

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
September 27, 2022
7:30 PM

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

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: September 27, 2022 Regular Meeting

Approval of Minutes from: August 23, 2022 Regular Meeting

Call to the Public:

Public Hearing:

New Business:

- 1) Feedback from Solar Farm visit
- 2) PC budget

Unfinished Business:

- 1) Master Plan-resolution adopting plan
- 2) Review proposed draft for Solar Farm Ordinances
- 3) Review proposed draft for Kennels

Special Orders:

Announcements:

- What are your next text amendments to work on?
- Section 4 penalty provisions
 - Section 14 clarify parking
 - Other pending amendments rejected by new attorney

Call to the Public:

Adjournment

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*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

**PLANNING COMMISSION
REGULAR MEETING
AUGUST 23, 2022 - 7:30PM**

MEMBERS PRESENT: LARRY GRUNN - *CHAIRPERSON*
JIM ANDERSON - *VICE CHAIRPERSON*
CHERYL RANGE - *SECRETARY*
BOB HANVEY
BRUCE POWELSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVID HAMANN - *MARION TWP. ZONING ADMINISTRATOR*
ZACK MICHELS - *PLANNER W/ CARLISLE WORTMAN*
ALISSA STARLING - *PLANNER W/ CARLISLE WORTMAN*

CALL TO ORDER:

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

APPROVAL OF AGENDA:

Bruce Powelson made a motion to approve the agenda for the August 23, 2022 Planning Commission meeting as presented. Jim Anderson seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:

Cheryl Range made a motion to approve the minutes from the July 26, 2022 Planning Commission meeting. Jim Anderson seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:

Sandy Donovan presented different language option for our Kennel ordinance. Sandy increases the size to 11 acres, along with a few other changes.

UNFINISHED BUSINESS

MASTER PLAN - FINAL UPDATES, PATH TO FINALIZE:

Zach Michels with Carlisle Wortman made all of the changes that we have been talking about at the last several meetings. Zach said that if the Commissioners feel that there have been substantial changes made since the last Public Hearing, then they are entitled to have another Public Hearing.

Cheryl Range stated that there are still some issues on page 64. Cheryl would like bullet number three to read "all renewable energy". Cheryl would also like to add a fourth bullet that reads "Permit Solar Energy facilities in lite industrial."

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Zach explained that requiring Solar Farms to obtain a Special Use provides more protection allows for more regulations. Cheryl is concerned about the visual aspect and also the traffic caused by the Solar Farms. Alissa Starling with Carlisle Wortman explained that one day the State is going to mandate solar farms throughout the State. Therefore it would be better for the Township to permit them and regulate them now before the State steps in and requires them anyways. Bruce Powelson would like to receive a hard copy of the final revised Master Plan before the next meeting. Zach and Alissa will make the final minor changes and it should be ready to sign during the next meeting.

REVIEW PROPOSED DRAFT FOR SOLAR FARM ORDINANCES:

Zach reviewed the locational requirements for Solar Farms and explained that the Commissioners need to provide some direction on what option they want to go with. Creating the location requirements is the most important part. Does the township want to permit Solar Farms in an Overlay District, Suburban Residential or Rural Residential. Jim Anderson stated that he would be in favor of an overlay district with a half mile buffer. Les Andersen provided some input on Solar Farms. Sandy Donovan suggested having a set distance allowed in between each solar farm. Jim suggested creating an overlay district located in the area, west of Cedar Lake Road. Bob Hanvey stated on page 2 under numbers 8, 12, 4 and 2, we should remove the word "scale". Bruce Powelson stated on page 1 under number 2, the units should be changed to "BIPV's". Bob Hanvey stated: page 3 under section 12.01 we should add the word "District". page 5 under section D, #1 we should add the word "least" after the word "at". page 10 under section N, #5 we should add some flexibility to that one. Zach asked if we should add a minimum space requirement between solar facilities. Bob Hanvey replied "Yes." Zach said that he would have a finalized version for the next meeting.

REVIEW PROPOSED DRAFT FOR KENNELS:

Jim Anderson stated that on page 1 - 17.19 #B where it reads "11 dogs" it should read "4 dogs". Jim Anderson suggested that we try and merge Sandy Donovan's Kennel language with the Kennel language that Zach put together. Sandy is going to send Jim her language in a word document so Jim can try and combine the two language options.

SPECIAL ORDERS:

Dave Hamann mentioned the ZBA case regarding Farm Stands and Farm Markets. Dave explained to Zach that the Township Attorney told us that we needed to remove our SUP from Farm Markets. However, our other Attorney told us the opposite. In this situation who should we listen to? Zach explained that both Attorneys are partially correct in their advice. Commissioners have to decide which advice they are going to follow and see how it plays out.

ANNOUNCEMENTS

None.

CALL TO PUBLIC:

None.

ADJOURNMENT:

Larry Grunn motioned to adjourn the meeting at 9:45pm. Jim Anderson seconded. **MOTION CARRIED.**

MARION TOWNSHIP SOLAR ENERGY ZONING ORDINANCE AMENDMENTS

An amendment the Marion Township Zoning Ordinance to add definitions related to solar energy, establish a solar farm energy overlay district, establish standards for ~~utility scale~~Utility solar energy facilities, and establish standards for private solar energy systems.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following solar energy definitions which shall read, in its entirety, as follows:

Solar Energy: The following definitions shall apply in the application of this Ordinance.

1. **Abandonment:** Any solar energy system or facility that is no longer producing power.
2. **Building Integrated Photovoltaics (BIPV/VPs):** A private or ~~Utility Scale~~Utility solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
3. **Decommission:** To remove or retire a solar energy system or facility from active service.
4. **Ground-Mounted Solar Energy System:** A private or ~~Utility Scale~~Utility solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. **Height:** The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
6. **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
7. **Non-Participating Property:** A property that is not subject to ~~an Utility a Utility Scale~~ Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing ~~an Utility a Utility Scale~~ Solar Energy Facility.
8. **Participating Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purpose of developing ~~an Utility a Utility Scale~~Utility Solar Energy Facility.

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9. **Private Solar Energy System:** A solar energy system used exclusively for private purposes and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.
10. **Roof or Building-Mounted Solar Energy System:** A private or Utility solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding **BIVPBIPVs**.
11. **Solar Energy System:** A device designed to collect and transform solar energy into electricity.
12. **Solar Farm:** See Utility Solar Energy Facilities.
13. **Utility Scale Utility Solar Energy Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAPS

[If there is an interest in creating a solar farm overlay district.]

Section 7.01 Establishment of Districts of the Zoning Ordinance is hereby amended to add SFO Solar Farm Overlay District, which shall read, in its entirety, as follows:

Section 7.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

RR: Rural Residential District

SR: Suburban Residential District

UR: Urban Residential District

ERS-1: Existing Residential Subdivision District

ERS-2: Existing Residential Subdivision District

MHP: Mobile Home Park

HS: Highway Service District

LI: Light Industrial District

PL: Public Lands District

Other Areas

PUD: Planned Unit Development Overlay District

SFO: Solar Farm Overlay District

WPA: Wellhead Protection Area

3. ADDITION OF ARTICLE XII: "SOLAR FARM OVERLAY DISTRICT"

A new Article XII entitled "SOLAR FARM OVERLAY DISTRICT" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

ARTICLE XII: SOLAR FARM OVERLAY DISTRICT

Section 12.01 SFO: Solar Farm Overlay District

A. Intent: It is the intent of the Solar Farm Overlay District (SFO) to provide for the location and siting of Utility Solar Energy Facilities to promote economic development while protecting the public health, safety, and welfare; mitigating adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and preserving scenic views and cultural resources. The Solar Farm Overlay District is intended to include areas with large tracts of land in proximity to electrical transmission lines to limit potential impact on other areas and uses within the Township.

B. Permitted Accessory Uses:

1. Accessory uses or structures clearly incidental to the operation of an approved Utility Solar Energy Facility.

C. Uses Permitted By Special Use Permit: (See specific Provisions in Article XVII)

1. Utility Solar Energy Facilities.

~~**D. Site Development Requirements:** [Could be included here or in specific use standards.]~~

~~1. Minimum Site Area.~~

~~1. Minimum Frontage.~~

~~1. Yard and Setback Requirements.~~

~~1. Maximum Lot Coverage.~~

~~1. Maximum Height.~~

~~1. OTHER PROVISIONS.~~

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

Article XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES of the Zoning Ordinance is hereby amended to add Section 17.34 “Utility Solar Energy Facilities” which shall read, in its entirety, as follows:

17.34 UTILITY SOLAR ENERGY FACILITIES

A. Intent and Purpose: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.

~~— **Locational Requirements:** Utility Solar Energy Facilities are permitted by special land use permit in the Suburban Residential District and Rural Residential District.~~

OR

B. Locational Requirements: Utility Solar Energy Facilities are permitted by special land use in the Solar Farm Overlay District.

OR

~~**Locational Requirements:** Utility Solar Energy Facilities are permitted by special land use within the Rural Residential District and within one (1) mile of high-voltage transmission corridors.~~

E.C. Site Requirements:

1. The site shall be at least twenty (20) acres.
2. The site shall have direct access from a public road or shall have an access easement with a maximum length of one thousand two hundred fifty (1,250) feet and a width of at least thirty-three (33) feet ~~that and~~ shall be paved or graveled in a manner sufficient to provide access at all times of the year.

F.D. Buffering Requirements:

1. There shall be a landscape buffer at least twenty (20) feet wide. The buffer shall contain evergreen trees or bushes planted not less than eight (8) feet apart linearly. Plantings shall be least four (4) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons. The trees may be trimmed but must maintain a height of at least ten (10) feet.
2. Good husbandry techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time.

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3. All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
4. All structures and improved areas located within the fence shall be at least thirty (30) feet from the fence line.
5. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from non-participating properties and road rights-of-way.
6. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

G.E. Performance Standards:

1. Utility Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.
 2. Fencing: Utility Solar Energy Facility compounds shall be surrounded by a fence designed to prevent unauthorized access and screen the facility.
 - a. The fence shall be at least seven (7) feet tall with a thirty-six (36) inch deep concrete foundation for posts.
 - b. The fence shall be an agricultural-style fence, woven with a green opaque material.
 - c. Gates shall be the same height and constructed of the same material as the fencing. Access, such as a Knox box, shall be provided for emergency responders.
 - d. Alternate fencing may be approved by the Planning Commission upon a finding that the alternative provides adequate access control and visual screening.
 3. Safety:
 - a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - b. All electrical connection systems and lines from the Utility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.
 - c. All access gates and doors to Utility Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
 - d. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall install a swinging gate, as appropriate, to discourage trespassers.
 - e. The manufacturer's or installer's identification and appropriate warning signs shall be posted on or near solar panels in a clearly visible manner.
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- f. Fire suppression plans and Safety Data Sheets shall be kept on-site and accessible for emergency responders.
 4. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.
 5. Signs shall be posted at entrances to Utility Solar Energy Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Planning Commission may require additional signs with this information on the fence surrounding the compound.
 6. The Utility Solar Energy Facility owner and operator and property owner shall be responsible, jointly and severally, for mitigating erosion or flooding resulting from the Utility Solar Energy Facility.
 7. The Utility Solar Energy Facility owner and operator and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, and infrastructure damaged by the construction of a Utility Solar Energy Facility.
 8. Utility Solar Energy Facilities shall not have any on-site battery storage.
 9. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches.
 10. Wildlife Impact:
 - a. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
 - c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
 - d. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or
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conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

11. Environmental Impact:

- a. The applicant shall have a third-party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
- b. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

12. Density; location. Utility Solar Energy Facilities shall be at least two thousand five hundred (2,500) feet from any adjacent, existing Utility Solar Energy Facilities.

b.

H. Application Procedures.

~~A developer/operator of any Utility Solar Energy Facility shall follow the following procedures for application for a Special Use Permit to construct an Utility Solar Energy Facility.~~

- ~~1. Make application for Special Use Permit to the Planning Commission as required in Section 16.1. The application shall be accompanied by the required fees and information as requested in this ordinance.~~
- ~~2. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 et seq.~~
- ~~3. Procedure: The Planning Commission will review a Special Use Permit application for an Utility Solar Energy Facility, will hold a public hearing and render a decision, per the procedures for review in Section 18.03. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Utility Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).~~

I.F. Application Requirements:

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An applicant proposing ~~an Utility~~ Utility Solar Energy Facility must submit the following materials with the Special Use Permit Application:

1. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Utility Solar Energy Facility shall also be dated to indicate the date the application is submitted to Marion Township.
2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars (\$10,000,000) to cover the Utility Solar Energy Facility, the Township, and the Landowner.
4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate ~~an Utility~~ Utility Solar Energy Facility on the property prior to construction.
5. Compliance with the County Building Code and the National Electric Safety Code: Construction of ~~an Utility~~ Utility Solar Energy Facility shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
6. Environmental Impact: Copy of the Environmental Impact Analysis.
7. Wildlife Impact: Copy of the Wildlife Impact Analysis.
8. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
9. Decommissioning Plan: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
10. Complaint Resolution Protocol: Copy of Complaint Resolution Protocol.
11. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel.
12. Site Plan: The site plan prepared in accordance with Article XVIII Site Plan Requirements shall be submitted, showing the location, size, and screening of all buildings and structures. The site plan shall also include the following:
 - a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;

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- b. Water bodies, waterways, wetlands, and drainage channels;
 - c. Lighting plan;
 - d. Plan(s) showing the location of proposed Utility Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of damage to public roads and other areas caused by construction;
 - f. Anticipated construction schedule;
 - g. Description of operations, including anticipated regular and unscheduled maintenance;
 - h. The applicant must also obtain a permit from the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities;
 - i. Proof of approval by Livingston County, Road Commission, and Drain Commission.
 - j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;
 - k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Utility Solar Energy Facility;
 - l. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Utility Solar Energy Facility;
 - m. A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation;
 - n. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
 - o. A complete set of photos of the entire development area prior to construction.
13. Application Fee. Review fees shall be submitted for a Land Use Permit application, Special Use Permit application, site plan review, and required escrow fee to the Township in the amount specified in the fee schedule adopted by the Board of Trustees. This shall include but not be limited to independent review by experts, as deemed necessary by the Planning Commission.
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J.G. Abandonment and Decommissioning:

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Utility Solar Energy Facility and all its components and restore the site to its original conditions.

1. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.
2. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
3. Solar energy systems that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed whether or not other solar arrays or photovoltaic devices are operating.
4. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
5. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Planning Commission as part of the original site plan review or later as part of decommissioning.
6. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if use is to cease, prior to decommissioning, or abandonment.
7. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility Solar Energy Facility exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Utility Solar Energy Facility Applicant, owner, and operator, jointly and severally, to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

O. Complaint Resolution:

Utility Solar Energy Facilities shall provide a complaint resolution process, as described below.

1. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
2. A log shall be kept by the owner or operator of all complaints received, and shall be available to Township officials for review, per Township request.
3. The operator or its agent shall respond to complainants within ten (10) business

days and shall provide notification to the Zoning Administrator.

4. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
5. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
6. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.

5. ADDITION OF SECTION 6.31 “PRIVATE SOLAR ENERGY SYSTEMS”

Article VI GENERAL PROVISIONS of the Zoning Ordinance entitled is hereby amended to add a Section 6.31 entitled “Private Solar Energy Systems” which shall read, in its entirety, as follows:

Section 6.31 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, subject to the following:

- A. A land use permit and applicable building permits shall be required for the installation of any Private Solar Energy System. The application shall include a scaled plot plan shown the property lines, setbacks, existing and proposed buildings and structures, road rights-of-way, wiring location, and panel information.
- B. Ground-mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setbacks for the zoning district in which it is located.
- C. Roof-mounted Private Solar Energy Systems erected on a roof shall not extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, it shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted.
- D. Ground-mounted Private Solar Energy Systems shall have a maximum height of twenty-five (25) feet above the ground when oriented to maximum tilt.
- E. All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.
- F. Batteries associated with Private Solar Energy ~~Systems~~ Systems must be located within a secured container or enclosure.

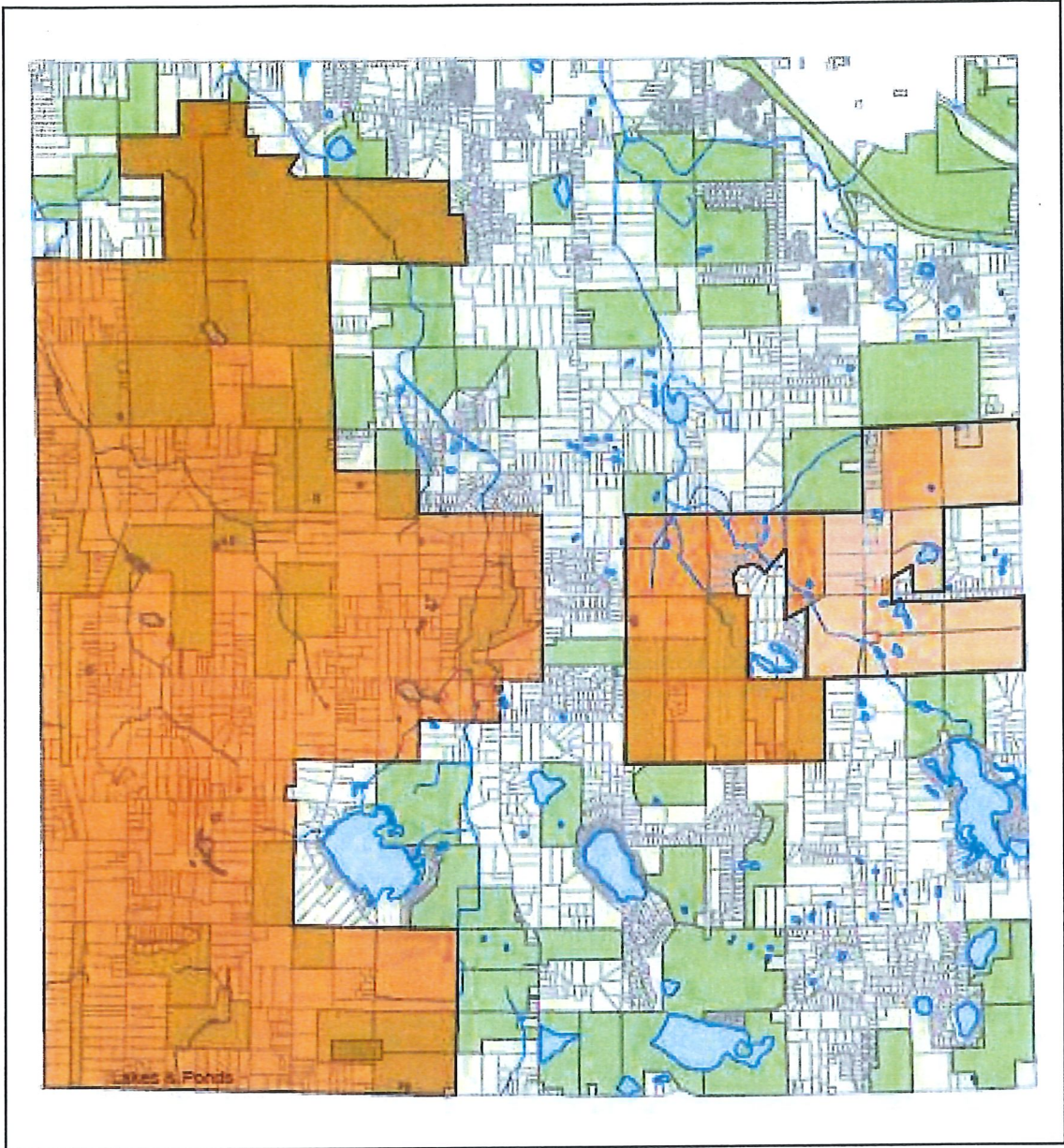
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- G. Signage shall be provided in a visible location with disconnection procedures for emergency first responders.
- H. All Private Solar Energy Systems, including BIVPBIPVs, ground-mounted, and structure mounted, shall conform to applicable County, State, and Federal laws and regulations and safety requirements including Michigan Building codes.
- I. Private Solar Energy Systems that have been abandoned for a period of one (1) year shall be removed by the property owner within six (6) months of the date of abandonment.

REDLINE draft (09.19.2022)



**Marion Township
Solar Overlay Draft**



Carlisle | Wortman

ASSOCIATES, INC.

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

TO: Marion Township Planning Commission
FROM: Zach Michaels & Alissa Starling
DATE: September 19, 2022
RE: Kennel Amendments

We have reviewed the kennel ordinance amendments as requested by the Planning Commission and have a few minor comments in regard to the revisions, outlined below:

Section 17.19(C) – is there a rationale behind requiring accessory buildings to be located 100 feet from any ponds or wetlands? This may be difficult to meet for property owners who have them abutting or in their rear yard.

Section 17.19(D) – We are not huge fans of earth berms, and they remove and disturb topsoil for not only the location of but the surroundings areas. Research has also shown they are not as effective as soundproof walls or fences.

Section 17.19(E)(7) – With the soundproof wall barrier, is this clause necessary to restate?

Section 17.19(11)(i) – This was covered in clause 17.19(E)(9).

Section 17.19(11)(v) – sloping of the ground may be difficult to accomplish and a large undertaking for existing kennels, also may be cost prohibitive to move the land and require sloping prior to putting down flooring.

Section 17.19(12)(v) – What about people who use a large backyard? That was how I was picturing it. I know this is a way to do it however, I feel like unless the kennel is already established, this may be difficult to accomplish and install.

Section 17.19(12)(vii) See above comment. This would be difficult, especially in an outdoor area if the land was not naturally sloped.

Section 17.19(12)(viii) – Is there a rationale behind this? What if the owner has a large, enclosed backyard.

We look forward to the discussion at next week's planning commission meeting!

I. MARION TOWNSHIP KENNEL ORDINANCE

Section 1. Purpose & Intent

The purpose of this ordinance is to establish the standards and maintenance of operating a kennel within the township so as to protect the general health, safety, and welfare of residents and property owners and to preclude any harmful effects of such land use from occurring in any zoning district where such use may be permitted.

3.02 DEFINITIONS

- A. Definitions. As used in this subsection, the following terms shall have the following definitions:

Kennels: Any lot or premises on which five (5) or more dogs of more than four (4) months in age are kept temporarily or permanently, as pets or any lot or premises for the purpose of caring for, dog rescue, boarding, training or sporting purposes, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.

Note: This definition provides for five (5) or more dogs. For those residents that have between one (1) and four (4) dogs, each dog must be vaccinated and licensed as required in conformance to the Livingston County Animal Control Ordinance, Article IV – Licensing and Vaccination, Sections 1 – 7.

Dog Nuisance Barking: Shall mean barking which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of one or more person occupying property next to or in reasonable proximity to the property where the dogs are kept. The barking must be continuously audible for ten minutes or intermittently audible for 30 minutes within a three-hour period.

Kennel Indoor Area: Any building that is fully enclosed with permanent walls, roof and floor where dogs are housed either temporarily or permanently on any lot or premises.

Kennel Outdoor Area: Any area on any lot or premises outside of the Kennel Indoor Area used for any type of exercising of dogs. This area includes dog run enclosures that are attached to the Kennel Indoor Area by either a door or gate.

Amendment of Article XVII: “SPECIAL USE SPECIFIC DESIGN STANDARDS”

Article XVII of the Township’s Zoning Ordinance entitled “STANDARDS FOR SPECIFIC SPECIAL LAND USES” is hereby amended to merge subsection 17.19A and 17.19B to 17.19 entitled “Kennels” which shall read, in its entirety, as follows

17.19 Kennels

- A. **Locational Requirements:** Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.
- B. **Site Requirements:** A kennel shall be on a lot with a minimum lot size of two (2) acres for the first four (4) dogs and an additional one-third (1/3) acre for each additional animal thereafter.
- C. **Buffering Requirements:** Accessory buildings where dogs are kept, runs, exercise areas, and any other place where dogs are kept outside, shall not be located nearer than one hundred (100) feet from any/all property lines, wetlands and ponds.
- D. **Barrier Requirements:** The dog runs or enclosures, exercise yards and any places where the dogs are kept either full time or part time must be enclosed with a view obstruction noise barrier such as an earth berm or sound fence. The fence and/or earth berm shall also be no less than six feet and/or no more than eight feet high and no closer than three feet to any of the runs, exercise areas, places where the dogs are kept or any exterior property lines, wetlands and ponds.
- E. **Performance Standards:**
1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
 2. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
 3. Dog nuisance barking from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards
 4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
 5. Dog runs, exercise yards and any places where the dogs are kept either full time or part time must be located in the rear yard only.
 6. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13.

7. The outside perimeter of the run and/or exercise area kennel shall be enclosed by fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs.
8. All dogs must be licensed, vaccinated, and maintained in a healthful and careful manner, in conformance with the Livingston County Animal Control Ordinance, Article LV, Sections 1-7, Licensing and Vaccination.
9. The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of the township ordinances and the County Building Department. In addition, all kennels shall be regulated, inspected, and licensed by the Livingston County Animal Control Ordinance, Article IV, Sections 1-7, Licensing and Vaccination.
10. The parcel must be owned, operated and occupied by the owner/operator of the kennel.
11. Kennel Indoor Area:
 - a. Indoor animal housing areas shall be provided with sufficient heating and cooling to protect animals from extreme temperatures and to provide for adequate care at all times. The ambient temperature shall be consistent with the needs of the animal species and their life stage and medical condition. Adequate fresh drinking water must be present at all times for each animal.
 - b. Housing, whelping and husbandry areas must be of sufficient size to allow room for each animal to stand and walk around freely, and exercise normal postural movements as well as allowing adequate room for bedding, food/water bowls, and the birth and care of any offspring.
 - c. The minimum size of the enclosures within the required kennel building shall be not less than four feet by four feet square and four feet high. There shall be a door or gate to each enclosure which allows easy access for inserting and removing the dogs. There shall be a minimum of one enclosure per animal.
 - d. Each indoor enclosure shall have a door that allows access of the dog to an outdoor exercise area that is only accessible by a single indoor enclosure.
 - e. All floors within each enclosure shall be made of sealed or coated concrete and sloped to facilitate cleaning, drainage and sanitation.
 - f. Indoor animal play areas shall be of sufficient size to allow for maintenance of sanitary conditions and to avoid overcrowding of animals.

- g. Convenient toilet and hand washing facilities with hot and cold running water shall be available to maintain personal hygiene of kennel staff.

12. Kennel Outdoor Area:

- a. Outdoor areas and exercise areas shall have adequate walls or fences to keep animals secured and to restrict the entry of dangerous animals from the outside.
- b. Outdoor areas and exercise areas shall be provided with areas of shade from direct sunlight, and adequate shelter to protect from rain, snow, or weather detrimental to the health of the animal.
- c. Outdoor areas and exercise areas shall have adequate drainage to prevent standing water.
- d. Animals shall not be allowed in outside areas unless they are able, in the environmental conditions present at that time, to maintain the normal body temperature appropriate for that species.
- e. The exterior run or enclosure for each indoor enclosure shall be a minimum of four feet wide and twelve feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closable door. No more than five dogs shall be allowed in the outdoor run or exercise area.
- f. All floors within each exterior or enclosure for each indoor enclosure shall be made of sealed or coated concrete and sloped to facilitate cleaning, drainage and sanitation.
- g. Outdoor areas and exercise areas shall be provided with areas of shade and adequate shelter to protect from rain, snow or weather detrimental to the health of the animal. Adequate fresh drinking water must be present at all times for each animal while in the outdoor or exercise areas.
- h. No more than five dogs shall be allowed in the outdoor or exercise areas at any one time.
- i. Kennel staff shall be present at all times in the outdoor and exercise areas when animals are being exercised.
- j. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
- k. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

- i. Dust and drainage from the kennel building, exterior runs or enclosures, or exercise areas shall not create a nuisance or hazard to adjoining property or uses.
- m. All waste should be disposed of according to state, county and federal regulation.

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