

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

August 22, 2023

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: August 22, 2023 Regular Meeting

Approval of Minutes from: July 25, 2023 Regular Meeting

Call for Public Comment:

Public Hearing:

- 1) SUP#01-23 Kromrey Home Based Business Public Hearing
- 2) TXT#01-23 Crypto Ordinance Data Processing Industrial District

New Business:

- 1) SUP#01-23 Kromrey Home Based Business Review
- 2) Wellhead protection ordinance and map

Unfinished Business:

- 1) TXT#01-23 Crypto Ordinance Data Processing Industrial District (Send to LCPD)

Special Orders:

Announcements:

Call for Public Comment:

Adjournment:

DRAFT

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
JULY 25, 2023 / 7:30PM**

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

OTHERS PRESENT: DAVID HAMANN - *MARION TWP. ZONING ADMINISTRATOR*

MEMBERS ABSENT: JOHN ENOS - *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 July 25, 2023 agenda as presented. Jim Anderson seconded. **MOTION CARRIED**

APPROVAL OF MINUTES

Jim Anderson made a motion to approve the June 27, 2023 Planning Commission minutes. Cheryl Range seconded. **MOTION CARRIED**

CALL TO PUBLIC

None.

NEW BUSINESS:

SPR# 01-23 REVIEW SITE PLAN FOR THE BUILDING REMODEL BUMP OUT AND OVERHANG

Joe Chidister with Schafer Construction explained the plans for the bump out and overhang renovations. Dave Hamann explained that this is simply a formality and some of the Board members wanted the Planning Commission to provide a recommendation on this part of the renovations.

Bob Hanvey made a motion to recommend approval to the Township Board of Trustees for the bump out and overhang renovations. Jim Anderson seconded. **MOTION CARRIED**

DRAFT

UNFINISHED BUSINESS:

GO# 01-23 CONTINUE PDR ORDINANCE

Jim Anderson explained that all of the changes from Cheryl Range, Bruce Powelson, Dave Hamann and the June 2023 Planning Commission Minutes, have been made.

John Enos believes this is a good ordinance and that it is ready to go to the Board for review and comment.

Bruce Powelson had some additional changes to the ordinance. Jim Anderson made those changes during the meeting. One of the changes suggested by Bruce was to change the time limit from "50 years" to "in perpetuity".

The Commissioners voted and three Commissioners were in favor of this change and two did not wish to change the existing "50 year" time limit. Majority rules and the time limit was changed to "in perpetuity".

John Enos stated that this ordinance should first get sent to the Township Board of Trustees, then sent to Sara Thomas for her comment and feedback and then sent to the Township Attorney.

Bruce Powelson made motion to recommend approval for GO# 01-23 PDR Ordinance, to the Township Board of Trustees. Bob Hanvey seconded. **MOTION CARRIED**

Rob Stafford was in attendance online and made a comment about the ordinance and expressed that he would like Sara Thomas to have the opportunity to review the ordinance once the Board has provided their feedback.

CRYPTO ORDINANCE DATA PROCESSING INDUSTRIAL DISTRICT

Bruce Powelson suggested waiting until the next meeting to discuss this ordinance, so they have a chance to review the document that was provided at the beginning of the meeting.

Dave Hamann explained that this draft contains all of the changes that have previously been discussed.

Cheryl Range made a motion to set a Public Hearing for the Crypto Ordinance on August 22, 2023 at 7:30pm. Jim Anderson seconded. **MOTION CARRIED**

TXT# 02-19 SIGNS FOR HOME OCCUPATIONS

Dave Hamann explained that all of the changes previously discussed have been made to this ordinance.

Cheryl Range made motion to recommend approval for TXT# 02-19 Signs for Home Occupations, to the Township Board of Trustees. Bruce Powelson seconded. **MOTION CARRIED**

SPECIAL ORDERS

John Enos discussed Carlisle Wortman's future plans with Marion Township. John's hope is to have Zach Michels act as an outside consultant for Marion Township. Zach would attend future Planning Commission meetings and provide guidance and feedback on any necessary items, only involving Carlisle Wortman as needed.

ANNOUNCEMENTS

Cheryl Range inquired about Bob's handout from the previous meeting.

CALL TO THE PUBLIC

Les Andersen made a comment about DTE and their desire/intentions to support land owners with an interest in solar farms. Les also mentioned the possibility of going with a metal roof for the Township building, since the insurance company is going to be providing \$100,000 for replacement. (Due to the recent hail damage.)

ADJOURNMENT

Bruce Powelson made a motion to adjourn the meeting at 9:10pm. Larry Grunn seconded. **MOTION CARRIED**

MARION TOWNSHIP SPECIAL USE PERMIT

Application No: <u>SUP # 1-23</u>
Date: <u>7-31-2023</u>

Name of Applicant: Chad Kromrey
 Address of Applicant: 750 W. Coon Lake Rd. Howell MI 48843
 Phone Number: 715-781-5665
 Parcel ID Number: 10-23-300-012

The above applicant is: Owner Purchaser Representative

(Purchaser or representative will need a letter of permission from owner)

Please include the following with your request. These items are needed to determine administrative completeness:

- The current zoning of the property involved.
- Ten (10) copies of the required site plan *(per Section 18.03 of the Marion Township Zoning Ordinance.)*
- Supporting documentation with regard to all provisions of the Marion Township Zoning Ordinance pertaining to a Special Use Request.

The undersigned agrees to comply with all of the ordinance requirements for Marion Township. Further, the undersigned acknowledges being responsible for all costs incurred by the township in relation to this request. Such costs include, but are not limited to, engineering reviews, legal fees, newspaper notices, postage, etc. The applicant understands final approval is subject to complete payment of all incurred fees and any outstanding escrow balances.

Chad Kromrey
 Applicant's Name (print)


 Applicant's Signature

Office Use Only		
Date Received: <u>7-31-2023</u>	Fee Paid: <u>500</u>	<u>ESCROW 2000</u>
Materials Received: _____	Site Plans: _____	
Application accepted by: _____		

Kromrey Kustoms & Performance LLC
Chad Kromrey
750 W. Coon Lake Rd.
Howell, MI 48843
7/31/23

Business Description of Kromrey Kustoms:

Kromrey Kustoms is a family business focused on Classic Car Restorations. Open Monday through Friday 8am-5pm. Common activities are metal work, engine re-builds, custom paint coatings, body work, upholstery, modern upgrades, etc.

Vehicle traffic frequency is low as full restorations take months on-end, so customer traffic is minimal. We do receive a few deliveries a week from small supply vans. We have two full-time employees who come and go during business hours as necessary. We have one shop-runner truck that is parked at the shop at all times.

Occasionally an additional vehicle is present as we partner with Livingston Educational Service Agency (LESA) to help prepare young technicians for future job-readiness. On occasion, a donated vehicle is present for us to analyze/repair for a local non-profit Angel Autos who then donates the vehicle to employed single mothers in need of reliable transportation.

Sincerely,

Chad Kromrey
Kromrey Kustoms & Performance LLC

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

QUESTIONS/DESCRIPTION	OWNER RESPONSE
LOCATIONAL REQUIREMENTS	
Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.	Zoned Rural Residential
SITE REQUIREMENTS	
A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.	Encompasses entire accessory building (See Accessory Buildings and Structures Document from Zoning)
B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.	Residential dwelling not altered.
C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.	Separated from dwelling.
D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.	All activities are performed indoors.
E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.	All cleaners, solvents, etc. are stored in metal fire-safe cabinets and both stored and handled in compliance with regulation.
F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.	All used oil/anti freezes disposed at Livingston Waste Collection Sites No radioactive/medical/biomdeical chemicals or materials used
G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.	

<p>H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.</p>	<p>No noise/vibration/fumes/glaires/odors or electrical interference detectable to the normal human senses heard beyond the site. Primary restoration work is conducted indoors.</p>
<p>I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.</p>	<p>Business is conducted Monday - Friday 8am-5pm, with very little traffic.</p>
<p>J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows: Minimum Parcel Size vs Maximum Number of Non-Resident Employees Up to 6 acres = 1 employee 6 acres and less than 10 acres = 2 employees 10 acres and less than 12 acres = 3 employees 12 or more acres = 4 employees</p> <p>The Planning Commission may recommend or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises. In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission may recommend or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.</p>	<p>Acreage of residence is 12.3 acres with 2 full time employees.</p> <p>Tax Description 4710-23-300-012 SEC 23 T2N R4E COM S 1/4 COR, TH S87*W ALG C/L COON LAKE RD 300 FT TO POB, TH CONT ALG SD C/L S87*W 55 FT, TH N3*E 2020 FT, TH N87*E 355 FT, TH S3*W 1420 FT, TH S87*W 300FT, TH S3*W 600 FT TO POB. 12.3 AC M/L LD#14-02 SPLIT FROM 007</p>
<p>K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.</p>	<p>Any use of outdoor storage is not visible from adjoining properties or from the road, there is a buffer of pine trees/woods from any adjoining property.</p>
<p>L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.</p>	<p>Business is already licensed and inspected/operating under commercial garage/shop insurance policy.</p>
<p>M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.</p>	
<p>N. Home-based businesses are allowed signage. See Article XV Signage.</p>	

<p>O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am — 7pm. The Planning Commission may recommend or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the parcel, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.</p>	<p>We receive deliveries to the shop 2-3 times per week from local suppliers.</p>
<p>P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.</p>	<p>Understood, we have (1) shop truck, and (2) employees at the shop. Occasionally have an additional vehicle as we partner with Livingston Educational Service Agency (LESA) to provide temporary internships for students. Also, occasionally have a donated vehicle on the premises for us to analyze/repair for a local non-profit, Angel Autos who then donates the vehicle to employed single mothers in need of reliable transportation.</p>

PERFORMANCE STANDARDS

<p>Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.</p> <p>A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following:</p> <ol style="list-style-type: none"> 1. Owner's name, parcel identification (tax ID#) and address. 2. An 11 x 17-inch color aerial photograph of the site area and surrounding areas showing overlaying property lines with contour lines and the proposed site layout with dimensions. (available at Livingston County GIS). 3. Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business, subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines. 4. Location of driveways, off-street parking areas & delivery and storage areas. 5. Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties. 6. The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business. 	<p>Please reference attached land use permit and pertaining documentation from site review by Zoning.</p>
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In addition to the information required in this section and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features:

1. A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business.

2. The type and frequency of vehicular traffic to be generated by the home-based business.
The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business.

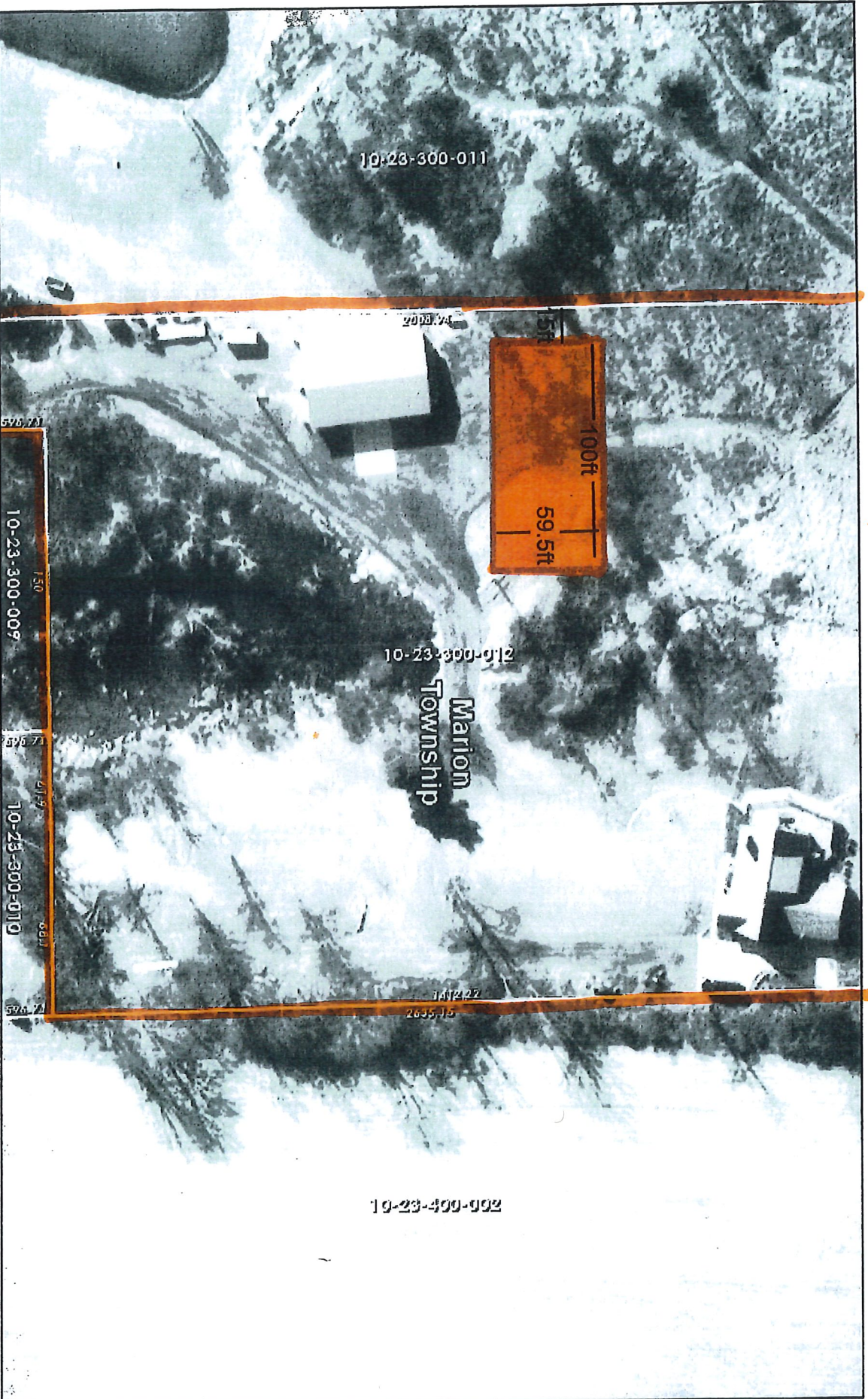
3. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.

C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.

D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

Please reference attached business description.

Livingston County GIS Map



7/31/2023, 10:00:40 AM

Tax Parcel

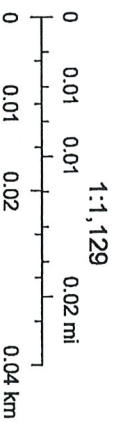


PLSS Section

Parcel Dimensions



Municipality

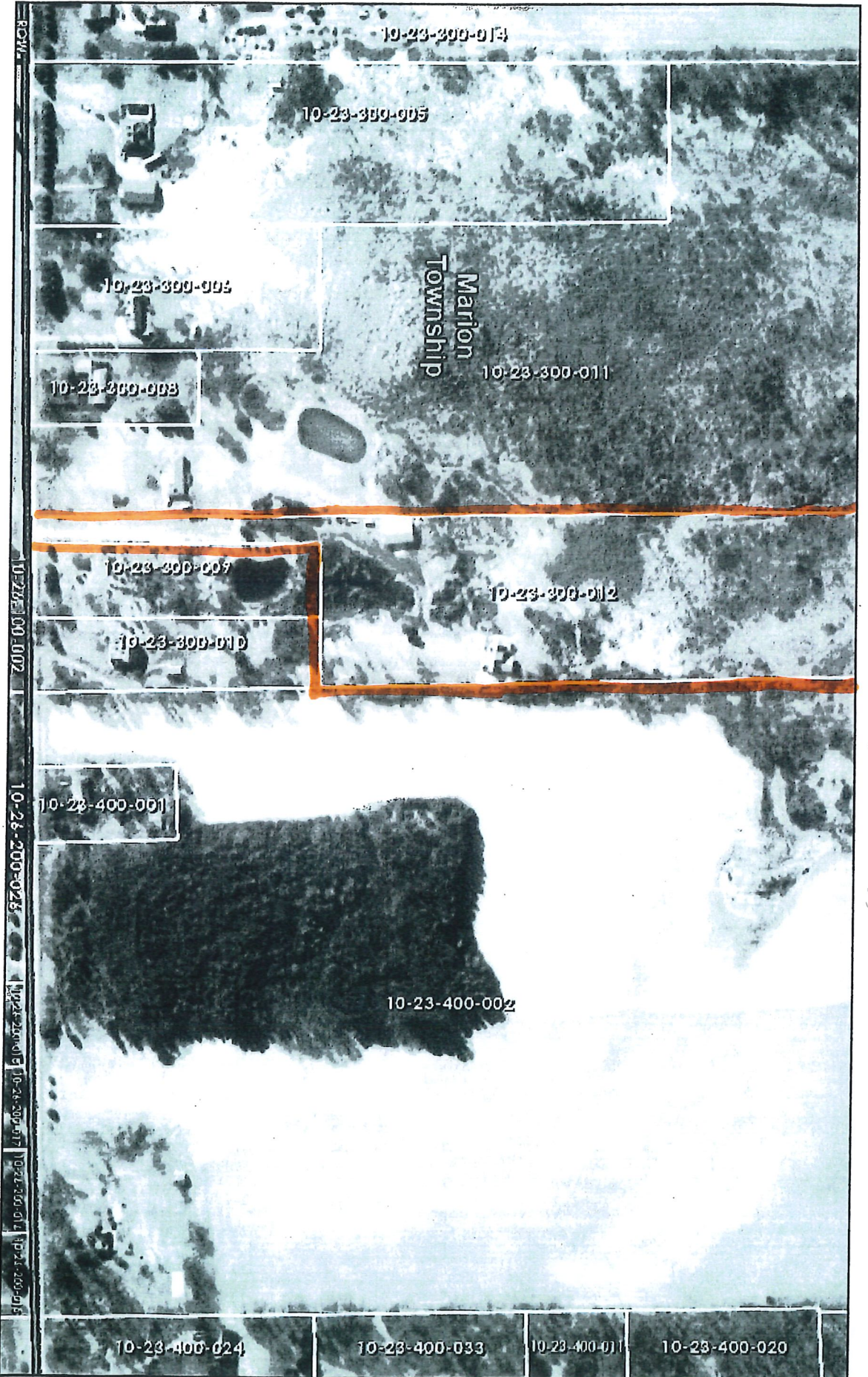


SEWCOG, Esrl, HERE Garmin, GeoTechnologies, Inc., USGS, EPA,
Livingston County IT/GIS

Livingston County IT/GIS

Map information depicted is not intended to replace or substitute for any official or primary source. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.

Livingston County GIS Map



Map information depicted is not intended to replace or substitute for any official or primary source. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.



Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230

0 30 0 60 120 150 Feet

Parcel ID: 10-23-300-012



Orthophotos From Spring 2020
 Printed August 08, 2023
 Parcel lines are a representation only,
 not intended for survey purposes.

MARION TOWNSHIP

DATA PROCESSING FACILITY ZONING ORDINANCE AMENDMENT

An amendment to the Marion Township Zoning Ordinance to amend and add definitions related to data processing facilities.

Marion Township Ordains:

SECTION 1. DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following definition for a "Data Processing Facility" which shall read, in its entirety, as follows:

Data Processing Facility: A building, dedicated space within a building, or group of structures located on one or more acres of land used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

SECTION 2. AMENDMENT OF ARTICLE X: INDUSTRIAL

ARTICLE X: INDUSTRIAL DISTRICTS

Section 10.01 LI: Light Industrial District

- A. **Intent:** It is the intent of the Light Industrial District (LI) to provide for a variety of light industrial uses, including manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials, as well as commercial establishments not engaging primarily in retail sales. Such industrial areas should be free of incompatible uses, and designed to avoid negatively impacting adjacent conforming uses.

B. **Uses Permitted By Right:**

In the Light Industrial District, no building or land shall be used and no building or structure erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance. All uses permitted in this district are subject

to the requirements and standards of Article XVIII, Site Plan Requirements prior to initiation of the use or structure.

The following are uses permitted by right when conducted in a permanent fully enclosed building:

1. Light industrial establishments that perform assembly, fabrication, compounding, manufacture, or treatment of materials, goods, and products, including, but not limited to:
 - a. Jobbing and machine shops.
 - b. Fabricated metal products.
 - c. Plastic products, forming and molding.
 - d. Processing of machine parts.
 - e. Monument and art stone production.
 - f. Industrial laundry operations.
 - g. Wood products processing facility.
 - h. Printing and publishing.
2. Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment.
3. Grain and feed elevators, bulk blending plants and/or handling of liquid nitrogen fertilizer and anhydrous ammonia.
4. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers (excluding concrete mixing), retail lumber yards including incidental millwork, farm implement dealers and repair.
5. The manufacturing, compounding, processing and packaging of perfumes, pharmaceuticals, toiletries, and condiments (except fish, meat, fowl, vegetables, vinegar, and yeast).
6. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell,

textiles, tobacco, wood (excluding planing mill), yarns and paint not requiring a boiling process.

7. Distribution plants, parcel delivery service, ice and cold storage plants.
8. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, transistor and computer boards, and the like.
9. Laboratories, experimental or testing.
10. Public utility service yard or electrical receiving transforming station.
11. Coal yards.
12. Freighting or trucking terminals.
13. Freight yards.
14. Painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, and battery manufacture.
15. Industrial park, subject to the following conditions:
 - a. Permitted uses shall include all uses permitted by right within this district. Special uses identified in Section 10.01 D may be permitted, subject to the special use provisions of Article XVI.
 - b. The minimum required land area for an industrial park shall be twenty (20) contiguous acres.
 - c. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
 - d. The developer shall provide within the industrial park a sanitary sewage system that shall be of sufficient size and design to collect all sewage from structures within the industrial park.
 - e. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will, in the opinion of the Township Engineer, collect, carry off and dispose of all predictable surface water runoff within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances and regulations of the

- State of Michigan, the Livingston County Drain Commissioner and the Township.
- f. If a public water system is not available, the developer shall provide within the industrial park a potable water system that shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - i. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.
 - ii. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Livingston County Health Department, the Livingston County Drain Commissioner and the Township.
 - g. All industrial parks shall have direct access to a paved street or major thoroughfare.
 - h. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
 - i. All points of vehicular access to and from public streets shall be located not less than seventy-five (75) feet from the intersection of any public street lines with each other.
 - ii. No part of any parking access and/or service area may be located closer than one hundred fifty (150) feet to any residential property line.
 - j. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
 - k. Any industrial park adjoining any residential development shall be provided with a buffer zone of at least sixty (60) feet that shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes as provided in Section 6.13. A landscaped planting area shall also be provided along all street frontages that shall not be less than sixty (60) feet in width.
 - l. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These

facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

- m. Maximum building coverage on any lot within the industrial park shall not exceed forty (40) percent.
- n. Minimum lot sizes within an industrial park shall be one (1) acre.
- o. Minimum lot width within an industrial park shall be one hundred twenty (120) feet.
- p. Minimum yard setbacks within an industrial park shall be:
 - 1) **Front yard:** Forty (40) feet.
 - 2) **Side yard:** Thirty (30) feet.
 - 3) **Rear yard:** Forty (40) feet.

Minimum yard setbacks for lots, which abut property outside an industrial park, shall be as required for other uses in the district.

- 16. Landscape contractor's building, offices and yards as a use permitted by right.

C. Permitted Accessory Uses:

- 1. Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:
 - a. Incidental offices for management and materials control.
 - b. Restaurant or cafeteria facilities for employees working on the premises.

D. Uses Permitted By Special Use Permit:

- 1. Asphalt and concrete batching facilities.
- 2. Billboards.
- 3. Communication towers.
- 4. Junkyards.
- 5. Data Processing Facility

- E. **Site Development Requirements:** The following minimum and maximum standards shall apply to all uses and structures in the LI: Light Industrial District unless they are specifically modified by the provisions of Article VI: General Provisions or Article XVII: Standards for Specific Special Land Uses; or as varied pursuant to Article V: Zoning Board of Appeals.
1. **Minimum Lot Area:** No building or structure shall be established on any parcel less than four (4) acres except in an approved industrial park where minimum lot sizes shall be one (1) acre.
 2. **Minimum Frontage:** Each parcel of land shall have continuous frontage of not less than three hundred thirty (330) feet, except in an approved industrial park where each lot shall have continuous frontage of not less than one hundred twenty (120) feet.
 3. **Yard and Setback Requirements:**
 - a. **Front yard:** One hundred (100) feet.
 - b. **Side yard:** Eighty (80) feet, except in the case where a side yard abuts a residential zoning district, in which case the minimum required side yard shall be one hundred fifty (150) feet.
 - c. **Rear yard:** Eighty (80) feet, except in the case where a rear yard abuts a residential zoning district, in which case the minimum required rear yard shall be one hundred fifty (150) feet.
 - d. See Section 10.01 B 15 o for the minimum yard and setback requirements in a planned industrial park.
 4. **Maximum Lot Coverage:** Forty (40) percent.
 5. **Maximum Height:** Unless otherwise provided in this Ordinance, no principal building shall exceed a height of forty (40) feet measured from the finished grade.
 6. **Performance Standards:**
 - a. External areas for storage shall be screened on all sides by an opaque fence of not less than five (5) feet in height.
 - b. When a side or rear lot line abuts or is adjacent to property located within a residential district, a berm or buffer zone shall be required in addition to the minimum yard requirements,

specific driveways and plantings of which shall be determined through the site plan review process. (See Section 6.13.)

- c. **Sound:**
- i. **Non-Residential.** The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of non-residential uses:

Decibels	Adjacent Use	Where Measured
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

- ii. **Residential.** The intensity level of sounds shall not exceed the following decibel levels when directly adjacent to residential uses, measured at the common lot line:

Residential Noise Level Limits		
Daytime (7 am–7 pm)	Evening (7-11 pm)	Night (11 pm-7 am)
45 dB(A)	35 dB(A)	30 dB(A)

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

- d. **Vibration:** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured at any lot line of its source.

- e. **Odor:** The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines, is prohibited.

- f. **Gases:** The escape of or emission of any gas, which is injurious, destructive, or explosive, shall be unlawful and may be summarily caused to be abated.

- g. **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.
- h. **Light:** Exterior lighting shall be so installed that the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground in a residential district.
- i. **Electromagnetic Radiation:** Applicable rules and regulations of the Federal Communications Commission, in regard to propagation of electromagnetic radiation, shall be used as standards for this Ordinance.
- j. **Smoke, Dust, Dirt and Fly Ash:** Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this District.
- k. **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and may be summarily caused to be abated.
- l. **Radioactive Materials:** Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.
- m. **Other Forms of Air Pollution:** It shall be unlawful to discharge into the atmosphere any substance not covered in parts C, D, and H and in excess of standards approved by the Michigan Department of Environmental Quality.
- n. **Liquid or Solid Wastes:** It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.

- o. **Hazardous Wastes:** Hazardous wastes as defined by the Michigan Department of Environmental Quality shall be disposed of by methods approved by the Michigan Department of Environmental Quality.
 - i. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment.
 - ii. Material which normally and reasonably is discarded from industrial uses of property may be stored outside of an enclosed building for a reasonable time provided that such storage areas are completely screened by an opaque fence of not less than five (5) feet in height.
 - p. Any complaint alleging a violation of any of the following performance standards shall be accompanied by evidence which supports that allegation.
- 7. **Provisions of Article XIV: Parking and Loading Requirements.**
 - 8. **Provisions of Article XV: Signs.**
 - 9. **Provisions of Article XVIII: Site Plan Review.**
 - 10. **Provisions of Section 6.16: Environmental Protection Standards.**

SECTION 3. SPECIAL USE STANDARDS

A new section entitled "Section 17.34 Data Processing Facility" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

The primary intent of the data mining ordinance is to establish guidelines and safeguards for the collection, storage, and use of data within our rural community. By implementing this ordinance, we aim to protect the privacy of our residents, ensure data security, and foster trust and transparency in data-driven practices.

Data Processing Facilities are considered special uses and are therefore are subject to the provisions of Article XVI, Special Use Permits, and other applicable provisions of the Ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed hereof are met.

A. Locational Requirements: Data Processing Facilities are permitted in the Light Industrial Districts with a minimum lot size of four (4) acres.

B. Performance Standards:

- a. Data Processing Facilities are considered a principal use and shall be the only principal use on a property at any one time.
- b. Shall not be located within an industrial park;
- c. At all times, sound levels at the property boundary may not exceed thirty (30) dB(A);
- d. A fence shall be installed around the perimeter with a minimum height of six (6) feet;
- e. Additional screening, such as a vegetative buffer, may be required at the discretion of the Planning Commission, per standards in Section 6.13.

DRAFT (MAY 2023)

ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

Marion Township Zoning Ordinance

Livingston County, Michigan

Insert Date Here

DRAFT

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ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

Section 1 – STATEMENT OF PURPOSE

The purpose of the Wellhead Protection Overlay District is to provide supplemental developmental regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of Marion Township and the region from any use of land or buildings that may reduce the quality and/or quantity of water resources. This Wellhead Protection Overlay District has been created in accordance with both the City of Howell's and Marion, Howell, Oceola & Genoa Sewer and Water Authority's (MHOG) **Wellhead Protection Plans** drafted by Wood Environment & Infrastructure Solutions, Inc. (Wood). This Wellhead Protection Overlay District was also created in conjunction with the City of Howell and Howell Township.

Section 2 – DEFINITIONS

As used in this Article, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise.

Aquifer. A geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Discharge. Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

Impervious Surface. Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Overlay District. That area of the Township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifers supplying the City of Howell's and MHOG's municipal water wells.

Regulated Substances shall include: 1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance; 2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended; 3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations; 4. Radiological materials; and 5. Biohazards.

Wellhead Protection Area. The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if discharged, are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field. Wellhead Protection Areas for both the City of Howell and MHOG are present in areas of the Township.

Section 3 – SCOPE OF AUTHORITY

The Wellhead Protection Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Wellhead Protection Overlay District shall prevail.

Section 4 – CREATION OF OVERLAY DISTRICT BOUNDARIES

The Wellhead Protection Overlay District boundaries shall be established on the official Township Zoning Map. The Overlay District boundaries may be amended according to the Zoning Ordinance procedures in Article YYYY.

Section 5 – DISTRICT DELINEATION

- A. The Wellhead Protection Overlay District is hereby established to include all lands within the Marion Township, lying within the City of Howell's of MHOG's Wellhead Protection Areas, including recharge areas of groundwater aquifers and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area.
- B. Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the District. At the request of the owner(s), the Township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The Township shall charge the owner(s) for all or a part of the investigation. The Owner shall place the funds necessary into an escrow account at the Township to cover the necessary fees of the qualified professional.

Section 6 – SITE PLAN REVIEW REQUIREMENTS

- A. **New or Expanded Uses and Structures.** All proposed new or expanded structures or uses within in the Wellhead Protection Overlay District, except single family uses, shall be subject to site plan review, pursuant to Article WWWW.
- B. **Existing Uses and Structures.** All land uses and activities existing prior to approval the Wellhead Protection Overlay District must conform to the site plan review standards in this Article within 365 days after adoption of the Wellhead Protection Overlay Ordinance.

Section 7 – DATA REQUIREMENTS

The following data are required for site plan review in the Wellhead Protection Overlay District, in addition to the information required by Article WWWW, Section WWWW of the Zoning Ordinance.

- A. **List of Regulated Substances.** A complete list of chemicals, pesticides, fuels and other Regulated Substances to be used or stored on the premises. Businesses that use or store such Regulated Substances shall file a management plan with the Fire Chief. The management plan shall include the following, at minimum:

1. Provisions to protect against the discharge of Regulated Substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
 2. Provisions for indoor, secured storage of Regulated Substances and wastes with impervious floor surfaces.
 3. Evidence of compliance with the rules and regulations of the Michigan Department of Environmental Quality.
 4. Drainage recharge features and provisions to prevent loss of recharge.
 5. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
- B. **Service Facilities and Structures.** Location of existing and proposed service facilities and structures, above and below ground, including:
1. General location of the site within the Wellhead Protection Overlay District.
 2. Areas to be used for the storage, loading/unloading, recycling, or disposal of Regulated Substances, including interior and exterior areas.
 3. Underground storage tank locations.
 4. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- C. **Water Resources.** Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
- D. **Soils.** Soil characteristics of the site, at least to the detail provided by the Natural Resources Conservation Service.
- E. **Topography.** Existing topography of the site, with a maximum contour interval of two (2) feet.
- F. **Existing Contamination.** Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
- G. **MDEQ Checklist.** Completion of a Michigan Department of Environmental Quality (MDEQ) checklist, indicating the types of environmental permits and approvals that may be needed for the project.

Section 8 – PERMITTED PRINCIPAL USES

The following uses shall be permitted in the Wellhead Protection Overlay District, provided they comply with all applicable restrictions and standards specified in this Article:

- A. Single family residential uses.
- B. Residential accessory uses, including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems (i.e., septic systems).
- C. Agricultural uses such as farming, grazing, and horticulture.
- D. Forestry and nursery uses.
- E. Outdoor recreation uses, including fishing, boating, and play areas.
- F. Conservation of water, plants, and wildlife, including wildlife management areas.

Section 9 – CONDITIONAL USES

The following uses may be permitted subject to conditions specified for each use, review and recommendation by the Planning Commission and approval by the Township Board, and subject further to any special conditions that are necessary to fulfill the purposes of this Ordinance, and the provisions set forth in Article UUUU:

- A. Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in Section 11.
- B. Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use.
- C. The rendering impervious of more than fifteen percent (15%) or 2,500 sq. ft. of any parcel, whichever is less, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
- D. The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five (5) feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One (1) or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This sub-section shall not apply to excavations incidental to permitted uses, including but not limited to installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
 - 1. Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site.
 - 2. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.

- E. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal of ice and snow on roads, provided such chemicals are covered and located on a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.
- F. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
- G. The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.
- H. All liquid Regulated Substances, provided such materials must be stored either in a freestanding container within a building, or in a freestanding container above ground level with protection to contain a spill the size of the container's total storage capacity.

Section 10 – CONDITIONS

In addition to Section 9, Conditional Uses shall comply with the following:

- A. The Township Board may grant Conditional Use approval only upon finding that the proposed use meets to the following standards:
 - 1. In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the Wellhead Protection Overlay District.
 - 2. The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
- B. The Township Board shall not approve a Conditional Use under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards of this section.

Section 11 – PROHIBITED USES

The following uses are prohibited in the Wellhead Protection Overlay District:

- A. Business and industrial uses that generate, use, treat, process, store, or dispose of Regulated Substances, including but not limited to metal plating, chemical manufacturing, wood preserving, and dry cleaning factory, except for the following:
 - 1. Generators of a very small quantity of Regulated Substances (less than 20 kilograms or six (6) gallons per month), subject to Special Land Use review.
 - 2. Municipally-operated or sanctioned household waste collection stations.
 - 3. Waste oil retention facilities.

4. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by the Michigan Department of Environmental Quality.
- B. Business and industrial uses that dispose of process wastewater on-site.
 - C. Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, with the exception of disposal of brush or stumps.
 - D. Storage of liquid petroleum products of any kind, except for the following:
 1. Storage that is incidental to:
 - a. Normal household use and outdoor maintenance or the heating of a structure.
 - b. Use of emergency generators.
 - c. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities has been approved by the Michigan Department of Environmental Quality.
 2. Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Article, provided that:
 - a. All such replacement storage tanks or systems shall be located underground as required by the Michigan Department of Environmental Quality.
 - b. All such storage systems shall be protected by a secondary containment system as specified by the Michigan Department of Environmental Quality.
 - c. The Fire Chief may deny an application for tank replacement, or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
 - E. Outdoor storage of salt, de-icing materials, pesticides or herbicides.
 - F. Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane, or other household Regulated Substances.
 - G. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Wellhead Protection Overlay District that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.
 - H. Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
 1. The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.

2. In calculating the maximum sewage disposal system density, it shall be assumed that each single-family-residential home will generate 280 gallons of sewage per day.
3. The maximum sewage disposal system density may be computed using the following method:
 - a. On an individual per lot basis (i.e., a single-family home typically generates 280 gallons of sewage per day, creating the need for a minimum lot area of $\frac{3}{4}$ acre.

In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in Article VVVV of the Zoning Ordinance.

- I. Wastewater treatment works, except the following:
 1. The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system.
 2. The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system.
 3. Treatment works designed for the treatment of contaminated ground or surface waters.

Section 12 – MISCELLANEOUS REQUIREMENTS

The following requirements shall apply to all uses in the Wellhead Protection Overlay District:

- A. **Drainage.** For commercial and industrial uses, run-off from impervious surfaces shall not be discharged directly to drains, streams, ponds, or other surface water bodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the Township Engineering Design Standards.
- B. **Discharge of Regulated Substances.** The property owner shall prevent the discharge of regulated substances.
 1. Upon discovery of a discharge within the Wellhead Protection Area, the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance discharge must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approved obtained from, the Township Supervisor or his/her designee.
 2. All discharges shall be documented in writing and mailed to the Township Supervisor or his/her designee within ten (10) business days of said incident. Initial discharge notification shall include, at a minimum, the following:
 - i. Location of the discharge (name, address, and phone);
 - ii. Reporting party's name, address and phone (if different from above);
 - iii. Emergency contact and phone;

- iv. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged;
 - v. Map showing exact discharge location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - vi. All measures taken to clean up the discharge; and
 - vii. All measures proposed to be taken to reduce and prevent any future discharge.
3. The Township Supervisor or his/her designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

Section 13 – ENFORCEMENT

- A. Whenever the Township Supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the Township Supervisor or his/her designee may order compliance by issuing a written Notice of Violation to the responsible person/facility.
- B. If the Township Supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work could be performed by the Township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

Section 14 – VARIANCE/APPEAL RIGHTS

- A. If an owner of property within a Wellhead Protection Area believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Marion Township Zoning Board of Appeals ("ZBA") in any appeal to the ZBA, the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights. Such a request must be in writing with enough detail to allow the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights, to understand the situation and proposed variance. If the Township Consulting Engineer determines that additional information is needed, the request for additional information shall be made within 15 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request a hearing in front of the ZBA. The ZBA shall grant, deny, or partially grant the request. A grant, partial or complete, may relieve the property owner from strict compliance of this Ordinance. Reasonable conditions may be imposed by the ZBA as part of such a grant. The ZBA shall be guided by the primary goal of protecting the Township's Wellhead Protection Area without creating undue hardship upon the property owners affected.
- B. Any person receiving a notice of violation may appeal the determination by submitting a written notice of appeal to the Marion Township Zoning Board of Appeals. The notice of appeal must be received by the Zoning Board of Appeals within 30 days from the date of the notice of violation, with enough detail to allow the Township's Consulting Engineer, as a staff representative to the ZBA to understand the situation. Within 30 days of the receipt of such an appeal, the Township Consulting Engineer shall issue a written response to the appeal to the applicant and to the ZBA unless the Township Consulting Engineer has requested additional information, in which case the Township Consulting Engineer's response shall be issued within 30 days of receipt of the information. The Zoning Board of Appeals shall affirm, reverse or modify the notice of violation being appealed.

- C. If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the ZBA, said person may appeal the matter by filing an action in the Livingston County Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the decision of the ZBA or within the time period required by Michigan General Court Rules, whichever has the shortest appeal period.

Section 15 – ABATEMENT/REMEDIAL ACTIVITIES BY THE TOWNSHIP

- A. The Township is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all expenses thus incurred by the Township.
- B. If the Township desires the responsible party to reimburse it for the abatement activity expenses, the Township shall within 90 days of the completion of such activities mail to that person a notice of claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within 30 days of receipt of the claim. If the person billed desires to object to all or some of the amount sought by the Township, said person may file, within the same 30-day period, a written objection so stating. The Township shall, within 30 days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the Township may attempt collection of the sum due by filing a civil lawsuit.

Section 16 – INJUNCTIVE RELIEF

- A. If a person has violated or continues to violate the provisions of this Ordinance, the Township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation.

Section 17 – VIOLATIONS DEEMED A PUBLIC NUISANCE

- A. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Township.

Section 18 – CRIMINAL PROSECUTION

- A. Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the Township Supervisor, his or her designee, the Township's Ordinance Enforcement Officer or the Sheriff's Department.

Section 19 – REMEDIES NOT EXCLUSIVE

- A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Department to seek cumulative remedies.

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- MHOG Water Treatment Plant
- MHOG Municipal Well Location
- Howell Municipal Well Location
- Howell Emergency Well Location
- Howell Water Treatment Plant
- Howell Ground Storage Tank
- Howell Elevated Storage Tank
- Map ID #
- Parcel Boundary (Parcels Inside WHPAs)
- Known Properties of Contamination
- MHOG WHPAs
- City of Howell WHPAs
- Howell City Limits

Notes:
 1) GIS data provided by MHOG and City of Howell in 2018
 2) Parcel data provided by Livingston County
 3) Refer to Table 3 for additional information regarding known sources of contamination

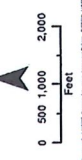



Figure 1	
Known Sources of Contamination	
City of Howell and MHOG Wellhead Protection Plans, Howell, Michigan	
Prepared By: MSC	Checked By: JA
	
Project: 50015003.04 50015002.04	Date: 4/14/2023

