

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

July 23, 2024

7:30 PM

Virtual access instructions to participate in the meeting are posted on www.mariontownship.com

MEETING WILL BE HELD IN MAIN HALL

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: July 23, 2024 Regular Meeting

Approval of Minutes from: June 25, 2024 Regular Meeting

Call for Public Comment:

Public Hearing:

- 1) TXT#02-24 3.02, 9.1D2, 17.04A, 17.15, Table Content Changes

New Business:

- 1) TXT#02-24 3.02, 9.1D2, 17.04A, 17.15, Table Content Changes

Unfinished Business:

- 1) TXT#01-24 Signs (new info)
- 2) Lots new information (bring back)

Special Orders:

- 1)** Fee structure and escrow discussion (bring back)

Announcements:

Call for Public Comment:

Adjournment:

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting agenda. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The "Call to the Public" is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak about the NEW or UNFINISHED agenda item. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

DRAFT

*Approved by: _____
Larry Grunn – Chairperson

Date: _____

**MARION TOWNSHIP
PLANNING COMMISSION
JUNE 25, 2024 / 7:30PM**

PC MEMBERS PRESENT: LARRY GRUNN – CHAIRPERSON
JIM ANDERSON – VICE-CHAIRPERSON
CHERYL RANGE – SECRETARY
BOB HANVEY

PC MEMBERS ABSENT: BRUCE POWELSON

OTHERS PRESENT: DAVID HAMANN – MARION TWP. ZONING ADMINISTRATOR
ZACH MICHELS – TOWNSHIP PLANNER

CALL TO ORDER

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

APPROVAL OF AGENDA

Bob Hanvey removed item #1 under new business from the agenda.

Jim Anderson requested to add “The States new law regarding Solar Ordinances” to the agenda.

Jim Anderson made a motion to approve the June 25, 2024 agenda as amended. Cheryl Range seconded. **4-0**

MOTION CARRIED

APPROVAL OF MINUTES

Jim Anderson made an amendment to the May 28, 2024 meeting minutes, under “New Business; Engineer Attending Planning Commission Meetings”. Jim was suggesting that the Township Engineer only attend Planning Commission meetings when there is a new site plan to review, so the Engineer can provide comment and feedback.

Jim Anderson made a motion to approve the May 28, 2024 Planning Commission minutes as amended. Cheryl Range seconded. **4-0 MOTION CARRIED**

CALL TO PUBLIC FOR COMMENT

Les Andersen resides at 4500 Jewell Road. Les shared information regarding a Township Enforcement Officer.

NEW BUSINESS

DISCUSS TWO MINOR CHANGES TO 17.32

This item was removed from the agenda.

NEW BUSINESS

DISCUSS 9.01B3 vs 17.04AD3

Zach Michels explained that there is conflicting information within these two ordinances. In the Highway Service district Automobile business can sell vehicles but cannot repair vehicles. However, in our General Ordinance, fixing vehicles is a special use permit. Does the Planning Commission want to allow applicants to sell and repair vehicles?

Zach also stated that we could require the applicant to provide a copy of their license from the State if they are selling cars.

Commissioners decided to remove section D3 from the Performance Standards and change the language to allow vehicle sales and repair.

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Zach stated that we also need to update our language regarding Family/Group daycare restrictions so we could have a Public Hearing for both changes at the same meeting.

The Commissioners decided to address language/ordinance changes as they are presented, instead of only doing it once-twice a year.

Cheryl Range made a motion to combine the language changes for Automobile Business' and Family/Group daycare and set a public hearing for July 30, 2024 at 7:30pm. Larry Grunn seconded. **4-0 MOTION CARRIED**

NEW BUSINESS

ENFORCEMENT OFFICE JOB DESCRIPTION

Larry Grunn would like to see examples of demand letters and show cause hearings from other jurisdictions.

The Commissioners reviewed the information on Enforcement Officers, from other Livingston County Jurisdictions.

Les Andersen resides at 4500 Jewell Road. Les stated that an Enforcement Officer could handle the complaints submitted by residents along with investigating other issues he encounters when driving around.

Zach Michels explained that there are a number of ways the Township could set things up, to help re-coop some of the costs incurred by investigating complaints.

Jim Anderson stated that the Board of Trustees needs to make a decision on how the Township is going to handle enforcement. The Board has not even decided whether or not they are going to hire an Enforcement Officer.

Les Anderson made a comment about an issue on Pingree Road regarding a business operating in a residential area.

Cheryl Range shared a job description for an Enforcement Officer in Pennsylvania.

Bob Hanvey agrees with Jim Anderson and does not think that the Planning Commission should be putting together a job description for an enforcement officer, until the Board of Trustees determines how they want to handle enforcement going forward.

Jim Anderson made a motion to send MTA's Enforcement Officer ordinance sample to the Board of Trustees. Bob Hanvey seconded.

ROLL CALL: RANGE NO; GRUNN NO; HANVEY YES; ANDERSON YES. 2-2 TIE VOTE = MOTION FAILED

Cheryl Range made a motion to send MTA's Enforcement Officer ordinance sample, Hartland's Enforcement Officer job description and the Enforcement Officer job description from Pennsylvania to the Board of Trustees, as the Planning Commission's recommendation. Larry Grunn seconded.

ROLL CALL: RANGE YES; GRUNN YES; HANVEY YES; ANDERSON YES. 4-0 MOTION CARRIED

Cheryl Range made a motion to extend the meeting past 9:30pm. Jim Anderson seconded. **4-0 MOTION CARRIED**

UNFINISHED BUSINESS

CONTINUE DISCUSSION ON SIGNS txt# 01-24

Zach Michels put all of the definitions for signs in the same spot in our ordinance.

The Planning Commission made the following changes to the Sign Ordinance:

-PAGE 2 Under "Multiple Tennant sign: A sign that identifies **three (3)** or more tenants on a site."

DRAFT

- PAGE 2 Under "Permanent sign: Any sign that is displayed or intended to be displayed for an extended period of time or more that **forty-five (45) days.**" (But allow flexibility for real estate signs.)
- PAGE 3 Add definition for Public Notice sign.
- PAGE 3 The section under "Intent & Purpose" should be bullet points.
- PAGE 7 Polish up the language under "portable signs".
- PAGE 7 "Signs or Not Requiring a Permit": Add "address signs are not considered signs."
- PAGE 8 No permits required for garage sale signs.
- PAGE 8 Remove "Historical sign" definition.
- PAGE 8 Include more information on "Integral signs".
- PAGE 8 Remove "Parking Lot sign" definition.
- PAGE 8 Under "Public signs" allow event-based signs.
- PAGE 8 Under "Real Estate signs" add "if real estate sign is out more then 45-days, must request a permit."
- PAGE 8 Remove "Regulatory sign" definition.
- PAGE 8 Include more information on "Rental signs".
- PAGE 9 Bring back more language on "Political signs".

Zach Michels asked the Commissioners to send him pictures of any signs they see, that they like or dislike.

UNFINISHED BUSINESS NEW INFORMATION LOTS

Jim Anderson made a motion to table discussion on this item until the July 30, 2024 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED 4-0**

SPECIAL ORDERS FEE STRUCTURE AND ESCROW DISCUSSION

Jim Anderson made a motion to table discussion on this item until the July 30, 2024 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED 4-0**

ANNOUNCEMENTS

Jim Anderson discussed the Township's Solar ordinance and wants Commissioners to take another look to ensure that it is compliant with the new State law.

Zach Michels will bring more language on this topic, to review at the next Planning Commission meeting.

CALL TO PUBLIC FOR COMMENT

Les Andersen resides at 4500 Jewell Road. Les stated that he thinks the Township should allow anonymous complaints.

ADJOURNMENT:

Jim Anderson made a motion to adjourn the Planning Commission meeting at 10:32pm. Cheryl Range seconded. **4-0
MOTION CARRIED**

MINUTES TAKEN BY: Jessica S. Timberlake

**FAMILY AND GROUP CHILD CARE HOMES AND
MOTOR VEHICLE REPAIR FACILITIES**

**Marion Township Zoning Ordinance
Livingston County, Michigan**

Draft 07-02-2024

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
FAMILY CHILD CARE HOMES AND GROUP CHILD CARE HOMES
MOTOR VEHICLE REPAIR FACILITIES

An amendment to the Marion Township Zoning Ordinance to amend and add definitions related to family child care homes, group child care homes, and motor vehicle repair facilities; amend uses permitted by special use permit for consistency with other amendments; amend standards for motor vehicle repair facilities; amend standards for group child care homes; and amend the table of contents accordingly.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following family child care, group child care, and motor vehicle repair facility definitions, which shall be placed in alphabetical order with existing definitions, which shall read as follows:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

Automobile Repair Garage: ~~Any building, land area, other premises or portion thereof used for automotive servicing and repair. This does not include auto refinishing, body work, painting and dismantling of vehicles for reuse or resale.~~

Family Child Care Home: A private home in which one or more but ~~less fewer~~ than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the ~~family household by blood, marriage, or adoption~~. Family child care home includes a home in which care is given that gives care to an unrelated minor child for more than four weeks during a calendar year. Family child care home does not include an individual providing babysitting services for another individual. Family child care home includes a family child care home with increased capacity.

Group Child Care Home: A private home in which more than six but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the ~~family household by blood, marriage, or adoption~~. Group child care home includes a home that gives care in which care is given to an unrelated minor child for more than four weeks during a

calendar year. Group child care home includes a group child care home with increased capacity.

Increased Capacity: A family child care home that meets the eligibility criteria and has been approved by the State to provide care and supervision for one additional minor child, or a group child care home that meets the eligibility criteria and has been approved by the State to provide care to two additional minor children.

Motor Vehicle Repair Facility: Any building, land area, other premises or portion thereof used for performing, or employing individuals who perform, maintenance, diagnosis, vehicle body work, repair service, or BAIID service. ~~automotive servicing and repair.~~ This does not include auto refinishing, body work, painting and dismantling of vehicles for reuse or resale. This term does not include: a person that engages only in the business of repairing the motor vehicles of a single commercial or industrial establishment or governmental agency; an individual who is repairing his or her own or a family member's motor vehicle' a business that does no diagnose the operation from a motor vehicle, does not remove parts from a motor vehicle to be remachined, and does not install finished machined or remachined parts on a motor vehicle; or a BAIID facility as defined in MCL 257.625k.

2. AMENDMENT OF ARTICLE IX: COMMERCIAL DISTRICTS

§9.01(D)(2) of the Zoning Ordinance is hereby amended to read as follows:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

~~Automobile repair garage~~ Motor vehicle repair facility

3. AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

§17.04A Automobile Repair Garage the Zoning Ordinance is hereby amended to read as follows:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

Section 17.04 A ~~Automobile Repair Garage~~ Motor Vehicle Repair Facility

A. Locational Requirements: ~~Automobile Repair Garages~~ Motor Vehicle Repair Facilities are permitted by special use permit in the Highway Service (HS) District.

B. Site Requirements:

1. The minimum lot size of the district shall be met.
2. The minimum lot width and frontage shall be two hundred (200) feet.
3. All gasoline pumps shall be located not less than thirty (30) feet from the edge of the road right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or road right-of-way.
4. The entire parking area shall be hard-surfaced and adequately drained.
5. Ingress and egress to the facility shall be only from a major thoroughfare, or from a shared access drive to such roadway.
6. Curb cuts and driveways shall be reviewed and approved by the Livingston County Road Commission based on current standards.
7. Driveway approach width shall meet Livingston County Road Commission current standards.
8. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak-proof secondary containment sufficient to accommodate one hundred twenty percent (120%) of the volume of the tank. Such containment measures shall be designed and approved by the appropriate federal, state, county, or local authority having jurisdiction ~~prior to~~ before installation.

C. Buffering Requirements:

1. Buffer zones shall comply with the requirements of Section 6.13.
2. Dumpsters shall be screened by vegetation, fencing, or brick enclosure per requirements in Section 14.05 E.
3. All lighting shall be shielded per requirements in Section 14.04 E.

D. Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing/repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.

3. Sales of new and used motorized vehicles shall not be permitted, unless specifically permitted by the Planning Commission.
4. No public address system shall be audible from any abutting residential parcel.
5. All floor drains shall be designed to current Township policy.
6. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground. Such containment measures shall be designed and approved by the appropriate federal, state, ~~or county, or~~ local authority having jurisdiction ~~prior to~~ before installation.
7. All handling of flammable or hazardous substances shall be in accordance with local, state and federal laws and all required local, state and federal permits shall be obtained prior to final Township approval and the establishment shall remain in conformance therewith.
8. A car wash may be established as part of the principal structure or as a separate structure, but shall conform to all setback requirements for a principal structure.
- 8-9. Motor vehicle repair facilities shall have all licenses or certifications required by the State and shall provide current copies to the Township.

4. AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

§17.16 Group Child Care Homes the Zoning Ordinance is hereby amended to read as follows:

[Red, underlined text to be added. Red, strikethrough text to be deleted.]

Section 17.16 Group Child Care Homes

It is the intent of the Township to provide for the establishment of Group Child Care Homes as a special land use subject to the following conditions in accordance with the provisions of Public Act 110 of 2006, as amended, and Public Act 116 of 1973, as amended.

A. Locational Requirements:

1. Group child care homes are permitted by special use permit in the Rural Residential (RR), Suburban Residential (SR), Existing Residential Subdivision (ERS), and Urban Residential (UR) districts.
2. Group child care homes shall not be located closer than one thousand five hundred (1,500) feet to another licensed group child care home, adult foster care small group home or adult foster care large group home licensed under the Adult Foster Care Facility Licensing Act PA 218 of 1979, MCL 400.701 et seq, a facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the Michigan Public Health Code PA 368 of 1978, or a community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections. The required 1,500-foot distance noted above shall be measured from the lot boundaries of the above listed facilities along a road, street, or place maintained by the State or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

B. Site Requirements

1. General
 - a. An off-street drop-off area is to be provided with the capability to accommodate at least two automobiles in addition to the parking normally required for the residence. A driveway may be used for this purpose.
 - b. One (1) on-site parking space shall be provided for any assistant provider or caregiver not a resident on the premises.
 - c. Playground equipment shall be located within the outdoor play area.
 - d. One wall sign or ground mounted sign accessory to the group day care home is permitted provided the sign meets all applicable standards of Article XV Signage and the following specific standards:
 - ~~i. It is for identification purposes only.~~
 - ~~i. It is the sign shall not be internally illuminated.~~
 - ii. The sign area shall and does not exceed four (4) square feet.
 - iii. ~~It A wall sign shall~~ be mounted flush to the principal structure.
 - e. The property shall be maintained in a manner so that its appearance is harmonious with the character of the neighborhood.
2. Additional Site Requirements for Group Child Care Homes in Suburban Residential (SR), Existing Residential Subdivisions (ERS), and Urban Residential (UR) districts.
 - a. There is a provision of an outdoor play area that is a minimum of six hundred (600) square feet in area. The outdoor play area shall be located within the

required backyard and comply with the rear setback of the subject parcel. This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel.

- b. The required outdoor play area shall be enclosed on its perimeter with a fence that is at least four (4) feet in height, but not higher than six (6) feet. Landscaping along the outside perimeter of the fenced outdoor play area for screening purposes and within the outdoor play area to provide shade is required.

C. Buffering Requirements: Adequate provisions shall be made to reduce noise, traffic, and related impacts on surrounding residential properties pursuant to the requirements of Section 6.13.

D. Performance Standards:

1. ~~The group child care facility homes~~ shall not operate between the hours of 10:00 pm and 6:00 am more than one (1) day per week, unless specifically permitted by the Planning Commission.
2. Operation and maintenance of all group child care ~~facilities~~ homes shall conform to existing applicable Livingston County and State regulations including, but not limited to, Public Act 116 of 1973, as amended.
3. Group child care homes shall be licensed by the State and provide current copies to the Township.

5. AMENDMENT OF TABLE OF CONTENTS

The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.

Zoning Text Amendment for Marion Township Planning Commission

INTRODUCTION

The Planning Commission has identified a desire to make revisions to the Zoning Ordinance related to signs/signage, currently regulated in Article XV Signage. Sign regulation requires close attention, as it can run into constitutional challenges.

This report builds on previous discussions and guidance from the Planning Commission. Text has been converted to 'ordinance format.'

DRAFT ORDINANCE TEXT

Please review the rest of the current sign article and be prepared to discuss general organization and the text outlined below.

Direction received at this meeting will be incorporated into the next revision. It is anticipated that the Planning Commission will need to review draft language at least one more time before it can set a public hearing date.

MARION TOWNSHIP ZONING ORDINANCE AMENDMENT SIGNS

An amendment to the Marion Township Zoning Ordinance to add definitions related to signs, establish use and developmental standards signs, establish procedures for review of sign permits, and establish procedures and enforcement of signs.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following sign definitions, which shall be placed in alphabetical order with existing definitions and shall read as:

Sign: See Article XV Signage Any visual device, identification, description, illustration, or structure that is intended to visually attract attention from offsite or a public or private right-of-way to identify or direct attention to a person, place, product, service, activity, institution, organization, business or opinion. The term shall not include official flags, official signs, the minimum signs required for compliance with MCL 324.73102 (PA451 of 1994), commemorative signs as outlined in MCL 125.3205d (PA 110 of 2006), or public notice signs. The following definitions shall apply in the application of this Ordinance:

1. Abandoned Sign: A sign that no longer directs a person to or advertises a business, owner, product available, or activities conducted on the site where the sign is located or any sign not repaired or maintained properly.
2. Accessory Sign: A sign that is accessory to the principal use of a lot.
3. A-frame Sign: A temporary sign that is hinged at the top, not attached to a building, a structure, or the ground, that is designed to be easily placed and removed.
4. Awning Sign: A sign located on or attached to an awning.
5. Back-to-back Sign: A sign with two (2) sign faces oriented in opposite directions.
6. Banner: A temporary sign on paper, cloth, fabric, or other flexible or combustible material that is attached to a wall or sign face or strung between poles or structures.
7. Canopy Sign: A sign located on or attached to a canopy.
8. Commercial Center: A group of three (3) or more commercial units, such as retail, office, or similar, that share a common vehicular access and off-street parking are on private property.
9. Commercial Message: Any message that advertises or promotes a commercial product, service, or activity.
10. Commercial Message Sign: A sign that conveys or displays a commercial message.
11. Electronic Message Sign: A sign that displays changing messages or graphics using light emitting diodes.
12. Entranceway Ground Sign: A freestanding sign located at a major entrance to a residential development with multiple dwelling units.
13. Flag Sign: A flag that conveys or is intended to convey a commercial message.
14. Freestanding Sign: A sign that is not attached to a principal or accessory structure, including center pole signs, posts and panels, or monument signs. Also known as a ground sign or monument sign.
15. Ground Sign: A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure.

16. Moving Sign: A sign that moves, contains visible moving parts, or simulates movements, including spinners, streamers, balloons, spotlights, scrolling text, or moving images, but excluding official flags.
17. Multiple-tenant Sign: A sign that identifies XX or more tenants on a site.
18. Non-accessory Sign: A sign that is not accessory to the principal use of a lot.
19. Official Flag: The flag, pennant, or insignia of any nation, state, county, city, or other similar political entity.
20. Official Sign: A sign covered by the Manual on Uniform Traffic Control Devices and similar signs erected or maintained by a governmental body and noncommercial signs required by law.
21. Off-site Sign: A sign that identifies goods, services, facilities, events, or attractions that are not available or provided at the location where the sign is located.
22. Permanent Sign: Any sign that is displayed or intended to be displayed for an extended period of time of more than forty-five (45) days, unless otherwise noted in this Ordinance.
23. Pole Sign: A freestanding sign that is mounted to or on a pole.
24. Portable Sign: A temporary, freestanding sign that is not permanently anchored or secured to a building, structure, or ground that is designed to be easily moved, such as sidewalk signs, sandwich signs, A-frame signs, T-shaped signs, and inverted T-shaped signs.
25. Projecting or Perpendicular Sign: A sign that is attached to and projects from a structure or building façade by more than eighteen (18) inches and does not project above the roof line or parapet wall.
26. Prohibited Sign: Any sign that is not permitted according to this Ordinance.
27. Public Notice Sign: A sign erected by a governmental body to provide notice of a public hearing, road or utility construction, or similar event of public interest.
28. Roof Sign: A sign attached to a building that is attached to the roof or projects above the wall or parapet.
29. Sign Area: The area within a rectangle, square, triangle, parallelogram, or circle enclosing the most protruding points of edges of the sign structure including the frame, regardless of the shape of the structure, unless otherwise noted in this Ordinance.
30. Sign Height: The vertical distance from the average grade adjacent to the sign to the highest point of the sign, including framing, unless otherwise noted in this Ordinance.
31. Sign Permit: A permit issued by the Township for installation of a sign signifying compliance with the provisions of this Ordinance, which may include and set forth any conditions that must be followed.

- 32. Sign Setback: The horizontal distance between any portion of a sign and lot lines, structures, and other features.
- 33. Temporary Sign: Any sign that is displayed or designed to be displayed for a limited period of time of forty-five (45) days or less, unless otherwise noted in this Ordinance. Also known as a portable sign.
- 34. Towed Sign: A temporary sign that is towed and usually has area for a changeable message.
- 35. Vehicle Sign: A sign that is painted on or attached to a motor vehicle, recreational vehicles, trailer, or watercraft that is placed, parked, or maintained at a particular location for the purpose or intent of conveying a message.
- 36. Wall Sign: A sign that is attached to or painted directly on a building façade with the sign surface generally parallel to the building face, excluding window signs.
- 37. Window Sign: A sign that is applied or attached to a window or located in a manner within a building that it is visible from the exterior of a building through a window, excluding a window display.
- ~~38.~~ Yard Sign: A small, temporary sign generally characterized by a post or wire frame, non-durable message surface, such as cardboard, plastic, or paper, and a lack of foundation.

2. AMENDMENT OF ARTICLE XV: SIGNAGE

Article XV Signage of the Zoning Ordinance is hereby amended by deletion of the current text and replacement with new text, which shall read as:

Section 15.01 Intent and Purpose

The intent and purpose of this Article is to promote the following Township and public interests:

- A. **Health, Safety, and Welfare:** Ensure that signs are located, designed, constructed, and maintained in a manner that protects and preserves life, health, safety, property, and public welfare;
- B. **Free Speech:** Ensure that the constitutionally-guaranteed right of free speech is protected by allowing signs as a means of communication, subject to appropriate and legally-permissible time, place, and manner limitations;
- C. **Vehicular and Pedestrian Safety:** Reduce visual distractions and obstructions to motorists travelling along, entering, or leaving roads or driveways and to pedestrians;
- D. **Character:** Preserve the existing and desired residential and rural character of the Township, as identified in the Master Plan;

- E. **Light:** Limit the amount and type of light emitted by signs to preserve and enhance the Township's Desired residential and rural character, reduce distractions and hazards to motorists, and preserve and enhance quality of life;
- F. **Blight and Nuisance:** Prevent and limit visual blight and nuisance conditions by preventing visual clutter, protecting views, managing sign placement and size, and limiting intrusion of signs in certain areas;
- G. **Negative Impacts:** Minimize negative impacts of signs on surrounding properties and public spaces through reasonable time, place, and manner standards;
- H. **Emergency Response:** Preserve and enhance the effectiveness of address displays, directional signs, and warning signs to facilitate swift emergency response;
- I. **Wayfinding:** Preserve and enhance wayfinding by ensuring visibility, reducing clutter, and ensuring legibility;
- J. **Message Comprehension:** Provide for signs that are adequate and appropriate, but not excessive, to convey a message for quick and easy comprehension;
- K. **Reasonable Scale:** Keep signs within a reasonable scale relative to the building, use, or site they are accessory to and the surrounding area;
- L. **Good Design:** Encourage good design relative to size, spacing, illumination, type, and placement to enhance the Township's appearance;
- M. **Public Investment:** Protect the public investment in public structures, such as roads;
- N. **Regulatory Signs:** Maintain and enhance the effectiveness of necessary direction, warning, and regulatory signs;
- O. **Compelling Governmental Purpose:** Facilitate the advancement of the compelling governmental interests enumerated in this Ordinance and adopted Township plans;
- P. **Establish Standards:** Establish clear standards that are the least-restrictive necessary to achieve the compelling governmental purpose; and
- Q. **Administration and Enforcement:** Establish administrative standards and processes to facilitate the administration and enforcement of this Article; provide guidance for residents, businesses, and property owners; and ensure equal treatment.

Section 15.02 Scope of Application

Signs, as defined in this Ordinance, within the Township shall only be installed, constructed, reconstructed, altered, or maintained in compliance with this Article.

Section 15.03 Authority

Authority to administer, enforce, and interpret this Article is outlined below.

- A. **Zoning Administrator:** Authority to administer, interpret, and enforce this Article and to approve sign permits shall be with the Zoning Administrator and designees, except where otherwise specified.
- B. **Ordinance Enforcement Officials:** Authority to enforce this Article shall be with Ordinance Enforcement Officials, except where otherwise specified.
- C. **Zoning Board of Appeals:** Authority to hear appeals of the administration, interpretation, and enforcement of this Article and to hear and decide developmental standard variances from the provisions and standards of this Article shall be with the Zoning Board of Appeals.
- D. **Township Board:** Authority to adopt fees and fines related to this Article shall be with the Township Board.

Section 15.04 Prohibited Signs

The signs below are prohibited, unless otherwise specifically permitted in this Ordinance.

- A. **Abandoned Signs;** *[Include description here or in definition section.]*
- B. **Add-on Signs:** Signs that are attached as an appendage to another sign or sign support structure;
- C. **Air-activated Signs:** Signs that are inflated by air or use airflow to induce movement;
- D. **Animated or Moving Signs:** Signs that move, contain visible moving parts, or simulate movement, including, but not limited to, spinners, streamers, balloons, scrolling text, or spotlights, but excluding flags and official signs.
- E. **Banner Signs;** *[Include description here or in definition section.]*
- F. **Certain Types of Illumination:** Signs with the following types of illumination:
 - 1. **Temporary Signs:** Illumination of any type of temporary sign;
 - 2. **Traffic Hazards:** Illumination that could distract motorists or otherwise create a traffic hazard; or
 - 3. **Glare and Unshielded Illumination:** Use of glaring, undiffused luminaires, or visible bare bulbs, including neon or light emitting diodes;
- G. **Clear-vision Zone:** Signs taller than thirty (30) inches within the clear-vision zone;
- H. **Confusing Signs:** Signs that have the appearance of an official sign or use text or graphics used on an official sign that may confuse motorists;
- I. **Feather Signs:** Signs made of flexible material attached to a pole on one side with the intent of allowing the sign to move with the wind;

- J. Flashing Signs: Signs that contain flashing, blinking, or strobe lights or has the appearance of lighting associated with emergency vehicle lighting, traffic signals, or official signs;
- K. Festoons; *[Include description here or in definition section.]*
- L. Furniture Signs: Signs attached to or painted on a bench, table, or other outdoor furniture;
- M. Obstruction of Safe Access: Signs that obstruct free ingress or egress to or from a required door, window, fire escape, driveway, or other required access route;
- N. Obstruction of Safe Vision: Signs that obstruct or interfere with an official sign, signal, or device, or obstruct or interfere with a motorist's vision of approaching, merging, or intersecting vehicles even when consistent with setback or other location standards of this Ordinance;
- O. Pole Signs; *[Include description here or in definition section.]*
- P. Portable Signs; *[Include description here or in definition section.]*
- Q. Projector-Image Signs: Signs that are displayed by light from a projector or similar source;
- R. Right-of-way Signs: Signs, other than official signs, that are located in, encroach on, project into, or overhang a right-of-way, unless specifically permitted by the road agency;
- S. Roof Signs: Signs that are mounted on or project above or beyond the roof or parapet wall;
- T. Searchlights: Searchlights or spotlights used to draw attention to a location or event;
- U. Snipe Signs: Sign that are attached to utility poles, light poles, or trees within rights-of-way or other public spaces;
- V. State Highway: Signs subject to the Highway Advertising Act (MCL 252.301 et seq) with faces that are visible from an interstate highway, freeway, or primary highway that are in violation of that Act or do not have a valid annual permit;
- W. Towed Signs;
- X. Unsafe Signs: Signs that are structurally unsafe or constructed in violation of the Building Code;
- Y. Vehicle Signs; *[Include description here or in definition section.]*
- Z. Other Signs: Any other signs not expressly permitted by this Ordinance.

Section 15.05 General Sign Provisions

All signs shall meet the general provisions below.

- A. **Dimensional Standards:** All signs shall comply with the dimensional standards outlined in SECTION.
- B. **Accessory:** Signs shall be accessory to a permitted use, special land use, accessory use, or temporary use of a site.
- C. **Determination of Sign Area:** Sign area shall be determined as outlined below.
 - 1. **Single-face Signs:** The sign area of a single-faced sign shall be the square footage of the sign face as measured by enclosing the most protruding points or edges of the sign face within a single parallelogram, rectangle, circle, or triangle, excluding the frame.
 - 2. **Double-face Signs:** The sign area for signs with multiple faces shall be the area of the largest sign face, as described above, if all of the faces are on part of the same structure, the sign faces are within eighteen (18) inches of each other, and only one side is visible from any direction, otherwise, the sign area shall be the sum of all the areas of the faces.
 - 3. **Cylindrical Signs:** The sign area of a cylindrical sign shall be computed by multiplying the circumference of the cylinder by its height.
 - 4. **Individual Letters:** The sign area for signs consisting of individual letters or logo attached directly to a wall or building shall be computed as the sum of the area required to enclose each of the individual letters or logo.
- D. **Location:** Signs shall only be placed or maintained as outlined below.
- E. **Maintenance:** All signs, including frames and supports, shall be well-maintained in a condition similar to their condition at the time of installation.
 - 1. **Plumb:** Signs shall be maintained plumb upright.
 - 2. **Clean:** Signs shall be kept clean, free of missing parts, rust, or peeling or missing paint.
 - 3. **Panels:** Signs shall not have a missing sign face or panel or an obsolete sign panel.
 - 4. **Correction of Defects:** Signs that are not in compliance with this section shall be brought back into compliance or removed from the property in a timely manner.
- F. **Illumination:** Signs shall meet the illumination standards outlined below.
 - 1. **Temporary Signs:** Temporary signs shall not be illuminated.
 - 2. **Permanent Signs:** Permanent signs shall only be illuminated using approved electrical devices directed solely at the sign face or internal to the sign, according to the standards outlined below.
 - a. **Steady and Shielded:** Lighting shall be steady, stationary, and shielded downward with light directed away from adjacent properties and streets.
 - b. **Non-glare:** The use of glaring, undiffused lights or bulbs is prohibited.

- c. Bare Bulbs: Illumination by bare bulbs or flame is prohibited.
 - d. Illumination Level: The illumination level shall be a maximum of fifteen (15) footcandles measured perpendicular to the sign face at a distance of four (4) feet.
 - e. Backlighting: Signs with internal illumination shall have the lettering and graphics in a lighter color than the background to the maximum extent practical.
 - f. Traffic Hazards: Illumination that could distract motorists or otherwise create a traffic hazard is prohibited.
 - g. Wiring: Electrical service to freestanding illuminated signs shall be located underground.
 - h. Timer Controls: HERE
 - i. Illumination Type: EMS, Internally Lit, Externally Lit, Face Lit
- G. Substitution: Any sign with a commercial message may also be used for a noncommercial message.

Specific Sign Standards

There are a couple of ways to organize specific sign standards.

Temporary signs: Permanent signs

Sign types

Section 15.XX Nonconforming or Abandoned Signs

The continued use of legally nonconforming or abandoned signs shall be permitted, subject to the standards below.

- A. Repairs and Maintenance: Normal maintenance, including, but not limited to, painting, repair of panels, or replacement of electrical wiring or devices shall be permitted.
- B. Expansion: Legally nonconforming signs shall not be expanded or enlarged in any manner.
- C. Structural Changes: The faces, supports, frame, or other parts of legally nonconforming signs shall not be structurally changed or enlarged unless the resulting change conforms with the standards of this Ordinance.
- D. Destruction: Legally nonconforming signs that have been destroyed or damaged by more than XX percent of the replacement value, excluding foundation, shall not be reconstructed except in compliance with the standards of this Ordinance.

- E. **Site Plan Review:** Legally nonconforming signs shall be removed when the site is modified in any manner that requires site plan approval.
- F. **Abandonment of Use or Structure:** Legally nonconforming signs associated with a use or structure that has been abandoned for a period of six (6) months shall be removed, whether or not there is an intent to reestablish the use or reuse the structure.
- G. **Substitution:** A legally nonconforming sign shall not be replaced with another nonconforming sign.
- H. **Vacancy:** Sign structures may remain once the associated unit or site is vacant unless there is an intent to abandon the use of the site. The sign face shall be replaced with a black sign face within thirty (30) days of the vacancy.
- I. **Building Removed:** Signs that are accessory to a use located within a building shall be removed if the building has been removed. Existing conforming signs may remain if a site plan has been approved for reuse of the site.

Section 15.XX Signs Not Requiring a Sign Permit

Certain signs and sign maintenance do not require a sign permit, as outlined below.

- A. **Signs Not Requiring a Sign Permit:** The following signs do not require a sign permit:
 - 1. Window Signs:
 - 2. Temporary Signs:
- B. **Maintenance:** Maintenance of an existing sign, including replacement of a sign face or regular maintenance, excluding enlargement, relocation, or replacement of the sign, shall not require a sign permit.
- C. **Standards Still Apply:** The standards of this Ordinance still apply to signs not requiring a sign permit.

Section 15.XX Sign Permit Process

A sign permit is required for all signs or modifications of existing signs, except as outlined SECTION.

- A. **Application:** Sign permit applications shall include the information described below.
 - 1. Sign Permit Application:
 - 2. Site or Sketch Plan:
 - 3. Sign Details:

4. Construction Details:
 5. Illumination Details:
 6. Electrical Connections:
 7. Building Elevations:
 8. Other Information: The application shall include other information determined necessary by the Zoning Administrator to determine compliance with this Ordinance and other applicable laws and regulations.
- B. **Review:** The Zoning Administrator shall review the sign permit application, upon receipt of a completed application, and take one of the actions below.
1. Approval: The sign permit shall be approved or may be approved with conditions upon finding that the proposed sign complies with all applicable standards of this Ordinance.
 2. Postpone: The sign permit review shall be postponed upon finding that not enough information is available to determine if the sign complies with all applicable standards of this Ordinance. If review is postponed, the applicant shall be provided a written description of the deficiencies or additional required information.
 3. Denial: The sign permit shall be denied upon finding that the proposed sign does not comply with all of the applicable standards of this Ordinance. If an application is denied, the applicant shall be provided a written description of the reasons for denial.
- C. **Inspection:** Signs shall be inspected by the Zoning Administrator, as outlined below.
1. Submission of Application: Submission of a sign permit application constitutes permission for the Township or its agents to access the property to conduct onsite investigations for the purpose of administering this Ordinance.
 2. New Signs: New signs requiring a sign permit shall be inspected in a timely manner. Final approval shall only be granted if the sign has been constructed in compliance with the approved plans and this Ordinance. Failure to receive approval constitutes a determination that the sign is in violation of this Ordinance.
 3. Existing Signs: The Zoning Administrator shall have the authority to conduct periodic inspections of existing signs to ensure continued compliance with a sign permit approved under this Ordinance.
- D. **Revocation:** A sign permit may be revoked by the Zoning Administrator if the sign is installed in a manner inconsistent with this Ordinance or the approved sign permit or upon determination that inaccurate or false information was provided in the sign application.
- E. **Expiration:** A sign permit shall expire and be null and void if it has not received final approval after installation within one hundred eighty (180) days of the date of

sign permit approval. A single, thirty (30) days extension may be granted by the Zoning Administrator upon request of the applicant with a demonstration that the sign will be installed during the extension period.

Section 15.XX Sign Removal

Signs may be removed as outlined below.

- A. **Permanent or Temporary Signs:** Permanent or temporary signs erected or maintained in violation of this Ordinance shall be removed.
 - 1. Notice:
 - 2. Removal:
- B. **Dangerous Signs:** Sign that pose an immediate threat to safety shall be removed immediately.
 - 1. Notice:
 - 2. Removal:
 - 3. Emergency Removal:
- C. **Signs in Right-of-way:** Signs erected within a right-of-way in violation of this Ordinance may be removed by the Township without notice. Any costs may be assessed to the owner of the sign.
- D. **Signs in Public Places:** Signs located on public property in violation of this Ordinance may be removed by the Township without notice.

Section 15.XX Violations and Enforcement

The installation, construction, reconstruction, alteration, or maintenance of a sign requiring a sign permit without an approved sign permit or the installation, construction, reconstruction, or alteration of any sign in any manner inconsistent with this Ordinance is a violation of this Ordinance.

- A. **Party to Violation:** Any person, agent, entity, or property owner who causes or allows a sign to be in violation of this Ordinance shall be a party to the violation.
- B. **Separate Violation:** Each sign in violation of this Ordinance shall be a separate violation. Each day a sign is in violation of this ordinance shall be a separate violation.
- C. **Nuisance Per Se:** Any sign in violation of this Ordinance shall be a nuisance per se.
- D. **Municipal Civil Infraction:** ??

- E. **Scope of Remedies:** The Township may pursue any and all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine or penalty shall not exempt a violator from compliance with this Ordinance.
 - F. **Other Remedies:** The Zoning Administrator or ?? may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoy, abate, or remove any unlawful erection, alteration, maintenance, or use. The rights and remedies provided above are civil in nature.
-

-Zach Michels
Quality Zoning
Dexter, MI



What Local Governments Should know about Michigan's New Renewable Energy Siting Policies

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(Last revision: 1/12/2024)

This document includes our best current understanding of Michigan's new renewable energy siting policies—HB5120/HB5121, now Public Acts 233 and 234 of 2023. The information in this document is intended for educational purposes only and should not be interpreted as legal advice. Local officials are strongly encouraged to consult with a municipal attorney.

We wish to thank colleagues associated with the Michigan Association of Planning, Michigan Townships Association, Michigan Municipal League, and MSU Extension for providing feedback on the questions and content. We will continuously update these FAQs as we learn more, and will endeavor to find answers to additional questions that arise from communities. If you believe any information contained in this document is incorrect or have additional questions you'd like answered, please don't hesitate to contact us at sbmills@umich.edu.

1) What is Public Act 233 of 2023 about?

- Public Act 233 of 2023, signed by Governor Whitmer on November 28, 2023, makes significant changes to the permitting process for utility-scale renewable energy facilities, including solar, wind, and battery energy storage. The Act creates an option for developers to go directly to the Michigan Public Service Commission (MPSC) to construct a utility-scale renewable energy facility if each affected local unit of government does not have a compatible renewable energy ordinance (hereafter CREO). In communities where the local units of government have adopted a CREO, which is defined as being no more restrictive than the provisions in section 226(8) of the Act¹, the developer must first have its proposed project reviewed at the local level. If the project is denied by any of the local units of government, then the developer may submit the application to the MPSC.
- This law, which is referenced by a new amendment to the Michigan Zoning Enabling Act², resides as a new "Part 8: Wind, Solar, and Storage Certification" in the "Clean and Renewable Energy and Energy Waste Reduction Act"³ which lays out the newly amended renewable energy, energy storage, and energy efficiency targets that utilities must meet.
- The law will take effect November 29, 2024.

¹ Section 221 (f)

² Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq. The amendment was through a companion bill HB 5121 which became PA 234 of 2023.

³ 2008 PA 295, (MCL 460.1013)

2) **What kind of projects does the new permitting process laid out in PA 233 apply to?**

- The new permitting process laid out in PA 233 solely applies to wind, solar, and energy storage projects above the capacity/size thresholds listed in the Act⁴. This refers to any solar energy facility with a nameplate capacity of 50 megawatts or more, any wind energy facility with a nameplate capacity of 100 megawatts or more, and any energy storage facility with a nameplate capacity of 50 megawatts or more *and* an energy discharge capability of 200 megawatt hours or more. Any solar energy, wind energy, or energy storage facilities below these thresholds are subject to conventional local zoning. It is unclear whether the mentioned capacity thresholds refer to AC or DC power, which differ for solar energy.

3) **Are there only two pathways for permitting applicable projects: at the local level through a CREO, or at the state level through the MPSC?**

- The short answer is probably not.
- This law gives developers the *option* to go through the state-level process⁵. Developers may still choose to go through the local process, whether or not the local government has a CREO, and the law makes clear that local policies, including zoning, are in “full force and effect” for projects where the MPSC has not issued a certificate through this new state-level process.⁶ There is some uncertainty, however, about whether any developers will choose to go through a non-CREO but “workable” local ordinance.
- Adopting a CREO, though, is the only option that guarantees the developer must first go through the local process.⁷ Said another way, local governments that have existing zoning ordinances in place may keep those ordinances even if they don’t meet the definition of a CREO. However, if the developer finds the ordinance is unworkable or just prefer getting a certificate through the MPSC, then they are able to follow the rules laid out in the Act to initiate approval by the MPSC, which, while requiring notice and a public meeting⁸ in each affected local unit, need not comply with local zoning.

4) **Will local communities be notified if a developer is proposing a project?**

- Yes, the Act requires the developer to hold a public meeting in each local unit of government in which the project is being proposed.⁹ 60 days before the meeting, the developer needs to offer to meet with the chief elected official, or their designee, in each affected local unit of government.¹⁰ 30 days before the public meeting, the developer needs to notify the clerk in each affected local unit of government about the meeting, and at least 14 days before the meeting, the developer needs to publish notice of the meeting in a newspaper or online.¹¹

⁴ Section 222 (1)

⁵ Section 222 (2)

⁶ Section 231 (4)

⁷ Section 223 (3)

⁸ Section 223 (1)

⁹ Section 223 (1)

¹⁰ Section 223 (2)

¹¹ Section 223 (1)

- 5) **Will there be "rule-making" for this process? If so, what is likely to be addressed and what timeline can be expected?**
- It's not expected that there will be formal rule-making for this process, but there will likely be stakeholder engagement as the MPSC thinks through the implementation of the law. The Act is clear that the MPSC will clarify things like what additional information developers will need to submit in applications to the state¹², more details about "the format and content" of public notice for the public meeting¹³, and potentially other aspects of the state-level process. In so doing, it may make clearer some of the areas that are currently "gray" for local governments.
 - It's not clear yet what the MPSC's timeline is for this process, but stakeholder engagement is likely to be announced sometime in the next month or two.

Questions on setting up CREOs:

- 6) **Where is PA 233 clear and where is there gray area, particularly about what communities seeking to have a Compatible Renewable Energy Ordinance (CREO) can and can't do?**
- For communities seeking to develop and adopt a Compatible Renewable Energy Ordinance (CREO), PA 233 compels regulations in CREOs to not be more restrictive than the provisions outlined in Section 226 (8) of the Act¹⁴. This section includes setbacks and sound standards for each technology, plus some technology-specific standards, including height limits for wind and solar, fencing requirements for solar, and flicker standards for wind. The Act is clear that CREOs may not be stricter on these elements. Most people we've talked to believe that ordinances that place additional types of setbacks (e.g. setbacks from participating property lines) or noise standards (e.g. noise limits at participating property lines) not explicitly specified in the Act would render an ordinance non-compatible.
 - It is not clear from the Act whether adding additional regulations which are common in existing renewable energy projects, such as landscaping and screening, may be included in a CREO. It's also not clear if a restriction on geography (e.g. in which zoning districts or overlay zones energy facilities can be constructed) renders an ordinance as "too restrictive" and therefore non-compatible.
 - Other elements that are common in existing local regulations, including site plan application requirements and decommissioning, are not included in Section 226 (8) but the law allows for CREOs to require these and "other information necessary to determine compliance."¹⁵ As a result, one reading of the law is that a local government may regulate things not explicitly covered by Section 226 (8) of the Act. On the other hand, if the local government denies an application that complies with Section 226 (8), the developer can then submit the application to the MPSC,¹⁶ which may suggest that a CREO can only compel the requirements laid out in

¹² Section 225 (1) s

¹³ Section 223 (1)

¹⁴ Section 221 (f)

¹⁵ Section 223 (3) a

¹⁶ Section 223 (3) c(ii)

Section 226 (8). Because the apparent legislative intent was to address overly restrictive ordinances, any regulation not addressed in Section 226 (8) should be carefully vetted by an attorney until more is known about what else may be permissible in a CREO.

- o Finally, it is also not clear from the law what happens if the local government and developer disagree about whether the local ordinance is a CREO.¹⁷

7) **The law states that the developer must first go through the local process if the chief elected official in each affected local unit of government notifies the developer that they have a CREO.¹⁸ Affected local units of government are defined as “a county, township, city, or village”¹⁹ “in which all or part of a proposed energy facility will be located.”²⁰ Why is this important?**

- o It not only has ramifications for projects that cross township borders, but also for projects within a single township.
- o For projects that cross township/city borders, in order for either of those communities to guarantee that the developer has to first go through local zoning, both of the townships/cities must declare they have CREOs.
- o But more fundamentally, since both townships and counties are listed as affected local units of government, even if a proposed project will only be in a single township, both the township and county must be notified and must both declare that they have a CREO in place if they wish to prevent the developer from going to the MPSC. However, these cannot both be zoning ordinances since the Michigan Zoning Enabling Act only gives counties zoning jurisdiction in areas not under township zoning.²¹ This suggests that at least one of the entities will need to enact a regulatory CREO (rather than a zoning CREO).

8) **Is a Compatible Renewable Energy Ordinance (CREO) a regulatory (police power ordinance) or zoning ordinance? Can unzoned jurisdictions pass a CREO?**

- o The definition of a CREO in the law does not stipulate what sort of ordinance it must be.²²
- o The reason this matters is because it implicates whether unzoned townships and townships that are under county or joint zoning authorities are able to pass their own (regulatory) CREO ordinances.²³ It also has implications for what form a county CREO would take if there is otherwise no county zoning.
- o This is one the courts or MPSC will likely need to clarify.

¹⁷ Section 223 (3)

¹⁸ Section 223 (3)

¹⁹ Section 221 (n)

²⁰ Section 221 (a)

²¹ 2006 PA 110, MCL 125.3101 et seq.

²² Section 221 (f)

²³ Section 223 (3)

9) **If a local unit has compatible regulations for one type of energy system (e.g. solar), but not the other two (e.g., wind and energy storage), does the ordinance still count as a CREO?**

- o That is unclear.
- o The intent of the law seems to be to prevent a local government from blocking the type of renewable energy project that the developer wishes to construct. So, for example, if the developer wishes to construct a solar farm and the regulations for solar are compatible, but not the regulations for wind or energy storage, it would seem that the local official could tell the developer they have a CREO.²⁴
- o However, throughout the law, references to a local unit's CREO are only made in the singular: "...an ordinance that provides for the development of energy facilities..."²⁵ (emphasis added).
- o It may be safest to assume that a CREO will need to include provisions for all three types of renewable energy facilities.

10) **What are the consequences if a jurisdiction with a Compatible Renewable Energy Ordinance (CREO) denies a project?**

- o If a community with a CREO fails to timely approve or deny an application,²⁶ denies an application that complies with section 226 (8)²⁷, or amends its zoning ordinance to be more restrictive after the local government notifies the developer that it has a compatible ordinance,²⁸ the developer may submit their application to the MPSC²⁹. But in that case, the developer does not need to³⁰:
 - i) Hold a new public meeting,³¹ nor
 - ii) Grant each local affected unit of governments funds for the local intervenor compensation fund (which may be a combined total of up to \$150,000 for affected local units).³²
- o Further, if the MPSC approves a project that the local government previously denied via the CREO process, the local government loses its ability to have a CREO in the future.³³ Once a local unit has lost its CREO designation, it is unclear if it is lost forever (even if the local unit amends its ordinance), if it is lost just for the type of energy facility that was being contemplated/reviewed by the MPSC, or if it applies to the local unit's entire ordinance, including the other technologies.

²⁴ Section 223 (3)

²⁵ Section 221 (f)

²⁶ Section 223 (3) c(i)

²⁷ Section 223 (3) c(ii)

²⁸ Section 223 (3) c(iii)

²⁹ Section 223 (3) c

³⁰ Section 223 (3) d

³¹ Section 223 (1)

³² Section 226 (1)

³³ Section 223 (5)

Community Host Agreements

11) For projects that go through the MPSC, is there a clear understanding of which unit(s) of government will receive the \$2k/MW payment and what it can go toward?

- o Projects that go through the state process must enter into a host community agreement with each affected local unit. The agreement requires a one-time payment of \$2,000/MW paid by the project owner “upon commencement of any operations”.³⁴ So if a 100 MW project has 75 MW in Township A and 25 MW in Township B, Township A gets \$2k*75 and Township B gets \$2k*25. If both townships are in County Y, County Y also would get \$2k/MW = \$2k*100.
- o While the general consensus is that this is the proper reading of the language in the bill, it’s not clear that that was the intention of the drafters.
- o This arises because 1) the law calls for the project owner to pay \$2k/MW when “located within the affected local unit,”³⁵ 2) the definition of local units of government includes a county, township, city or village³⁶ and 3) all land in Michigan is in both a county and either a city or township [and sometimes a county, township, and village]. Most lawyers we’ve consulted agree that each “affected local unit” would receive \$2k/MW, and so that a developer would pay at minimum \$4k/MW: \$2k/MW to each the county and [city or township]. It could be as much as \$6k/MW for any part of a project that is placed in a village, since village land is also within a township and county.
- o These funds “shall be used:
 - i) as determined by the affected local unit for police, fire, public safety, or other infrastructure,
 - ii) or for other projects as agreed to by the local unit and the applicant.”³⁷ It is not clear whether there is any restriction on the use of funds so long as it is “agreed to by the local unit and the applicant”.³⁸ It is so far unclear whether there are concerns about the parties needing to find an “essential nexus” for the use of the funds – one of the legal tests to determine appropriateness of community compensation in development projects.³⁹ It’s also unclear how the use of funds will be enforced.
- o If the local unit does not want to, or cannot, expend the funds on the first bullet above, and cannot come to an agreement with the applicant on the second bullet above, the applicant would then enter into an agreement with community-based organizations within, or that serve residents of, the affected local unit.⁴⁰

³⁴ Section 227 (1)

³⁵ Section 227 (1)

³⁶ Section 221 (n)

³⁷ Section 227 (1)

³⁸ Section 227 (1)

³⁹ A good explainer is in The Federal Highway Administrations’ 2021 publication “Essential Nexus, Rough Proportionality, and But-For Tests”

⁴⁰ Section 227 (2)

12) How do host community benefits work if a project is permitted through a Compatible Renewable Energy Ordinance (CREO) at the local level or in unzoned local units of government?

- The \$2k/MW host community agreement⁴¹ that is required for projects that are approved by the MPSC does not appear to be guaranteed for communities that approve projects at the local level either through a CREO or other “workable” local zoning ordinance, or in an unzoned community where there is no local government zoning approval. Local units of government may be able to secure monetary benefits through community host agreements, but if they are mandatorily required, they would need to clearly define rough proportionality and a reasonable/essential nexus. Communities who wish to enter into such agreements outside of the MPSC process should consult their municipal attorney.

Thinking through pros and cons of the different paths

13) Why might a developer prefer to apply for permitting at the local level rather than opting for the MPSC path?

- To save time: the MPSC has up to a year to act once the application is complete,⁴² whereas CREOs have 120 days – and up to 240 days upon mutual agreement – to act once the site plan is filed (it may not be complete).⁴³
- To save money: at the MPSC process, a developer must fund a local intervenor compensation fund (\$75k or more like \$150k),⁴⁴ plus pay the host community agreement \$2k/MW (or potentially \$4k or \$6k/MW).⁴⁵
- Because compliance with labor requirements in the MPSC process⁴⁶ may add project cost and may be difficult for out-of-state developers who do not have existing relationships with local labor organizations.
- So, in some cases, local governments may have some negotiating room to ask for things in their ordinances, or accept additional benefits voluntarily offered by the developer, if it means that they can save the developer time/money.

14) What's a “workable”, non-CREO ordinance?

- To be clear, the law does not refer to a “workable” ordinance; it's a concept we're using to help suggest what might be another option for local communities.
- A “workable” zoning ordinance is one that doesn't satisfy the definition of a CREO (i.e., it may have larger setback distances or lower noise levels than in PA 233), but is one that a developer finds allows them to build a viable project. Indeed, most of the existing wind and solar farms in the state have been built under “workable” local zoning ordinances that include regulations that

⁴¹ Section 227 (1)

⁴² Section 226 (5)

⁴³ Section 223 (3) b

⁴⁴ Section 226 (1)

⁴⁵ Section 227 (1)

⁴⁶ Section 226 (7) e

extend to topics beyond what is listed in Section 226(8) and/or which have different setback or noise thresholds.

- “Workable” ordinances, though, hinge on “reasonableness”: they provide enough land and not-too-excessive regulations (e.g., for screening or landscaping) to make a project viable. The point at which such provisions become too burdensome in the opinion of an energy developer is the practical point at which the developer will apply to the MPSC for a certificate instead of seeking zoning approval at the local level.
- Also, note, that what might be “workable” for one developer may not be “workable” for all.

15) From a local jurisdiction’s perspective, what are the advantages and disadvantages of adopting a Compatible Renewable Energy Ordinance (CREO) compared to instead adopting a “workable” ordinance?

- CREOs and “workable” ordinances suffer from some of the same drawbacks in that the guaranteed monetary host community agreements for the local governments are less clear than in the MPSC process.
- CREOs preclude the developer from going straight to the MPSC and instead forces them to first go through local permitting, but if the local government ultimately denies the application, there may be some unpleasant consequences for the local unit (see Question 10 above). However, because each affected local unit must have a CREO in order to guarantee the project not go directly to the MPSC (see Question 7), the CREO path only works if there is collaboration between the township and county. For renewable energy projects that cross township, village, or city boundaries—as these large projects often do—this may also require collaboration with neighbors since each must have a CREO to forestall a project going directly to the MPSC.⁴⁷
- A “workable” ordinance doesn’t necessarily require this collaboration with other units of government. However, choosing to create a “workable” ordinance means there’s no guarantee that a developer won’t instead opt for the MPSC process (which begins with providing local notice and holding a public hearing)⁴⁸ at some point in the local permitting process. If a project application in a non-CREO jurisdiction is denied and the developer only then chooses to go to the MPSC, there are mixed opinions about whether, in this case, the local government would face the same penalties they would have if they declared their ordinance a CREO. Also, to be clear, a local government that denies a project through a “workable” ordinance likely had an ordinance that was not “workable” for the developer.
- Ultimately, which is better – CREO or “workable” ordinance – hinges a bit on how much and what type of risk the community is willing to assume, how its neighbors plan to act, and also whether CREOs can include regulations beyond Section 226 (8). If neighboring jurisdictions and the county aren’t also planning to develop CREOs, then there are few to no benefits of a single jurisdiction developing a CREO in isolation. If a CREO may include a number of components that satisfy community preferences (e.g., screening, groundcover for solar, some geographical

⁴⁷ Section 223 (3)

⁴⁸ Section 223 (1)

restrictions), then there isn't too much lost by going the CREO route. If CREOs are more limited, though, a community may instead use the knowledge that they may hold some negotiating power to develop a "workable" ordinance that allows them to better match community preferences to something that may go beyond Section 226 (8), but which the developer still considers "workable". This path does introduce risk, though, which should be discussed with a knowledgeable attorney.

16) From a local jurisdiction's perspective, what are the pros/cons of just doing nothing—either not changing their non-CREO/non-workable ordinance to be compliant or, if their ordinance is silent on energy, not addressing these energy technologies at all?

- The benefit of staying the course is that the local unit does not need to invest resources (both time and money) into developing planning and zoning, and can effectively push any controversy that a renewable proposal might bring to the community onto state policymakers.
- The drawback of such an approach is that, if the local unit does want to intervene before the MPSC⁴⁹, not having thought through renewable energy facilities within the context of their overall land use planning (e.g., where renewable energy compliments or conflicts with future land use plans) may put them at a disadvantage.

17) What should a community do right now (January 2024)?

- At this moment, we see three options: adopting a CREO, having a "workable" ordinance in place, or not acting (which, in most cases, would mean projects would go to the MPSC). Each strategy has pros and cons, and comes with different risks as laid out in the questions above.
- Regardless, the first thing that you should do is start a conversation with your county and neighboring local governments about how they plan to act. If your jurisdiction is interested in adopting a CREO but neighbors are not, you may want to consider a different option since each local government in a proposed project needs to have a CREO in order to unlock the "guaranteed" benefits of the CREO option over a "workable" option.
- If you choose a path that requires amending your zoning ordinance (i.e., CREO or "workable"), then you should figure out how soon you must act. Any amendments to the master plan will need to follow the procedures of the Michigan Planning Enabling Act⁵⁰ and any amendments to the zoning ordinance will need to follow the procedures of the Michigan Zoning Enabling Act.⁵¹ You will need to consider how frequently your planning commission and jurisdiction's board/council meets to understand when you must start the process to be ready for when the law goes into effect on November 29, 2024.
- Also, get your planner/lawyer on retainer now. Nearly every jurisdiction will be in the process of planning and zoning for renewables this summer and fall, so if you share a planner or lawyer with other jurisdictions, you'll want to talk to them soon about their schedule.

⁴⁹ Section 226 (1) and Section 226 (3)

⁵⁰ 2008 PA 33, MCL 125.3801 et seq.

⁵¹ 2006 PA 110, MCL 125.3101 et seq.

18) How can I tell if my ordinance is CREO or “workable”?

- Based on analysis of EGLE’s renewable energy zoning database⁵², we believe most wind zoning ordinances and about half of the solar ordinances in the state are not compliant with even the most generous definition of CREO because the setbacks, noise limits, and height limits do not comply with Section 226 (8).
- If limiting geography (e.g., saying you can allow wind or solar in some districts, but not in others) or adding in other stipulations (e.g., screening, groundcover) renders an ordinance a non-CREO, then practically no existing ordinances in Michigan are CREO.
- Furthermore, more than 70% of communities lack a solar ordinance and there are practically no existing energy storage ordinances in the state, so if CREO compatibility requires having all three technologies sufficiently addressed, practically speaking, all communities in the state can be assumed not to have CREOs.
- However, many ordinances in the state may be “workable”. We’re thinking through ways to help communities self-assess what might be “workable” in light of the Act. The trick in assessing what is “workable” is that it differs from developer to developer. But for now, the best advice is that if your community has been approached by a renewable energy developer at some point in the recent past, you probably have a sense of whether or not your ordinance is “workable”.

⁵²<https://energyzoning.org/maps/mi/divisions>

MEMO

To: Planning Commission

From: Bob Hanvey

Date: June 25, 2024

Subject: Usage of the word "LOT" in the Marion Township Zoning Ordinance.

The attached document has definitions that are used in assessing. They are from two different sources that are not entirely consistent. In our ordinance, there are several articles that should be clearer and more consistent.

Below, for reference, are other definitions and Zoning Ordinance sections

In the "Sign Amendment Language/Report" submitted by Zach, he uses only the word "Lot" and avoids parcel, tract, and plot. I think that works with our Zoning Ordinance definition of "Lot."

So, the question is: "Do we want to fix our ordinance?"

From State of Michigan Land Division Act

"Parcel" means a continuous area or acreage of land which can be described as provided for in this act.

"Tract" means 2 or more parcels that share a common property line and are under the same ownership.

"Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

"Plat" means a map or chart of a subdivision of land.

From Marion Township Land Division Ordinance:

Parent parcel or parent tract: A parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act, March 31, 1997.

Parcel: A continuous area or acreage of land that can be described as provided for in the Act.

Tract: Two or more parcels that share a common property line and are under the same ownership.

From Marion Township Zoning Ordinance:

Lot: Land described in a recorded plat or by metes and bounds description, occupied, or to be occupied by, a building, group of buildings, or use, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage on a public street or a private road approved by the Township. (See also Condominium Unit.)

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a condominium unit(s) will consist of a building envelope, the term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Register of Deeds, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded by the County Register of Deeds, or a Tax Code Number has been issued, prior to the adoption or amendment of this Ordinance.

Lot, Zoning: A single tract of land, located within a single parcel, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parent Parcel: An existing parcel or contiguous parcels of land under the same ownership at the time this Ordinance became effective (March 14, 1996.)

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act, PA 288 of 1967, MCL 501.101 et seq., or a prior statute.

Subdivision: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten acres.

Tract: Undefined in the Zoning Ordinance.

Text in the Zoning Ordinance:

Zoning districts	Lot Size Based on Gross Lot Area	Maximum Square Footage of all Accessory Structures
All single family residential districts	All parcels equal to or less than 1 acre in size	1,300 square feet
All single family residential districts	All parcels that are greater than 1 acre	These sizes are based on a .030 x parcel size calculation

Heading uses the word "Lot" detail uses "parcel"

No more than one principal building may be permanently established on a single lot or parcel, unless otherwise specifically provided for elsewhere in this Ordinance as in the case of a hospital, condominium project, planned unit development or multiple-family development. More than one principal building on a lot or parcel may also be allowed in the Highway Service and/or Light Industrial Districts, subject to compliance with other applicable provisions in this Ordinance. A principal building and/or accessory building or structure may not straddle the property line of two or more lots or parcels even though under single ownership.

Ambiguous - may imply that a lot is the same as a parcel or a lot is different than a parcel.

From zoning Ordinance, Construction of Language:

The word "lot" includes the word "plot", "tract", or "parcel".

There are places where lot is used by itself and many where the phrase "lot or parcel" is used.

Land lot

In real estate, a **Land lot** or **plot of land** is a tract or parcel of land owned or meant to be owned by some owner(s). A plot is essentially considered a parcel of real property

Lots can come in various sizes and shapes. To be considered a single lot, the land described as the "lot" must be contiguous. Two separate parcels are considered two lots, not one.

When the boundaries of a lot are not indicated on the lot, a survey of the lot can be made to determine where the boundaries are according to the lot descriptions or plat diagrams. Formal surveys are done by qualified surveyors, who can make a diagram or map of the lot showing boundaries, dimensions, and the locations of any structures such as buildings, etc. Such surveys are also used to determine if there are any encroachments to the lot. Surveyors can sometimes place posts at the metes of a lot.

Many developers divide a large tract of land into lots as a subdivision. Certain areas of the land are dedicated (given to local government for permanent upkeep) as streets and sometimes alleys for transport and access to lots. Areas between the streets are divided up into lots to be sold to future owners. The layout of the lots is mapped on a plat diagram, which is recorded with the government, typically the county recorder's office. The blocks between streets and the individual lots in each block are given an identifier, usually a number or letter.

Plot

A small area of land that is empty except for a paved surface or similar improvement, typically all used for the same purpose or in the same state is also often called a plot.

A plot refers to a marked piece of land, usually intended for a specific purpose such as building a home, commercial building, or agricultural use. It is a defined piece of land in terms of boundaries and usage.

Plat

A plat, on the other hand, is a more technical term used in land surveying and municipal planning. It refers to a map, drawn to scale, showing the divisions of a piece of land. It includes detailed information, such as boundaries, land size, nearby streets, and sometimes topographic data.

While a plot is a physical piece of land, a plat is a graphical representation. The plot is what you physically own or might buy, while a plat is a document that provides detailed information about the land.

Condominium

- A condominium, or condo, is an individually owned unit in a complex or building of units.

- A condo owner owns the space inside their condo and shares ownership interest in the community property, such as the floor, stairwells, and exterior areas.
- A general requirement of ownership is monthly payments to the condominium association in charge of property upkeep.

How a Condominium Works

Condo owners are often said to own the "air space" of a unit in a multi-unit development. This means that the condo owner's title to the property does not include the four walls that divide their unit from other units or common areas in the property. The floor, ceiling, sidewalks, stairwells, and exterior areas are all part of the common ownership of the condo—known as limited common elements.

Parcel Number

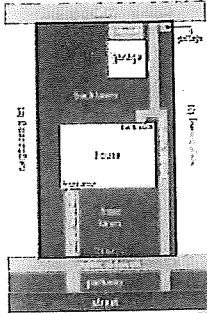
A parcel number, also known as an assessor's parcel number (APN) or property ID number, is a unique number assigned to a real property by the tax assessor of its jurisdiction. It's used for record-keeping and tax purposes, such as identifying the property on county parcel maps, assessing taxes, and determining its location. Parcel numbers may also include letters and conform to formatting standards that indicate the property's type or location on a plot map

Parcel of Real Property means the smallest, separately segregated unit of land having an owner.

Is parcel the same as land?

In simplest language, a PARCEL is a quantity of land identified for taxation purposes, while a LOT is a recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development.

What is a parcel of land called?



In real estate, a **Land lot or plot of land** is a tract or parcel of land owned or meant to be owned by some owner(s). A plot is essentially considered a parcel of real property in some countries or immovable property (meaning practically the same thing) in other countries.

State Tax Commission Manual

It is important to make the distinction early on that although tax descriptions and legal descriptions may be one in the same, the assessor deals with tax descriptions. Title companies and real estate agents, deal with legal descriptions. You will find the use of legal descriptions in all types of transactions, not just those involving the sale or purchase of real estate. Legal descriptions are used in deeds of conveyance, mortgages, claims of title, leases, title insurance policies, easements, etc. It should come as no surprise then that legal descriptions are also used to identify real property on assessment and tax rolls. Because legal descriptions are integral to the assessment and taxation of real property, it is important for assessing officers to be able to identify and locate parcels by their legal description.

MCL 211.25(1) states that real property may be described as follows: 1. Entire sections by section number, town and range 2. A subdivision of a section by designation of subdivision (quarter-section), section number, town and range. 25 3. A tract less than a subdivision of a section as "a distinct part of the subdivision, or in a manner as will definitely describe it". This could include either a rectangular survey or metes and bounds description of the "distinct part". 4. Recorded Plats by "reference to the plat and by the number of the lots and blocks thereof." MCL 211.25(2) states that real property shall be arranged in the following manner: 1. Acreage descriptions are to be listed "in numerical order of section beginning with section 1 of each township," and completely listing the parcels within a survey or geographical township before the next township, if any⁸, is entered. 2. Government Lots are to be listed numerically. 3. Private claim descriptions "if more than 1 private claim is located in the same township, the description of each claim shall be listed numerically." 4. Island descriptions listed by the number or name of island

Parcel Identification Numbers (PIN) help to easily and readily identify descriptions which have been plotted on the tax map. Each separately assessed description is assigned a number whether the description constitutes one lot, three lots, or a fraction of a lot. These numbers are used for filing and locating assessment record cards, tax bills, receipts, assessment change notices, and so forth. The parcel identification number also appears in the assessment and tax roll opposite the description of each parcel when used in addition to the legal tax roll description. Parcel identification numbers prove valuable in locating parcels rapidly, especially for many taxpayers who cannot locate their property by description, but can identify their property by looking on a tax map, from which their property identification number can be obtained; thus, allowing them to locate any other type of property tax record associated with that number quickly. Parcel numbers are a supplement to the narrative descriptions and not a substitute for legal tax roll descriptions, except as provided for by Public Act 101 of 1965 which provides for a system of real estate index numbers, which upon written approval from the State Tax Commission, may be used in lieu of the narrative descriptions on assessment rolls, tax rolls and tax statements.

MARION TOWNSHIP FEE SCHEDULE

*****Certain permits require separate checks, please call ahead for breakdown amounts before writing checks*****

**PLATTED SUBDIVISION APPLICATION AND
SITE CONDO APPLICATION**

\$1500 fee and \$5000* initial escrow deposit plus additional cost. These costs include, but are not limited to, engineering, legal fees and any additional fees incurred by the township in relation to this request. The remainder of the deposit will be refunded.

SPECIAL USE REQUEST

\$500 fee and \$2000 escrow* for residential and \$3000 escrow* for commercial. These costs include, but are not limited to, engineering, legal fees, and any additional costs incurred by the township in relation to this request.

**SITE PLAN REVIEW
(COMMERCIAL AND INDUSTRIAL)**

\$1000 fee plus \$5000 escrow*. These costs include, but are not limited to, engineering, legal fees, and any additional costs incurred by the township in relation to this request.

ZONING BOARD OF APPEALS

**\$400 fee for Single Family Residential (Additional Professional Consultant Fees may apply)
\$1000 fee for all others (Professional Consultant Fees may apply)**

**NEW PRIVATE ROAD HEARING
(Pre-existing, non-conforming, private roads-
\$1000 escrow deposit; \$0-fee)**

\$500 fee and \$3000 initial escrow* deposit plus all township costs. These include, but are not limited to, engineering, legal fees, and any additional costs incurred by the township in relation to this request.

**PLANNED UNIT DEVELOPMENT (PUD)
OPEN SPACE DEVELOPMENT**

\$2000 fee and \$10000 initial escrow* deposit to cover all township costs. These include but are not limited to, engineering, legal fees, and any additional costs incurred by the township in relation to this request.

**REZONING/ZONING AMENDMENT
APPLICATION**

\$500 fee and \$3,000 initial escrow* deposit to cover all township costs. These costs include, but are not limited to, engineering, legal fees, and any additional costs incurred by the township in direct relation to this request.

LAND SPLITS

**\$75 each application
\$25 each resulting parcel (example: 1 split into 2 parcels = \$125)**

LAND USE PERMITS

Principal dwelling \$75
 Accessory structures \$50
 Sign (on-site) \$50
 Commercial/Industrial \$150 per unit (accessory structures included)
 Multi-family dev. \$75 per unit
 Approved site plans \$200 Land Balancing Infrastructure
 Additional Inspections \$75 each (Additional Professional Consultant Fees may apply)
 Razing of a Building \$50 Residential All others \$100

TEMP. DWELLING PERFORMANCE GUARANTEE

\$75 Review Fee & \$3000 cash in escrow until temporary dwelling is removed

KENNEL INSPECTION

\$25

**SPECIAL MEETINGS
ZONING BOARD OF APPEALS
PLANNING COMMISSION**

**\$400
\$500 in addition to application fee**

ZONING ORDINANCES

\$35 for book; \$15 for electronic version

COMPREHENSIVE PLAN

\$40 for book; \$15 for electronic version

PLAT BOOKS (payable to Livingston County 4H)

\$25

COPY FEES

Five pages or less free; six pages & above .10 cents per page

HALL & GAZEBO RENTAL

\$200 (\$100 refundable)

**GRAVE PURCHASE
GRAVE OPENING
HEADSTONE FOUNDATIONS**

**\$500 Resident - 1000 Non-resident - Transfer fee of \$100 if not immediate family
\$450 Adult - \$150 Infant - \$150 Cremains
.30 Cents per square inch**

All fees are non-refundable. Applicant is responsible for all additional costs incurred by the township in relation to applicant's request.
 *Projects with escrow accounts that reach ¼ of the initial deposit will be placed on hold until the escrow is brought back to the original amount.
 Final approvals subject to complete payment of all fees. Amendments to approved site plans will be charged half of the original fee & half of the listed escrow amount shall be required.

VEHICLE SALE / STORAGE FACILITY
APPLICANT EXAMPLE #1
 DATE RANGE: 01/01/2018 - ONGOING

CHECK DATE	CHECK NUMBER	PAYEE / VENDOR	MEMO	PAYMENTS FROM APPLICANT	CHARGES	BALANCE
1/10/2018	50634		PAYMENT FROM APPLICANT / DEPOSIT - Site Plan Review	\$5,000.00		\$5,000.00
2/5/2018	50851		PAYMENT FROM APPLICANT / DEPOSIT - Escrow fee	\$3,000.00		\$8,000.00
2/28/2018	1320	Carlisle/Wortman Associates, Inc	Preliminary Site Plan Review		\$237.50	\$7,762.50
3/5/2018	1321	Spicer Group Inc	Preliminary Site Plan Review		\$2,075.75	\$5,686.75
4/3/2018	1322	Carlisle/Wortman Associates, Inc	Preliminary Site Plan Review		\$170.00	\$5,516.75
4/3/2018	1323	Spicer Group Inc	Preliminary Site Plan Review		\$1,000.00	\$4,516.75
5/10/2018	1326	Spicer Group Inc	Preliminary Site Plan Review		\$625.00	\$3,891.75
5/17/2018	1329	Carlisle/Wortman Associates, Inc	Preliminary Site Plan Review		\$425.00	\$3,466.75
6/5/2018	1330	Spicer Group Inc	Preliminary Site Plan Review		\$1,437.50	\$2,029.25
7/2/2018	1333	Spicer Group Inc	Preliminary Site Plan Review		\$1,034.00	\$995.25
9/18/2018	1344	Livingston County Register of Deeds	RECORDING DEED		\$30.00	\$965.25
10/2/2018	1346	MICHAEL J. KEHOE, P.C.	Review and Revised Special Use Conditions		\$102.00	\$863.25
11/2/2018	1348	Spicer Group Inc	Site Plan Review		\$782.00	\$81.25
11/27/2018	1350	Spicer Group Inc	Site Plan Review		\$1,054.00	-\$972.75
12/18/2018	1351	Spicer Group Inc	Site Plan Review	\$972.75	\$480.25	-\$1,453.00
12/20/2018	1006		PAYMENT FROM APPLICANT / DEPOSIT	\$480.25		-\$480.25
4/29/2019	1018		PAYMENT FROM APPLICANT / DEPOSIT			\$0.00
TOTAL COST FOR ESCROW PROJECT: \$9,453.00						
6/26/2019	1024		PAYMENT FROM APPLICANT / DEPOSIT - Amendments to Existing Site Plan	\$5,000.00		\$5,000.00
7/17/2019	1365	Spicer Group Inc	Site Plan AMMENDMENT Review		\$970.50	\$4,029.50
8/21/2019	1366	Spicer Group Inc	Site Plan AMMENDMENT Review		\$271.25	\$3,758.25
2/4/2021	1409	*REIMBURSE Marion Twp. - General Fund	*SITE PLAN REVIEW FEE TAKEN FROM LEFTOVER ESCROW MONEY		*\$500.00	\$3,258.25
3/25/2021	1414	Carlisle/Wortman Associates, Inc	Site Plan AMMENDMENT Review		\$217.50	\$3,040.75
4/30/2024	1459	QUALITY ZONING - ZACHARY MICHELS	Site Plan AMMENDMENT Review - APRIL 2024		\$675.00	\$2,365.75
5/9/2024	1461	Spicer Group Inc	Site Plan AMMENDMENT Review - APRIL 2024		\$2,302.50	-\$124.00
6/3/2024	1462	QUALITY ZONING - ZACHARY MICHELS	Site Plan AMMENDMENT Review - MAY 2024		\$175.00	-\$299.00

MORE CHARGES STILL TO COME.....

TOTAL COST FOR ESCROW PROJECT - AMMENDMENT: \$4,611.75
 (*\$500 SITE PLAN REVIEW FEE IS NOT INCLUDED IN TOTAL COST FOR PROJECT.)

ITE CONDOS

APPLICANT EXAMPLE #2

DATE RANGE: 01/01/2018 - 06/01/2023

CHECK DATE	CHECK NUMBER	PAYEE / VENDOR	MEMO	PAYMENTS FROM APPLICANT	CHARGES	BALANCE
1/10/2018	9017		PAYMENT FROM APPLICANT / DEPOSIT	\$3,000.00		\$3,000.00
3/5/2018	1321	Spicer Group Inc	Site Plan Review		\$2,742.75	\$257.25
7/10/2018	9225		PAYMENT FROM APPLICANT / DEPOSIT - Site Plan Review	\$4,743.00		\$5,000.25
8/14/2018	1341	Carlisle/Wortman Associates, Inc	Site Plan Review		\$25.00	\$4,975.25
8/14/2018	1341	Carlisle/Wortman Associates, Inc	Site Plan Review		\$212.50	\$4,762.75
8/27/2018	1342	Spicer Group Inc	Site Plan Review		\$1,948.75	\$2,814.00
2/28/2019	1352	Spicer Group Inc	Site Plan Review		\$1,339.50	\$1,474.50
2/28/2019	1353	Carlisle/Wortman Associates, Inc	Site Plan Review		\$170.00	\$1,304.50
3/5/2019	1354	MICHAEL J. KEHOE, P.C.	Site Plan Review		\$467.00	\$837.50
3/20/2019	1355	Carlisle/Wortman Associates, Inc	Site Plan Review		\$170.00	\$667.50
3/25/2019	1357	Spicer Group Inc	Site Plan Review		\$1,551.00	-\$883.50
4/10/2019	1358	MICHAEL J. KEHOE, P.C.	Site Plan Review		\$268.00	-\$1,151.50
4/22/2019	9233		PAYMENT FROM APPLICANT / DEPOSIT	\$1,151.50		\$0.00
8/21/2019	1366	Spicer Group Inc	Site Plan Review		\$97.50	-\$97.50
10/8/2019	9196		PAYMENT FROM APPLICANT / DEPOSIT	\$397.50		\$300.00
10/28/2019	1369	Spicer Group Inc	Site Plan Review		\$195.00	\$105.00
				TOTAL COST FOR ESCROW PROJECT: \$9,187.00		
10/11/2021	9214		PAYMENT FROM APPLICANT / DEPOSIT - Amendments to Existing Site Plan	\$500.00		\$605.00
2/7/2022	1429	Spicer Group Inc	Site Plan Review - AMMENDMENT		\$1,427.50	-\$822.50
3/2/2022	1431	Spicer Group Inc	Site Plan Review - AMMENDMENT		\$662.00	-\$1,484.50
5/22/2023	9101		PAYMENT FROM APPLICANT / DEPOSIT - Amendments to Existing Site Plan	\$1,484.50		\$0.00
				TOTAL COST FOR ESCROW PROJECT - AMMENDMENT: \$2,089.50		

STORAGE UNIT FACILITY

APPLICANT EXAMPLE #3

DATE RANGE: 09/01/2021 - 02/01/2024

CHECK DATE	CHECK NUMBER	PAYEE / VENDOR	MEMO	PAYMENTS FROM APPLICANT	CHARGES	BALANCE
9/20/2021	1122		PAYMENT FROM APPLICANT / DEPOSIT	\$2,500.00		\$2,500.00
11/1/2021	1425	Spicer Group Inc	Site Plan Review		\$967.25	\$1,532.75
12/6/2021	1426	Spicer Group Inc	Site Plan Review		\$740.00	\$792.75
1/25/2022	1428	Carlisle/Wortman Associates, Inc	Site Plan Review		\$315.00	\$477.75
6/15/2022	1440	Carlisle/Wortman Associates, Inc	Site Plan Review		\$115.00	\$362.75
6/22/2022	1441	Spicer Group Inc	Site Plan Review		\$512.00	-\$149.25
8/31/2022	1444	Spicer Group Inc	Site Plan Review - Inspection		\$155.50	-\$304.75
4/25/2023			PAYMENT FROM APPLICANT / DEPOSIT	\$304.75		\$0.00

TOTAL COST FOR ESCROW PROJECT: \$2,804.75

4/25/2023			PAYMENT FROM APPLICANT / DEPOSIT - Amendments to Existing Site Plan	\$1,000.00		\$1,000.00
6/26/2023	1452	Spicer Group Inc	Site Plan Amendment Review		\$470.00	\$530.00
1/29/2024	1456	Spicer Group Inc	Site Plan Amendment Review		\$705.00	-\$175.00

TOTAL COST FOR ESCROW PROJECT - AMMENDMENT: \$1,175.00

LANDSCAPING BUSINESS

APPLICANT EXAMPLE #4

DATE RANGE: 07/01/2015 - 06/01/2020

CHECK DATE	CHECK NUMBER	PAYEE / VENDOR	MEMO	PAYMENTS FROM/TO APPLICANT	CHARGES	BALANCE
7/8/2015			PAYMENT FROM APPLICANT / DEPOSIT	\$5,000.00		\$5,000.00
8/17/2015	1263	Carlisle/Wortman Associates, Inc	Site Plan Review	\$4,660.00	\$340.00	\$4,660.00
8/20/2015	1264	Evergreen Outdoor Inc.	Refund Applicant Remaining Escrow Funds	\$0.00		\$0.00
2/3/2016	1272	Spicer Group Inc	Site Plan Review	\$700.00	\$700.00	-\$700.00
2/23/2016	5593		PAYMENT FROM APPLICANT / DEPOSIT	\$700.00		\$0.00
TOTAL COST FOR ESCROW PROJECT:					\$1,040.00	
10/8/2019	114		PAYMENT FROM APPLICANT / DEPOSIT - Ammendments to Existing Site Plan	\$2,500.00		\$2,500.00
11/20/2019	1370	Carlisle/Wortman Associates, Inc	Site Plan Review - Ammendment	\$2,287.50	\$212.50	\$2,287.50
5/26/2020	1381	SS Realestate Holdings-Evergreen	Refund Applicant Remaining Escrow Funds	\$0.00		\$0.00
TOTAL COST FOR ESCROW PROJECT AMMENDMENTS:					\$212.50	

LANDSCAPING BUSINESS

APPLICANT EXAMPLE #5

DATE RANGE: 11/01/2019 - 07/01/2022

CHECK DATE	CHECK NUMBER	PAYEE / VENDOR	MEMO	PAYMENTS FROM APPLICANT	CHARGES	BALANCE
11/7/2019	4120		PAYMENT FROM APPLICANT / DEPOSIT	\$5,000.00		\$5,000.00
12/18/2019	1373	Carlisle/Wortman Associates, Inc	SITE PLAN REVIEW		\$280.00	\$4,720.00
1/8/2020	1375	Spicer Group Inc	SITE PLAN REVIEW		\$1,872.25	\$2,847.75
11/4/2020	1395	LoRea Topsoil & Aggregate	Refund Applicant Remaining Escrow Funds	\$2,847.75		\$0.00
TOTAL COST FOR ESCROW PROJECT:					\$2,152.25	
3/24/2022	11840		PAYMENT FROM APPLICANT / DEPOSIT	\$2,500.00		\$2,500.00
5/12/2022	1435	Marion Township - General Fund	Site Plan Review - AMMENDMENT		\$105.00	\$2,395.00
5/26/2022	1438	Spicer Group Inc	Site Plan Review - AMMENDMENT		\$1,363.50	\$1,031.50
6/15/2022	1440	Carlisle/Wortman Associates, Inc	Site Plan Review - AMMENDMENT		\$115.00	\$916.50
TOTAL COST FOR ESCROW PROJECT AMMENDMENT:					\$1,583.50	