening.

**ADJOURNMENT:** Bruce Powelson made a motion to adjourn the meeting at 9:54pm. Jim Anderson seconded. **MOTION CARRIED.**

SUBMITTED BY: JESSICA TIMBERLAKE

Escrow acct #  
098-198

RZN # 01-21

**APPLICATION FOR REZONING  
MARION TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN**

I/we, the undersigned, do hereby make application to and petition the Marion Township Board to amend the township zoning ordinance and change the zoning map of Marion Township as hereinafter requested. In support of this application, the following facts are shown:

Name of Applicant SEAN IVERSEN  
Address 129 MASON ROAD  
City/State/Zip HOWELL, MI 48843  
Phone/Fax 517-715-3044

If applicant is not the owner, please provide the following, along with a letter of authorization signed by the owner:

Name of Owner Same  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone/Fax \_\_\_\_\_

Property Information

Address/Location 129 MASON ROAD, HOWELL 48843  
Parcel ID # 4710-02-200-004  
Parcel Size .591 AC  
If multiple lots, are they contiguous? N/A.

Legal description and certificate of survey for land proposed to be rezoned (please attach)

Present zoning classification HIGHWAY SERVICE  
URBAN.  
Requested zoning classification RESIDENTIAL

FEE SCHEDULE  
\$500 fee  
\$3,000 escrow

I hereby attest that the information on this application is, to the best of my knowledge, true and accurate.

Sean Iversen 12/21/21  
Signature of Applicant Date

Office Use Only		
Date Received: <u>12-28-2021</u>	Fee Paid: <u>500</u>	Escrow <u>3000</u>
Materials Received: _____	Site Plans: _____	Legal Description: Application #: <u>RZN 01-21</u>
Application accepted by: <u>[Signature]</u>		

SEC. 2 T2N, R4E, COMM AT NE COR OF SEC. 2 S89\*11'33"W 275.40 FT TO POB: TH S1\*11'3"E 247.5 FT:  
TH S89\*11'33"W 104.10 FT: TH N1\*11'3"W 247.5 FT: TH N89\*11'33"E 104.10FT TO POB. .591 AC +/-.  
LEGAL DESC CORRECTION 9/9/2020 PER SURVEY.

Honorable Planning Commission Members:

I am seeking a rezoning of the property located at 129 Mason Road. The property is currently zoned Highway SE. I am requesting a rezoning to UR.

Following is the information supporting my request:

a) What, if any identifiable conditions related to the application have changed which justify the proposed rezoning?

129 Mason Rd and the structure itself has been used as a stand alone residential dwelling since around 1875. It is located in an area surrounded mostly by single family homes and a large manufactured home community where the use is residential. We wish to be rezoned residential as well. We intend to live on the property and use it as a single family home. Being zoned residential will make it easier for us to invest in the property and continue to make the necessary improvements for the safety and welfare of our family.

b) What is the impact of the rezoning on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed rezoning is approved?

We believe that by rezoning the parcel to residential it will actually be less of a burden on the township and local public services.

c) Does the requested rezoning adversely affect environmental conditions, or the value of the surrounding property?

We do not believe so. We believe a residential use would be more harmonious to the surrounding and adjoining properties.

d) Does the petitioned district change generally comply with the adopted Township Master Plan?

No. We believe that a change to the future land use map for this property is warranted.

e) Can the property in question be put to a reasonable economic use in the zoning district in which it is presently located?

No. The current zoning has made selling the house and obtaining financing for a purchase difficult. The building has historically been used as a residential home, but as buyers, our family was unable to obtain financing because of the current zoning.



## Article XIV: Off-Street Parking and Loading

### ARTICLE XIV: OFF-STREET PARKING AND LOADING

#### Section 14.01 Intent of Parking Provisions

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. **All vehicles shall be stored on the lot occupied by the principal building.**

NO  
STREET  
PARKING

- A. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
- B. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- C. **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking spaces shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
1. No sign shall be erected in parking areas other than not more than one (1) directional sign at each point of ingress or egress, which sign may also bear the name of the enterprise, the lot is intended to serve and signs identifying reserved parking spaces. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.
- D. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. **Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
  2. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a land use permit, the building permit, and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

#### Section 14.02 Parking Space Requirements

The number of required off-street parking spaces in the RR, SR, UR, ERS, HS, LI, PL and PUD districts shall be provided with the following:



**Article XIV: Off-Street Parking and Loading**

Type of Use	Required Number of Spaces
A. Single and Two-Family Dwellings	Two (2) spaces for each dwelling unit.
B. Multiple-Family Dwellings	Two (2) spaces for each multiple-family dwelling unit, plus one space per five (5) units for guest parking.
C. Adult Foster Care Facilities	One (1) space per employee on the largest work shift, plus the spaces required for the dwelling unit.
D. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.
E. Automobile Service and Repair Stations	Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space for each two (2) employees.
F. Barber Shops and Beauty Parlors	Two (2) spaces for each beauty and/or barber chair.
G. Boarding and Lodging Houses	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
H. Bowling Alleys	Two (2) spaces for each alley, plus one (1) space for each employee on the largest shift.
I. Clinics	Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
J. Commercial and Institutional Recreational Facilities	One space per three (3) patrons to the maximum capacity of the facility.
K. Convalescent Homes or Similar Uses	One (1) space for each six (6) beds, plus one (1) space for each employee on the largest working shift.
L. Dance Halls, Pool and Billiard Rooms	One (1) space for each three (3) persons allowed within maximum capacity load.
M. Day care facilities	One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per eight (8) children of licensed capacity.
N. Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses	Stacking space for five (5) cars between the sidewalk area and the drive-up window and one (1) space for each employee on the largest shift.
O. Drive-in Restaurants or Fast-Food Restaurants	One (1) space for each four (4) seats, plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.

### Article XIV: Off-Street Parking and Loading

Type of Use	Required Number of Spaces
P. Elementary and Middle Schools	One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.
Q. Funeral Homes and Mortuaries	One (1) space for each twenty-five (25) square feet of gross floor area of chapels and assembly rooms.
R. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses	Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g. restaurant, pro shop, etc.).
S. High Schools and Colleges	One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
T. Hospitals, Sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
U. Industrial or Manufacturing Establishments	One (1) space for each employee in largest working shift.
V. Junk Yards	One (1) space for each two (2) employees.
W. Excavation Operations and Asphalt Batching Plants	One (1) space for each employee on the largest shift.
X. Laundromat	One (1) space for each three (3) washing or drying machines.
Y. Libraries, Museums, Post Offices	One (1) space for each eight hundred (800) square feet of floor area, plus one (1) space for every two (2) employees on the largest shift.
Z. Miniature or Par-3 Golf Courses	Three (3) spaces for each hole, plus one (1) space for each employee.
AA. Motels, Hotels, Bed and Breakfasts	One (1) space for each sleeping unit, plus two (2) spaces for each employee on the largest shift.
BB. Private Recreational Facilities	One (1) space for each six (6) potential members based on the capacity of the facility.
CC. Professional Offices and Banks	One (1) space for each three hundred (300) square feet of gross floor area.
DD. Standard Restaurants, Cafeterias, Taverns, Bars	One (1) space for each three (3) seats up to the capacity of the facility as determined by the fire marshal.
EE. Retail Stores, including furniture,	One (1) space for each three hundred (300) square feet of

**Article XIV: Off-Street Parking and Loading**

Type of Use	Required Number of Spaces
appliance, automobile sales, machinery sales, and personal services (other than beauty and barber shops), except as otherwise specified herein.	gross floor area.
FF. Supermarket, Self-Service Food Store	One (1) space for each one hundred (100) square feet of gross floor area.
GG. Warehouses, Wholesale Stores	One (1) space for each eight hundred (800) square feet of floor area.

**Section 14.03 Location of Parking Areas**

All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.

**Section 14.04 Site Development Requirements**

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

- A. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- B. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
  - 1. Except for parking spaces provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
  - 2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
- C. **Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows. (See Figure 14-1.)

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 degrees (parallel parking)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	8 feet 6 inches	20 feet
54 to 75 degrees	15 feet	8 feet 6 inches	20 feet
<b>75 to 90 degrees</b>	<b>20 feet</b>	<b>9 feet</b>	<b>20 feet</b>

All maneuvering lane widths shall permit one-way traffic movement, except for the 90 degree pattern, which may provide for two-way traffic movement.

## Article XIV: Off-Street Parking and Loading

- D. **Surface:** Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage.
- E. **Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.
1. Lighting shall be designed and constructed in such a manner to ensure that:
    - a. direct or directly reflected light is confined to the development site.
    - b. all light sources and light lenses are shielded and are not directly visible beyond the boundary of the site.
  2. Unless otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
  3. Specifications for lights, poles, fixtures, light sources, and lenses shall be reviewed and approved by the Planning Commission.
- F. **Buffering:** Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer zone shall be provided between the parking area and the adjoining property pursuant to the requirements of 6.13.C.

### Section 14.05 Loading and Unloading Space Requirements

- A. **Intent:** In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.
- B. **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 14.02 and shall not be considered as supplying off-street parking space.
- C. **Space Requirements:** There shall be provided adequate space for standing, loading, and unloading service not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.

Use	Space Required
Commercial uses, such as Retail Stores, Personal Services, Amusement, Automotive Service	First 2,000 square feet; none. Next 20,000 or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 square feet; none. Next 50,000 or fraction thereof; one (1) space. Each additional 100,000 or fraction thereof; one (1) space.

**Article XIV: Off-Street Parking and Loading**

Figure 14-1 Parking Graphic



**Article XIV: Off-Street Parking and Loading**

<b>Use</b>	<b>Space Required</b>
Wholesale and Storage Contractor's Yards	First 20,000 square feet; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Manufacturing uses	First 20,000 square feet or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Funeral Homes and Mortuaries	First 5,000 square feet or fraction thereof; one (1) space. Each additional 10,000 or fraction thereof; one (1) space.
Hospitals	First 20,000 square feet; one (1) space. Next 100,000 or fraction thereof; one (1) space. Each additional 200,000 or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.
For similar uses not listed	For each building 5,000 square feet or over; one (1) space.

- D. **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
- E. **Screening:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height. Where these standards are inadequate, the requirements of Section 6.13.B. shall apply.

## Penalty provisions.

- (a) *Misdemeanors.* A person convicted of a violation of this Code not designated a civil infraction shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 and the cost of prosecution, or by imprisonment for not more than 90 days, or by both such fines and costs, and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- (b) *Civil infraction.* Civil infractions involving traffic or parking violations are governed by the Michigan Motor Vehicle Code and the Michigan Uniform Traffic Code, both of which are adopted by reference by ordinance of the Township, including the appropriate fees and costs.
- (c) *Municipal civil infraction.* Any person, firm, corporation, or legal entity violating any provision of a Township ordinance not designated a misdemeanor or a civil infraction (traffic) shall be adjudged guilty of a municipal civil infraction as set forth below. Each and every day such violation continues beyond any permissible grace period, constitutes a separate municipal civil infraction.
- (1) The words "municipal civil infraction" mean an act or omission prohibited by a Township ordinance, but which is not a crime under a Township ordinance nor a civil infraction involving a traffic matter, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of Michigan of 1961, as amended (MCL 600.8701). A municipal civil infraction is not a lesser included offense of a violation of a Township ordinance designated a misdemeanor.
  - (2) The sanction for a civil infraction shall be a fine in the amount provided by this section, plus costs, damages, expenses, equitable relief and other sanctions, authorized under Chapter 87 of Act No. 236 of the Public Acts of Michigan of 1961, as amended, and other applicable law (MCL 600.8701 et seq.).
    - a. Unless otherwise provided in a Township ordinance, the fine for a municipal civil infraction violation shall not be less than \$50.00, plus costs and other sanctions.
    - b. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of a Township ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
      1. Committed by a person within a six-month period (unless some other period is specifically provided by a Township ordinance); and
      2. For which the person admits responsibility or is determined to be responsible.
    - c. Unless otherwise provided in a Township ordinance, the increased fine for a repeat offense shall be as follows:
      1. For a first repeat offense not be less than \$250.00, plus costs and other sanctions.
      2. For a second or repeat offense or any subsequent repeat offense not be less than \$500.00, plus costs and other sanctions.
  - (3) A "violation" includes any act prohibited or made or declared to be unlawful or an offense, by a Township ordinance, including any omission or failure to act where the act is required by a Township ordinance.
  - (4) The Township Supervisor, zoning administrator, police, and building, electrical, mechanical, or plumbing official shall each have the authority to issue municipal civil infraction citations applicable to a Township ordinance, after an investigation and upon authorization by the Township attorney, pursuant to MCL 600.8702(2).
  - (5) Violations of the following code sections are designated as municipal civil infractions:

Insert here the code sections you want to make MCI

(d) *Nuisance per Se.*

- (1) *Criminal action of nuisance per se.* Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under the Zoning Enabling Act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provision of this chapter shall upon conviction thereof be subject to a fine of not more than "as per council resolution" and the costs of prosecution thereof, by imprisonment in the county jail for a period not to exceed 30 days, or both. Each day that a violation is permitted to exist from the time of formal citation by the Township shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of chapter 6.
- (2) *Civil action of nuisance per se.* Pursuant to MCL 600.2940, the Township may bring a civil nuisance cause of action in the circuit court to abate a violation of this Township code, including any violation of chapter 6:
  - a. All claims based on or to abate nuisance may be brought in the circuit court. The circuit court may grant injunctions to stay and prevent nuisance.
  - b. When the plaintiff prevails on a claim based on a private nuisance, he may have judgment for damages and may have judgment that the nuisance be abated and removed unless the judge finds that the abatement of the nuisance is unnecessary.
  - c. If the judgment is that the nuisance shall be abated, the court may issue a warrant to the proper officer, requiring him to abate and remove the nuisance at the expense of the defendant, in the manner that public nuisances are abated and removed. The court may stay the warrant for as long as six months to give the defendant an opportunity to remove the nuisance, upon the defendant giving satisfactory security to do so.
  - d. The expense of abating and removing the nuisance pursuant to such warrant, shall be collected by the officer in the same manner as damages and costs are collected upon execution, excepting that the materials of any buildings, fences, or other things that may be removed as a nuisance, may be sold by the officer, in like manner as goods are sold on execution for the payment of debts. The officer may apply the proceeds of such sale to defray the expenses of the removal, and shall pay over the balance thereof, if any, to the defendant upon demand. If the proceeds of the sale are not sufficient to defray the said expenses, he shall collect the residue thereof as before provided.
  - e. Actions under this section are equitable in nature unless only money damages are claimed.
- (3) The Township president or the zoning administrator shall each have the authority to authorize the issuance of civil nuisance per se charge and the Township chief of police shall have the authority to authorize the issuance of a criminal nuisance per se charge. In both cases, the issuance shall be for a violation of an applicable Township ordinance, after an investigation and upon the additional authorization by the Township attorney.

(e) *Miscellaneous.*

- (1) The penalties provided in this section, unless another penalty is expressly provided, shall apply to this Code without the necessity of providing for a penalty in the ordinance making the revision.
- (2) Notwithstanding subsections (a) and (b), the Township may also bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Code.



- (3) The remedies and penalties provided herein are cumulative and in addition to any other remedies provided by law.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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TO: Marion Township Planning Commission  
FROM: John L. Enos, AICP, Township Planner  
DATE: January 17, 2022  
RE: Planning Commission Meeting Agenda Issues

Please note the following based on the agenda.

1. The proposed rezoning (Public Hearing February) of 129 Mason Road from Highway Service to Urban Residential is similar to the rezoning permitted a few years back for 725 Mason allowing the property to not be non-conforming and allows the home to be renovated rather than demolished or stay in poor condition based on Section 19.06 Repairs and Maintenance.



- 
2. Per your request we have reviewed and revised the draft solar energy language to fit our Ordinance, see attached draft language. The current draft is basically the same as provided in late 2021 regulating small and large solar energy systems with the following new or existing language more strongly called out.

- A. Large scale solar energy systems will only be permitted in our LI Light Industrial District and Rural Residential zoning district. While this limit's locations in the Township it is not creating an exclusionary issue and still allows them.

- B. Added significant landscaping and screening requirements.
- C. Added noise requirements.
- D. Increased setback to one hundred (100') feet from property line and two-hundred and fifty feet (250') feet from a residential use.
- E. Added requirements that all above and below ground drainage systems be shown.

While there are other comments that may be added in the future, I wanted to provide another draft with the hope we can come to a reasonable, legally defensible, and compatible draft. We look forward to discussing this with you in the near future.

- 
3. We are of the opinion that due to our location in Michigan that there is no need for detailed wind generation language. It may be wise to contact an expert in this subject. If concerned, we do currently permit per Section 61.2 Height Requirement Exceptions.

*Wind power electrical generating towers, but not to exceed seventy (70) feet in height including the wind turbine or blades at their maximum height, provided, however, the distance from the base of the tower to any lot line shall be 1 ½ times the height of the tower and no part of the wind power electrical generating system structure, including guy wire anchors, may extend within the required setbacks. Commercial wind power electrical generating towers shall only be allowed on parcels greater than 2 acres in size.*

- 
4. At our November PC meeting we discussed the need to further explore options for kennel regulations in the Township. We have wrestled with the issues associated with connecting to the current Livingston County Kennel Licensing and suggest the following language that would regulate "kennels" and not differentiate between commercial or hobby kennels.

Add the following definition to Section 3.03

Kennel: Any Lot or premises on which **six (6) or more dogs** of more than six (6) months in age are kept temporarily or permanently, as pets or for the purpose of caring for, boarding, training, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services.

*Note this definition is provides for six or more dogs. For those residents that have between 3-5 dogs a license from Livingston County will still be required.*

Add/Amend the following to Section 17.19A ~~Commercial~~-Kennels

- A. Locational Requirements: Kennels shall be operated in conformance with all applicable Livingston County, State, and Federal regulations and are ONLY permitted by special use permit in the Rural Residential and Suburban Residential Districts.

- B. Site Requirements: A commercial kennel shall be on a lot with a minimum lot size of ~~five (5)~~ three (3) acres for six (6) dogs and an additional one-third (1/3) acre for each additional animal thereafter.
- C. Buffering Requirements: Accessory buildings where dogs are kept, runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential lot line.
- D. Performance Standards:
1. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
  2. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards
  3. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m. 5. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
  4. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
  5. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13. 8. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs.
  6. All dogs must be licensed and maintained in a healthful and careful manner.
  7. Outdoor runs and breeding areas shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system or municipal sewer connection as approved by the Livingston County Health Department.
  8. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

9. Dog's odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
5. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- 
6. Regarding new land use definitions below that would be added to Section 3.02. The idea behind adding these definitions will allow the Zoning Administrator to better interpret uses requested or existing within our current residential zoning districts. The administrator can provide more detail on the need for this amendment at the meeting.
- A. **Rural:** Land comprised of a variety of comparatively low-density residential lifestyles in a manner which preserves important open spaces and natural resources. Expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, and fields, comprise fundamental rural character that residents wish to protect and enhance for future generations. Rural character includes existing farms and recognizes this land use for its important contribution to the local economic base, to the provision of food and fiber for the State's citizens, and for the historical character and open spaces it provides. Rural character does not encourage the conversion of agricultural lands to more intensive uses, but to provide opportunities for residential development in a manner compatible with existing agricultural activities.
- B. **Suburban:** Land use providing opportunities for higher density residential development typically associated with a higher level of public services. Suburban type development accommodates residential developments of a density of one (1) dwelling unit per .75 acre or greater and is intended to both permit the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods.
- C. **Urban:** land use providing for housing densities of a denser character than otherwise permitted in rural and suburban areas. Land uses are established based on the greater availability of public services (public water and sewer facilities) and are capable of accommodating the particular demands of higher density residential land uses. Urban are intended to exist only within the Urban Services District identified in the Marion Township Master Plan as it is only here that the public services are expected to be adequate to accommodate the needs of these higher intensity land uses. Densely populated areas comparable to a City of Village.

**IDA TOWNSHIP  
SOLAR ENERGY SYSTEMS DRAFT ORDINANCE**

**Section 2.2: Definitions**

**Decommission:** To remove or retire from active service.

**Photovoltaic Device:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produces for later use.

**Solar Array:** Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

**Solar Energy Systems, Large-Scale:** An installation of more than one (1) ground-mounted, utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW). Large-Scale Solar Energy Systems are not permitted within any zoning districts allowing residential uses. May also referred to as a Solar Farm.

**Solar Energy Systems, Personal:** Small-scale solar panels or technologies permitted as accessory structures within all zoning districts. Personal Solar Energy Systems are comprised of a single unit which is installed and solely used for private purposes. These solar structures may be either ground-mounted, or building-mounted.

**Solar Farm:** See Solar Energy Systems, Large-Scale.

**Solar Tracker:** A device which maximizes the solar system's electricity production through panels that move to follow the sun throughout the day. As they are typically used as part of Large-Scale Solar Energy Systems, solar trackers are not to be permitted for use as part of a Personal Solar Energy System.

**Substation:** Part of a Large-Scale Solar Energy System, it is an interconnected network of electrical components comprising of transformers, auxiliaries, switchgear, and other mechanical equipment. The substation regulates incoming electrical energy generated while delivering electricity to consumers through outgoing transmission lines.

**Section 6.48 Solar Energy Systems**

- A. Purpose: The purpose of this section is to provide regulation for the following permitted types of Solar Energy Systems.
1. *Personal-Scale Solar Energy Systems (Ground-Mounted and Building-Mounted):* Permitted within all zoning districts in the Township of Ida as accessory structures or uses under the conditions that they are located within a rear or side yard, comply with all applicable setback requirements, and are intended to be solely used for private purposes rather than commercial resale.
  2. *Large-Scale Solar Energy Systems (Ground-Mounted):* Permitted within all zoning districts, contingent upon receipt of a Special Land Use Permit, except for those districts designated for residential uses.
- B. General Standards for All Solar Energy Systems:
1. All Solar Energy Systems must be compliant with all Township Ordinances and other applicable regulation.
  2. All Solar Energy Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
  3. All Solar Energy Systems whether ground-mounted or building-mounted, shall be permanently and safely attached to whatever surface it is mounted to.
  4. No building-mounted Solar Energy System shall exceed the dimensional height permitted in the zoning district in which it is located. No ground-mounted Solar Energy System shall exceed the height of the principal structure or fifteen (15) feet in height, whichever is less. Height is to be measured from the average grade at the base of the pole to the highest edge of the system. The Planning Commission may increase the maximum height requirements at their discretion dependent upon location and other factors.
  5. All Solar Energy Systems are to be neutral in color to minimize reflectance onto surrounding properties and streets.
  6. The following items shall apply to all Solar Energy Systems; however, additional flexibility or stricter regulations may be placed upon the solar energy system dependent upon the

site's location within the Township and the land uses of adjacent parcels per the discretion of the Planning Commission.

a. Electrical fencing is not permitted, unless also housing livestock or similar animals.

b. Personal-Scale Solar Energy Systems are to be screened so that any mechanical equipment used as part of the solar energy system may not be seen from other residentially zoned properties.

c. The perimeter of all sites containing Large-Scale Solar Energy Systems shall be screened and buffered per the direction of the Planning Commission.

C. Additional Standards for Large-Scale Solar Energy Systems: Large-scale Solar Energy Systems where the primary use of the land is to generate electric energy or other energy by converting sunlight for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW) shall require site plan review, the receipt of a Special Land Use Permit, and fulfill the following standards supplemental to those established in section 6.48B.

1. A Large-Scale Solar Energy System may be located on one or more parcels with an aggregate area of ten (10) acres or greater.
2. Design and operation of all Large-Scale Solar Energy Systems must be compliant with all applicable provisions of local, state, and federal laws and regulations.
3. All Large-Scale Solar Energy Systems shall be subject to the section 7.6 which delineates glare and exterior lighting standards. Lighting on sites housing a Large-Scale Solar Energy System shall be located, designed, and maintained to prevent the reflection and glare of light that would otherwise create a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Ida Township.
4. The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any Large-Scale Solar Energy System is located.
5. The owner or operator of a Large-Scale Solar Energy System shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation. The amount of the policy shall be established as a condition of Special Land Use approval.
6. Abandonment and Decommissioning:



- a. Abandonment: Any Large-scale Solar Energy System that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. It is the duty of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.
  - i. Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Large-Scale Solar Energy System and restore the site to its condition prior to the development of the facility within six (6) months of notice by the Planning Commission or its designee. If the responsible party or parties fail to comply, the landowner is then responsible for removal of the facility.
  - ii. If the facility is not removed and the land restored to its prior condition within the six (6) month time period, the Township or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
- b. Decommissioning: Following the operational life of the project, the applicant shall perform decommissioning and removal of the Large-Scale Solar Energy System in its entirety. Prior to the issuance of the necessary permit, a decommissioning plan containing the following items must be submitted.
  - i. Anticipated project life;
  - ii. Estimated costs of decommissioning in current dollars;
  - iii. Method(s) of ensuring funds are to be available for the decommissioning of the project including but not limited to activities for the removal of structures, roads, fencing, foundations, etc.
  - iv. Anticipated manner in which the project will be decommissioned, and the site restored.

D. Application Procedures and Approvals: Special Land Use and Site Plan approvals or permits under this Section shall be valid for two (2) year, and if requested by the applicant prior to that expiration date, shall automatically be extended for an additional one (1) year period.

1. Approval Required: Except where noted in this Section, it shall be unlawful to construct, erect, install, or alter any Large-Scale Solar Energy System within Ida Township unless a Special Land Use Permit has been obtained pursuant to this Ordinance.

- a. Application for a Special Land Use Permit required by this Section shall be made on forms provided by Ida Township and shall be subject to the requirements of Section 3.3., Special Land Use. Each application shall be accompanied by the required fees and information as requested in this Ordinance.
2. Site Plan Drawing and Supporting Materials. All applications for Large-Scale Solar Energy Systems must be accompanied by detailed site plans drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. Site plans shall display the following information:
- a. All requirements for a site plan contained in Section 6.4 of the Ida Township Zoning Ordinance;
  - b. Physical features and land uses of the project area, both before and after construction of the proposed project;
  - c. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System;
  - d. Plan(s) showing the location of the proposed Large-Scale Solar Energy System, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures on-site and within 100 feet of all exterior property lines;
  - e. Land elevations for the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System at a minimum of five (5) foot contours;
  - f. Access driveways within and to the Large-Scale Solar Energy System accompanied with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Monroe County Road Commission approval and shall be planned to minimize the use of lands for that purpose;
  - g. Anticipated construction schedule;
  - h. Description of operations, including anticipated regular and unscheduled maintenance, types of maintenance to be performed, and decommissioning and removal procedures;

- i. A complete description of proposed technologies, including type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
  - j. Proof of all necessary agreements and approvals by all applicable agencies including the Monroe County Road Commission and Monroe County Drain Commission;
  - k. Additional detail(s) and information as required by the Special Land Use requirements of the Ida Township Zoning Ordinance;
  - l. Additional information as required by the Planning Commission including, but not limited to planned security measures, screening, lighting, description of routes to be used by construction and delivery vehicles, etc.
3. Conditions and Modifications: Any conditions and/or changes approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require additional environmental study, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.

4. Escrow: An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a Large-Scale Solar Energy System. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the Special Land Use Permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

5. Complaints, Administration and Enforcement: Any complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Zoning Administrator or his/her designee. Any and all violations of this Ordinance are subject to the penalties set forth in Section 3.11.

# Fahey Schultz Burzych Rhodes

EXPERT COUNSEL



REAL SOLUTIONS

## Local Officials Workshop

# Wind And Solar Ordinances – 7 Common Questions

Attorneys Matthew Kuschel and Kyle O'Meara  
FAHEY SCHULTZ BURZYCH RHODES PLC

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### I. Solar and Wind Energy Projects

- A. Townships can typically categorize these projects as either: (1) utility-scale; or (2) individual property uses.
- B. *Utility-scale projects* are intended to generate electricity for use by off-site customers (e.g., residents throughout the state). Typically, townships with zoning regulate these as special land uses and develop regulations in ordinances with provisions related to: (1) noise; (2) shadow flicker (wind); (3) glare (solar); (4) decommissioning; (5) setbacks from other land uses; and (6) complaint resolution processes to minimize nuisances.
- C. *Individual property uses* provide electricity for an on-site customer (e.g., a home or farm). They typically consist of solar panels you may see on the roof of a home or business or a small individual wind turbine, perhaps on a single farm field. Many communities with zoning will regulate these as accessory land uses and may subject them to certain standards such as setbacks, but do not require landowners to obtain a special land use permit, etc.

### II. Why do we need a wind and/or solar ordinance?

- A. There are many factors incentivizing the development of utility-scale solar and wind energy projects such as pledges from utility companies, renewable energy portfolio requirements, and various tax credits. Regardless of how a township may feel about these policies, the policies provide demand for such projects.
- B. Since utility scale wind and solar energy projects require large amounts of land, many townships become the ideal locations for such developments.

- C. Accordingly, townships should be prepared for developers proposing such projects. An ordinance (whether zoning or police power) governing utility-scale solar and wind projects will provide certainty related to standards that your township believes are appropriate to regulate these projects. If a township does not have appropriate ordinances, it may be unprepared to address a situation when a developer wants to site a project. It is typically much more contentious to develop a utility-scale wind or solar ordinance after a developer is planning a project in your township.
- D. As with other ordinances, if your community has utility-scale wind and solar energy ordinances, it may be a good idea to review those provisions to see if they remain current, address recent developments, and remain applicable to the community needs.
  - o This is especially true if the prior ordinance predates recent project growth.
  - o If you are in a township subject to county zoning, you may want to review county zoning ordinance provisions to determine whether they are appropriate for your community.

### III. Does a wind or solar ordinance need to be a zoning ordinance amendment?

- A. No. MCL 41.181 and MCL 42.15 allow townships to adopt police power ordinances to regulate activities for the public health, safety, and general welfare.
  - o Police power ordinances apply (generally) throughout an entire township and there is no “grandfathering” of prior activities (they operate uniformly).
- B. Most wind and solar ordinances throughout Michigan are zoning ordinance amendments under the Michigan Zoning Enabling Act, MCL 125.3101 et seq.
  - o These will usually make utility scale projects subject to special land use permit and site plan review.
  - o Turbines and solar panels for on-site use (farms and homes) will typically be accessory uses.
- C. **Caution:** A township police power ordinance more strictly regulating standards (e.g., noise) that are already addressed by a county zoning ordinance may be unenforceable. *Forest Hill Energy-Fowler Farms, LLC v Twp of Bengal*, unpublished opinion of the Court of Appeals, issued December 4, 2014 (Docket No. 319134), 2014 WL 6861254, p \*5
  - o If solar and wind energy projects become an important issue in your township, and your township is subject to county zoning, you may want to consider adopting a zoning ordinance to impose specific regulations appropriate for your community.

### IV. What types of issues do solar and wind energy ordinances regulate?

- A. Ordinances governing solar and wind energy projects, especially utility-scale projects, will contain various regulations to attempt to minimize any associated nuisances. These are typically referred to as “performance standards” and examples include:
  - o I. *Noise (both solar and wind)*: Standards governing appropriate noise levels generated by wind turbines, solar projects, and associated improvements. Many ordinances measure these from either buildings used by humans or from a property line.

- *Shadow Flicker (wind)*: “Shadow Flicker” is when a wind turbine blade casts a shadow on a property much like a ceiling fan. Ordinances typically regulate this by setting a maximum number of hours per year that a building used by humans can be subject to shadow flicker.
- *Glare (solar)*: Glare standards usually relate to a solar project impacting sightlines of adjacent properties and roadways. An ordinance can regulate glare by including language stating that it cannot impact adjacent roadways or properties.
- *Decommissioning (both solar and wind)*: Decommissioning relates to what happens at the end of the life of a solar or wind energy project. For example, many ordinances require the removal of improvements (e.g., wind turbines or solar arrays) by the owner of a project while also requiring some financial security from which a township can draw to remove such improvements if necessary.
- *Screening (solar)*: Many modern solar ordinances will require screening around the perimeter of a utility-scale solar project with either fencing and/or evergreen plantings. This helps avoid glare and aesthetic concerns associated with solar projects.
- *FAA Lighting (wind)*: Due to their height, most utility-scale wind turbines will require blinking lights imposed by the Federal Aviation Administration (“FAA”) to ensure airspace safety. A relatively new technology called an “Aircraft Detection Lighting System (“ADLS”) manages blinking lights on turbines when aircraft are not nearby and can be a requirement of a wind ordinance.

**V. Can our township prohibit solar and wind energy ordinances by ordinance?**

- A. It depends.
- B. Generally, a township can draft an ordinance that would make development of utility-scale wind and solar energy projects unattractive, which often causes potential developers to look elsewhere.
- C. If a developer believes an ordinance becomes too “restrictive,” a developer may argue that a township (if it has zoning) is too “restrictive” and is unlawfully “exclusionary” under MCL 125.3207. In that case, a developer would need to prove that there is a demonstrated need of the land use in the township or surrounding area, that a township zoning ordinance is totally prohibiting the land use, and that appropriate locations exist within a township for the land use. These are relatively difficult burdens for a developer to prove.
  - For townships that adopt “too restrictive” police power ordinances, a developer may argue that the ordinances are invalid (such as due to a conflict with a county zoning ordinance).
- D. To avoid challenges to ordinances, a township should have a reasonable basis to defend provisions in its ordinance.
- E. A township (with zoning) also needs to remember that special land use approval often requires the evaluation of discretionary factors (e.g., is the proposed project

compatible with adjacent land uses), which become important (in addition to other ordinance provisions) if a project is not appropriate for a community.

**VI. How can a township (especially with limited or no staff) enforce ordinances with technical requirements?**

A. Solar and wind energy ordinances often regulate complex subject-matter such as sound and shadow flicker that may require certain equipment (e.g., to accurately measure sound). Even with limited staff, a township can enforce ordinance provisions by:

1. Requiring an escrow deposit from the developer. This money from a developer covers township costs of hiring consultants (planners, engineers, and attorneys) to review a project application and require additional information, including studies, to ensure compliance with ordinance standards.
2. Impose a requirement that makes a developer submit a “complaint-resolution plan” for approval by a township that would facilitate a process for a developer to resolve resident complaints (e.g., noise violation). Developers have an incentive to meet ordinance requirements to avoid legal action from a township that could cause a project to stop operating.
3. Township ordinances can make developers complete post-construction studies related to items such as noise and shadow flicker once a project is constructed to ensure ordinance compliance.
4. A township ordinance can also require an ordinance enforcement escrow account (again, monies by a developer) to fund a township to investigate ordinance violations if a complaint resolution process fails.

**VII. Where can a township get objective information for ordinance drafting?**

A. A township may receive “studies” and other materials from individuals for and against a particular project (solar and wind) when there is a proposed project. These “studies” can lack a basis for any claims made and are often slanted to either advocate for one position or the other.

B. Some ideas to find objective information are:

- o E-letters from your favorite law firm:
  - Solar (2017) - <https://fsbriaw.com/2017/09/29/does-your-township-need-a-solar-ordinance/>
  - Wind (2015) - <https://fsbriaw.com/2015/05/29/how-to-regulate-wind-energy-projects/>
- o Academic Planning and Zoning Resources
  - Michigan State University Extension – Planning



- University of Michigan – Graham Sustainability Institute
- Talking to other elected officials with or without projects in their jurisdiction.
- Discussing technical topics (sound, shadow flicker, etc.) with a certified land use planner or engineer.

**VIII. How can our township regulate “personal” wind turbines and solar panels?**

- A. These smaller and less intense land uses are usually more straightforward since they have significantly less nuisance risk, which is generally concentrated at the person’s own property.
- B. When a township has zoning, often they can regulate as an accessory use.
- C. A township should define these types of uses to exclude utility-scale projects (usually by requiring them to not provide electricity to off-site customers).
- D. A township can then require administrative review of such uses by a zoning administrator and impose more limited standards to mitigate any potential uses by requiring governing items such as heights and setbacks.



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## Wind And Solar Ordinances – 7 Common Questions

ATTORNEYS MATTHEW KUSCHEL AND KYLE O'NEARA  
NOVEMBER 9, 2021

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### Disclaimer

- This presentation, and the materials associated with it, are comprised of general information and not intended as legal advice related to a particular situation or wind or solar energy project and/or ordinance.
- Please contact an attorney if you need assistance related to a specific legal issue.



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### Presentation Goals

1. Briefly outline the basics of the developments at issue.
2. Answer common questions related to wind and solar ordinances.
  - Most will relate to utility-scale developments.
3. Provide ample time to answer questions from local officials.
4. Share resources on the topic.



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## Solar and Wind Energy Projects



### Utility-Scale Wind Projects

- Often consist of wind turbines, collection lines, meteorological towers, substations, and other uses throughout a large area.
- Improvements usually located on lands owned by a variety of property owners.

### "Personal" Wind Turbines

- Typically, accessory uses that are usually located on a parcel/farm for electricity generation for the property on which it is located.

### Utility-Scale Solar Projects

- Often consist of multiple improvements in a wind projects (array, inverters, substations), but tend to be located on fewer parcels.

### "Personal" Solar Panels

- Typically, accessory uses of stand-alone solar panels and related equipment to provide power to an individual property.




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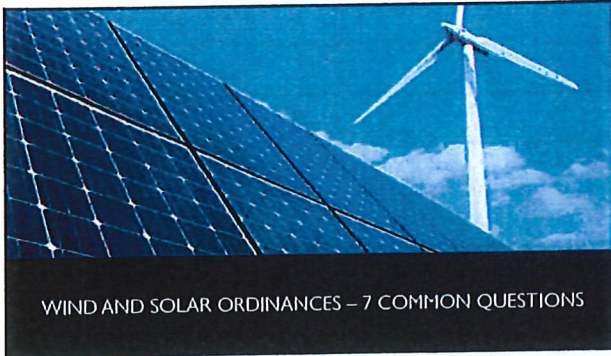
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WIND AND SOLAR ORDINANCES – 7 COMMON QUESTIONS

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## I. Why do we need a wind and/or solar ordinance?



- There are numerous incentives for utility-scale renewable energy projects in Michigan driving demand for such projects including:
  - Pledges by Major Michigan Utility Companies to have 25% of Energy Come from Renewable Sources by 2030
  - September 23, 2010, Governor's Executive Directive (2010-10) – Carbon Neutral by 2050
  - Financial Benefits to Property Owners (Leases)
  - MIDARD Policy that Solar and Wind Developments are Consistent with PA 116 Farmland Preservation
  - Federal Tax Credits (COVID Relief Bills and Others)
- This results in demand for development of renewable energy projects
- Developers often look to townships for these projects due to spacing requirements.
- Not having ordinances (or not having up-to-date ordinances) results in uncertainty if a developer comes to your community.




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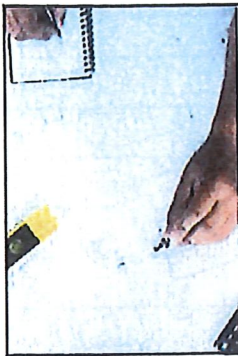
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## 2. Does a wind or solar ordinance need to be a zoning ordinance amendment?

Not necessarily

### Police Power vs. Zoning

- **Police Power:** Regulations to govern "activities" necessary to provide for the public health, safety, and general welfare. See MCL 41.181 and MCL 41.15. These apply throughout an entire township and there is generally no "grandfathering" of prior activities.
- **Zoning:** Authorized under the Michigan Zoning Enabling Act to generally provide for the orderly development of land uses in a township. See MCL 125.3101 et seq. Zoning can allow placing certain land uses in specific areas of a township (zoning districts) and can subject land uses to "special land use permits" and "site plan" review including reasonable conditions imposed by a township.

**Exercise caution when amending police power ordinances if your township is subject to county zoning!**

- A township police power ordinance more strictly regulating standards (e.g., noise) that are addressed by a county zoning ordinance are likely to be held by a court as unenforceable. *Forest Hill Energy Center Farm, LLC v. Town of Forest, unpublished opinion of the Court of Appeals, issued December 4, 2014 (Docket No. 319134), 2014 WL 6161254, p. 5*

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## 3. What types of issues do these ordinances regulate?

### "Performance Standards" vs "Review Materials"

- **"Performance Standards"** – Regulations that will last the life of the project (e.g., glare standards)
- **"Review Materials"** – Regulations that will apply to a project upon application

### Examples of Performance Standards

- Noise (Both)
- Shadow Flicker (Wind)
- Glare (Solar)
- Decommissioning Security (Both)
- Screening (Solar)
- Lighting Including ADLS (Wind)

### Examples of Review Materials

- Setbacks (Both)
- Districts or Overlay Where Improvements are Allowed (Both)
- Site Plan Materials (Both)
- Adequate Permits from Other Agencies (Both)
- Proof of Land Rights (Both)
- Initial Studies (Noise, Shadow Flicker, Environmental) (Both)

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## 4. Can our township prohibit these projects by ordinance?



- It depends.
- **Exclusionary Zoning:**
  - A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is prohibited MCL 125.3107.
- Should have a reasonable basis to defend provisions in any ordinance.
- Also remember, subjecting such projects to the special land use process outlines "discretionary" factors to consider a project.

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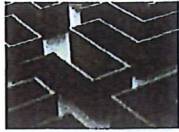
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### 5. How can a township enforce an ordinance or review an application with technical subject matter?



1. **Application Escrow Accounts:** *Moneys that would be deposited in escrow with a township to retain third-party experts (planners, engineers, attorneys) to assist with reviewing a special land use permit and site plan application. See MCL 115.2104 and Penna v. Alameda Charter Top Suppliers, unpublished opinion of the Court of Appeals, issued March 21, 2019 (Docket No. 339073), 2019 WL 1101094, p. \*5.*
2. **Approved Complaint Resolution Process:** An approved process by a township for a developer to receive complaints from the public related to ordinance standards and to resolve such complaints (if applicable).
3. **Post-Construction Studies:** An applicant would pay a township to retain a third-party expert to ensure that a development is meeting certain standards when constructed such as noise, glare, and shadow flicker.
4. **Ordinance Enforcement Escrow/Monies:** *Moneys that would be deposited in escrow with a township that would remain through the life of a project so a township can investigate any complaints related to ordinance violations with a third-party expert (e.g., a sound consultant).*




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### 6. What are some tips to engage stakeholders?

1. Ideally start the ordinance drafting process before a developer is considering a project in your community.
2. Appoint individuals with different ideas on a township planning commission to hear input that may be brought from the community.
3. Perhaps hold a joint work-session with the township board and planning commission to review materials and initially discuss solar and wind ordinances.
4. Try to be as transparent as you can with ordinances you are considering.
5. Impose a moratorium while studying the issue/drafting an ordinance.
6. If you are thinking of drafting a survey, consider doing research to ensure that results are representative of your township as a whole.




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### 7. Where can we get objective information for ordinance drafting?



- Because both solar and wind ordinances can sometimes become politicized with advocates on both sides (both pro and anti), a township may have a difficult time finding objective information for ordinance drafting. Here are some ideas to find objective information:
  - **FSBA Ordinance Drafting E-Letters**
    - Solar (2017) - <https://fsba.com/2017/06/01/11-most-impactful-solar-ordinances/>
    - Wind (2015) - <https://fsba.com/2015/06/11/11-most-impactful-wind-ordinances/>
  - **Academic Planning and Zoning**
    - Michigan State University Extension - Planning
    - University of Michigan - Growth Sustainability Institute
  - **Technical Information** (e.g., how to regulate measure noise!)
    - May want to consult with a subject matter expert such as a planner or engineering firm with experience with such projects.
  - Ask other elected officials with (and without) projects in their jurisdiction
  - **It's not easy to find what is appropriate for your community**




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## 8. (Bonus) How can our township regulate "personal" wind turbines and solar panels?

- There are various ways, but generally such uses are permitted as an accessory use to principal uses in a township (e.g., a farm or residence).
- As accessory uses, remember that a township is unlikely to draft regulations requiring ordinance enforcement escrows (or other related issues) as it may for utility-scale projects.
- Thus, you should consider mitigating the "nuisance" impacts (sound, shadow flicker, glare, etc.) through ordinary means such as setbacks and potential site plan review performed administratively by a zoning administrator.




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## Our Ordinance Drafting Resources



- **Does Your Township Need a Solar Ordinance? (2017 E-Letter)**
  - Discusses how to draft a solar ordinance.
  - <https://fbrlaw.com/2017/09/21/does-your-township-need-a-solar-ordinance/>
- **How to Regulate Wind Energy Projects (2015 E-Letter)**
  - Discusses how to draft a wind energy ordinance.
  - <https://fbrlaw.com/2015/05/29/how-to-regulate-wind-energy-projects/>
- **Renewable Energy Projects – Getting Past Go (2011 E-Letter)**
  - This E-Letter discusses important issues for how to consider a project, assuming a township has an ordinance in place.
  - <https://fbrlaw.com/2011/07/28/renewable-energy-projects-getting-past-go/>
  - These include:
    - Retaining experts
    - Evaluating township conflicts of interest
    - Special land use permit and site plan review
    - Ensuring compliance with ordinance provisions




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## Questions



Kyle O'Meara and Matthew Kuschel  
 Fahey Schulz Burzych Rhodes PLC  
 4151 Okemos Rd., Okemos, MI 48864  
 Tel: 517-381-0100  
[komeara@fbrlaw.com](mailto:komeara@fbrlaw.com)  
[mkuschel@fbrlaw.com](mailto:mkuschel@fbrlaw.com)  
[www.fbrlaw.com](http://www.fbrlaw.com)

The presentation and the materials associated with it are compiled of general information and not based on legal advice related to a particular situation. Please contact an attorney if you need assistance related to a specific legal issue.




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**Dave Hamann**

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**From:** John Enos <jenos@cwaplan.com>  
**Sent:** Tuesday, May 22, 2018 4:14 PM  
**To:** Dave Hamann  
**Subject:** Solar

Dave

We recently wrote some language for Berlin Township. You can find it on Muni-Code site. Below is language I clipped out that you could attach to the use as an accessory structure/use until we draft our own.

• (c)

*Ground-mounted solar energy collector requirements.* A single, ground-mounted solar energy collector may be permitted as an accessory use in the AG, I-1, or I-2 zoning districts only, and subject to the following requirements:

(1)

Single ground-mounted solar energy collectors may be located in the rear yard and the side yard, but must meet the required side and rear yard setbacks of the district in which they are located.

(2)

Ground-mounted solar energy collectors shall not exceed fifteen (15) feet in height, measured from the ground at the base of such equipment.

(3)

Ground-mounted solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the township and shall be subject to the building official's approval.

(4)

Ground-mounted solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the building permit application.

(5)

The exterior surfaces of ground-mounted solar energy collectors shall be neutral in color and substantially non-reflective of light.

(6)

Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the township construction code, the electrical code and other applicable township construction codes.

John L. Enos, AICP  
Principal  
117 North First Street  
Suite 70

# NOTICE OF ADOPTION PUTNAM TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

## Amendments to Putnam Township Code of Ordinances

Pursuant to the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, Ordinance Z-92 regulating the development and use of land has been adopted by the Putnam Township Board, Livingston County, Michigan which amends Chapter 340 Article III General Provisions, Article V A-O Agricultural/Open Space District and Article XIII Special Land Uses of the Putnam Township Code of Ordinances, as summarized below:

### Chapter 340-39 Alternative energy systems

**Part I: Wind energy conversion systems.**  
(Current 340-39 A-H to remain as-is)

**Part II: Solar energy systems.**

A. Purpose. This section establishes requirements and procedures by which the installation and operation of an on-site solar energy system shall be governed within Putnam Township.

B. Definitions.

C. General Requirements.

D. Private Solar Energy Systems.

1) Private Solar Energy System BIVPs. Private Solar Energy System BIVPs shall be permitted in all zoning districts, provided such BIVPs conform to applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code. A Putnam Township Zoning Compliance Permit and Livingston County Building Permit shall be required for the installation of any BIVPs.

2) Roof or Building Mounted Private Solar Energy Systems. Roof or building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts and are subject to additional requirements.

3) Ground Mounted Private Solar Energy Systems. Ground mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts and are subject to additional requirements.

E. Commercial Solar Energy Systems. Commercial Solar Energy Systems shall only be allowed in the A-O Agricultural/Open Space zoning district as a Special Land Use approved by the Planning Commission and the Township Board. In addition to any other requirements for Special Land Use approval, Commercial Solar Energy Systems shall be ground mounted and are subject to additional requirements.

### Chapter 340-47 Table of uses

<b>Table 5: Table of Uses - A-O District</b>	<b>A-O</b>
Commercial solar energy systems	SLU

**Chapter 340-145.2 Commercial solar energy systems**  
Please refer to Section 340-39, Part II, Paragraph E for specific use requirements.

This amendment to the Putnam Township Code of Ordinances is hereby declared adopted by the Putnam Township Board at a meeting held on the 16th day of May, 2018 and ordered to be given publication in accordance with the statutes made and provided. This Code of Ordinances amendment shall take effect and shall be in force from and after seven (7) days after publication.

PUTNAM TOWNSHIP BOARD  
Sally D. Guyon, CMC, CMMC  
Putnam Township Clerk

Arrangements to inspect or purchase the full text of the amendment may be made by contacting the Putnam Township Clerk at 3280 West M-36, Pinckney, MI 48169, or by telephone at (734) 878-3131 during normal business hours.

(05-23-2018 DAILY 342714)

Tony said he was not going to be honored alone while his father, part of a generation of Vietnam veterans who weren't honored when they came home, stood by.

Instead, the two, who were in the 7th Army Battalion during service in Europe, 31 years apart, were honored together at Tony's Brighton home.

In remarks at the ceremony, Tony and state Sen. Joe Hune pointed to the poor treatment Vietnam vets received upon their return from service more than 40 years ago.

"On behalf of our citizens, I say, 'I'm sorry,'" Hune said as he recognized the elder Lollo. "We are a few generations late in saying thank you."

He also expressed his gratitude to Tony, saying, "Thank you for your service, honor and valor, and for the sacrifice of your

### CITY OF BRIGHTON CITY COUNCIL MEETING SYNOPSIS May 17, 2018

The Study Session and Regular Meeting of the Brighton City Council were held on Thursday, May 17, 2018 at 6:30 p.m. at the City of Brighton City Hall, 200 N. First Street, Brighton, Michigan 48116. Members present: Bohn, Emaus, Gardner, Muzzin, Pipoly, Pettengill, and Tobbe. The following actions were taken during the Regular Meeting:

Approval of the minutes from the Budget Sessions of April, 10, 12, and 17, 2018 and minutes from the Study Session and Regular Meetings of April 19, 2018, approval to rescind resolutions 17-28, 17-29, 17-30, and 17-31 previously approved during the November 2, 2017 City Council Meeting for alcohol sales by Dan Cheresko of Cheresko Development, LLC, D/B/A, Main St. Steak House Located at 317 W. Main St. and Wynwood's Located at 311 W. Main St. In the City of Brighton, approval of alcohol sales by Dan Cheresko of Main St. Steak House, Inc., D/B/A, Main St. Steak House Located at 317 W. Main St. and Wynwood's, Inc., D/B/A Wynwood's Located at 311 W. Main Street, Brighton, approval of the release of funds to A Taste of Brighton, and approval to award the bid for the N. Second Street Road and Utility Improvements to Fonson Company for unit pricing in the total amount of \$2,195,085.13 with a ten percent construction contingency. The adopting the Proposed Fiscal Year 2018/2019 Fee Schedule was tabled. The meeting was adjourned at 8:46 p.m.

TARA BROWN  
CITY CLERK

(05-23-2018 DAILY 342791)



Marco Lollo and son Anthony were honored by Sen. Joe Hune at Anthony's Brighton home.

family, we appreciate your service."

Marco, 69, the son of a World War II veteran, laughed when he said it wasn't a big decision to join the Army. He came up No. 8 in the draft lottery, so he enlisted in 1970. He was assigned to the 165th aviation group in Europe and, as a Mohawk plane crew chief, flew recon missions in Vietnam from 1971-72.

His family and friends fully accepted and welcomed him home, unlike some other Vietnam veterans, he said. He worked for Ford for a short time after leaving the service before founding his own business, which he still runs, Mar-Lo Trucking and Excavation.

The Howell resident has been married to his wife, Sharon, for 39 years. Tony is the oldest of their three children.

When asked what motivated him to join the military, Tony responded, "It runs in the family, and I was a terrible student."

His dad laughs.

"Tony has a brilliant mind, he's very intelligent, but he doesn't go down the middle of the road," Marco said.

Tony joined the Army in late 1997 and was assigned as a scout in 1999 with the 3rd Brigade in the 101st Airborne Division, which deployed in support of the United Nations mission in Kosovo. In November 2000, he was reassigned to the 7th Army Battalion in Europe, and he was in Germany during the Sept. 11 terrorist attacks. His company oversaw rifle and light machine gun training for 20,000 re-



Eva Lc apprec Hospit

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**Dave Hamann**

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**From:** Bob Hanvey <supervisor@mariontownship.com>  
**Sent:** Thursday, November 08, 2018 11:17 AM  
**To:** Dave Hamann  
**Subject:** FW: Something is standing in the way of solar power in Michigan - but you can help

Hi Dave – should this go to the PC?  
Bob Hanvey

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**From:** Nicole Pomish, Michigan Environmental Council [mailto:[nicole@environmentalcouncil.org](mailto:nicole@environmentalcouncil.org)]  
**Sent:** Thursday, November 08, 2018 9:01 AM  
**To:** Bob Hanvey <supervisor@mariontownship.com>  
**Subject:** Something is standing in the way of solar power in Michigan - but you can help



Bob --

More and more Michigan home and business owners are tapping into the benefits of solar energy, which includes saving money on energy bills, boosting local solar jobs, and contributing to cleaner air. With these benefits and solar power technology getting cheaper every day, it's no wonder that small-scale and rooftop solar installations increased by 28 percent in Michigan last year. The trend is clear: Michiganders want access to solar energy. Unfortunately, our patchwork tax laws are holding us back.

Michigan currently has an uneven property taxation system when it comes to small-scale solar. For example, in some Michigan communities, residents see property tax increases when they install rooftop solar while others do not. This confusion and ambiguity is not necessary.

That is why we are urging Michigan state senators to vote yes on House Bills 5143 and 5860. Together, these bills would eliminate uncertainty by ensuring Michigan applies the same system of taxation for small-scale solar across the state and clarifying that existing tax exemptions apply to these installations. They would also ensure that a homeowner who installs solar would not be hit with a big property tax increase.

The bills will be coming up for a vote soon in the Michigan Senate and we are working to make sure they pass. But we need your help.

**Tell your state senator you support tax relief for small-scale solar.**  
**Click here to sign on to our petition**

The tax laws of Michigan need to catch up with the demands of the public, our need for more renewable energy, and the pace of technological development. In order to make solar energy accessible to everyone, our patchwork taxation system for small scale solar needs to be changed. Sign on to our petition to urge your state senator to vote yes on HB 5143 and HB 5680.

Sincerely,

Kate Madigan  
Energy and Climate Specialist  
Michigan Environmental Council

Charlotte Jameson  
Energy Policy and Legislative Affairs  
Director  
Michigan Environmental Council

Director  
Michigan Climate Action Network



MICHIGAN  
CLIMATE ACTION  
NETWORK



MICHIGAN  
ENVIRONMENTAL  
COUNCIL

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Michigan Environmental Council  
602 W. Ionia Street, Lansing, MI 48933  
517-487-9539 | [environmentalcouncil.org](http://environmentalcouncil.org)



This email was sent to [supervisor@mariontownship.com](mailto:supervisor@mariontownship.com). To stop receiving emails from us, [click here](#).

Last month, Walden became the first town in Colorado to try to reduce energy consumption by going solar on water. The town installed a rack of panels—called floating solar photovoltaic—on ponds operated by the water treatment plant.

Walden is the seat of Jackson County government, which also supports North Park School District facilities on top of its own.

The idea of implementing floating solar was identified as a budget-neutral efficiency measure in the town's June 2017 audit by Ireland-based tech company Johnson Controls. The company is an approved vendor of the Colorado Energy Office and performs energy audits for local governments across the state.

“This is a monumental project for our town and will help to further our reputation as a leader in sustainability,” said Mayor Jim Dustin in the announcement. “This project is a testament of what can be achieved with a little bit of sun, multiple state agencies and private industries working together for one common goal—and provides a great example for other towns across the state and country to emulate.”

The town's water treatment facility is the largest energy-producing facility and provided the perfect location for a voltaic. Roof space was limited, but grey water ponds offered a space for floating solar.

What's more, the floating voltaic has water quality benefits—decreasing evaporation and preventing algae growth.

In total, the project costed \$400,000 including the audit, but Walden secured a \$200,000 grant from the Colorado Department of Local Affairs. The rest of the money will be covered through energy savings, an estimated 2.5 million kilowatt hours a year for 20 years.

Johnson Controls is eyeing similar projects across the state moving forward.

“I think Colorado has a strong potential for floating solar because of the vast surface water reservoirs ... owned by irrigation districts ... that would be able to use that water on site,” Rowena Adams, Performance Infrastructure account executive at Johnson Controls, told *Route Fifty*.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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TO: Marion Township Planning and Development Team

FROM: John L. Enos, AICP, Township Planner

DATE: November 2, 2021

SUBJECT: October 28<sup>th</sup> Meeting

1. Kennels reviewed current language looking to create language to allow "Kennels" housing more than 11 animals as a special use. In addition, the language will tie-bar the County Ordinance on kennels so that those with less than 11 and more than 3 will be required to receive a County license. Options for language could include a sliding scale based on acreage for the number of dogs permitted.
2. Language will be provided to the PC prohibiting dangerous animals rather than exotic animals. These include but are limited to large carnivores such as lions, tigers and bears...oh my. (I had to). It appears however we may be covered already with EXISTING language below.
  - a. *Wild animals: No wild animal nor vicious animal shall be kept permanently or temporarily in any district in the Township except in a bona fide public zoo or bona fide licensed circus, or by a person licensed by the State of Michigan to temporarily harbor and treat injured animals or animals designated as belonging to an endangered species until release into a permanent habitat is possible.*
3. Attorney Gormley will provide the Township language to implement a misdemeanor process for zoning or other violations. The County will be the appointed body to decide and receive fines on all cases ticketed.
4. The attorney will comment on the legality or if this is a use variance for Section 19.05 Change in Nonconforming Uses Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted classification, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards

in accord with the purpose and intent of this Article. Where a nonconforming use of a structure, land or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

5. The Township Treasurer will explore connecting via BS&A requested land use permits with back taxes and/or violations.
6. The Township Attorney will provide an opinion that legally non-conforming uses may be granted land use and other permits including but not limited to home-based businesses.
7. Zoning will explore amending permit application to more details as expected number of employees on site.
8. Planner will provide draft definitions of rural, urban and suburban to Jessica for PC discussion.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Marion Township Planning Commission  
**FROM:** John L. Enos, AICP, Township Planner  
**DATE:** November 11, 2021  
**RE:** Definitions

At our last PC meeting we discussed the need to add, at a minimum, definitions for rural, suburban and urban to the Zoning Ordinance. The intent was to assist the Zoning Administrator in interpreting uses as well as exploring new uses in the representative zoning districts. Below find draft definitions.

**Rural**

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Land use comprised of a variety of comparatively low-density residential lifestyles in a manner which preserves expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, and fields, comprise fundamental rural character that residents wish to protect and enhance for future generations. Rural character includes existing farms and recognizes this land use for its important contribution to the local economic base, to the provision of food and fiber for the State's citizens, and for the historical character and open spaces it provides. Rural character does encourage the conversion of agricultural lands to more intensive uses, but to provide opportunities for residential development in a manner compatible with the continuation of agricultural activities.

**Suburban**

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Land use providing opportunities for higher density residential development typically associated with a higher level of public services. Suburban type development accommodates residential developments of a density of one (1) dwelling unit per .75 acre or greater and is intended to both permit the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods.

**Urban**

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Urban land uses provide for housing densities of a denser character than otherwise permitted in rural and suburban areas. Land uses are established based on the greater availability of public services (public water and sewer facilities) and are capable of accommodating the particular demands of higher density residential land uses. Urban are intended to exist only within the Urban Services District identified in the Marion Township Master Plan as it is only here that the public services are expected to be adequate to accommodate the needs of these higher intensity land uses. Densely populated areas comparable to a City of Village.