

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

**Due to COVID-19 considerations and consistent with State Policy:
The Township Planning Commission will meet in person January 25, 2022 at 7:30 pm**
However, there will be 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: January 25, 2022 Regular Meeting

Approval of Minutes from: November 23, 2021 Regular Meeting

Call to the Public:

Public Hearing: None

New Business:

- 1) Set a public hearing for February 22, 2022 for RZN#01-21 129 Mason HS to UR
- 2) Offer resolution to set time and place of Planning Commission Meetings for 2022
- 3) PUD for Tamarack Place for your review

Unfinished Business:

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

Special Orders:

Annual Planning Commission Report submitted by the secretary

Read before next meeting Section 14.01 intent (in packet)

Announcements:

Call to the Public:

Adjournment

Approved by: _____
Larry Grunn, Chairperson

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
IN-PERSON / VIRTUAL MEETING MINUTES
NOVEMBER 23, 2021 / 7:30PM**

MEMBERS PRESENT:

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

OTHERS PRESENT:

DAVE HAMANN – ZONING ADMINISTRATOR *(In-Person)*
JOHN ENOS – CARLISLE WORTMAN *(In-Person)*

MEMBERS ABSENT:

NONE

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

APPROVAL OF NOVEMBER 23, 2021 PLANNING COMMISSION MEETING AGENDA

Jim Anderson made a motion to approve the agenda for the November 23, 2021 Planning Commission meeting. Bruce Powelson seconded. **Motion carried.**

APPROVAL OF OCTOBER 26, 2021 PLANNING COMMISSION MEETING MINUTES

Cheryl Range made a motion to approve the October 26, 2021 Planning Commission meeting minutes, as presented. Jim Anderson seconded. **Motion carried.**

CALL TO THE PUBLIC

No comments were made.

NEW BUSINESS

1) ATTORNEY LETTER ON SECTIONS 18, 13, 6, AND REDO CHANGES

John Enos would like to talk with attorney on this, we need to reduce bureaucracy and turn these into standards so they are easier to adjust. Major things were not removed, site plans will still come to the PC as usual, we will just be taking out the technicalities. County PC had different comments than the attorney did. Board would like the attorney to be comfortable with these changes. Jim Anderson believes that the attorney wants us to leave the design standards in the ordinance, according to the zoning enabling act. John Enos will talk with the attorney to get some direction. Jim Anderson requested that the attorney come to the December 28 PC meeting. John Enos will not be at the December meeting; it was requested that the December meeting be canceled.

Bruce Powelson made a motion to cancel the December 28, 2021 PC meeting, seconded by Larry Grunn. **Motion carried.**

Jim Anderson made a motion to postpone items #18, #13 #6 and redo changes until the January 25, 2022 meeting, seconded by Bruce Powelson. **Motion carried.**

2) MINUTES FROM ATTORNEY & PLANNER MEETING HELD ON OCTOBER 28, 2021

Planner John Enos explained who attended the meeting and what the Township Board wants to see accomplished.

PLANNING COMMISSION MEETING

MINUTES 11/23/2021

BY: Tammy L. Beal

Page 1 of 3

- Kennel language-committee of Dave Hamann, Jim Anderson and John Enos will work on this.
- Dangerous animals are already covered.
- Misdemeanor language.
- Use variance for non-conforming lots.

3) ATTORNEY PENALTY PROVISION LANGUAGE

John Enos explained that if the township enforcement was different, it would be easier and more effective. If tickets were written for violations, then the offender would go to court to take care of the issue. There wouldn't be public hearings to deal with. The offender would get a warning, zoning administrator would try to work with them and if they didn't comply then a ticket would be issued. Then the court would deal with the issue. There is a way to have BS&A flag the parcel so that when someone comes in for a land use or other need that the program would let you know not to issue the permit until the issue is cleaned up. John will clean up the language, have attorney review and bring it to the Township Board for an approval, then adopted via a public hearing.

Cheryl Range motioned to postpone this until the January 25, 2022 meeting and bring back as a text amendment, seconded by Bruce Powelson. **Motion carried.**

4) WIND AND SOLAR ORDINANCE INFORMATION

John Enos explained that some communities love these and some communities do not want them. We do need language to cover it. Ida Township has good language in theirs. John will put in ordinance language and give it to Jim Anderson to rework. Sandy Donovan asked if something could be put in for screening and that the township could benefit from them if they are installed.

Cheryl Range motioned to John Enos and Jim Anderson to work on the language, get attorney's approval and bring back to the January 26, 2021 meeting, seconded by Larry Grunn. **Motion carried.**

ELECTION OF OFFICERS

Cheryl Range motioned to appoint Larry Grunn to continue as PC Chairman, seconded by Bruce Powelson. **Motion carried.**
 Bruce Powelson motioned to appoint Cheryl Range to continue as PC Secretary, seconded by Larry Grunn. **Motion carried.**
 Cheryl Range motioned to appoint Jim Anderson to continue as PC Vice Chair, seconded by Bruce Powelson. **Motion carried.**

UNFINISHED BUSINESS

1) CONTINUE DISCUSSION ON HOBBY KENNELS

Jim Anderson thinks it should align with the County ordinance and be a little more restrictive. Up to 4 dogs should follow the ordinance, 4 or more dogs need a special use permit. Dave Hamann noted 200' setbacks might be difficult with 150' lots.

Cheryl Range motioned to continue with discussion on Home Kennels at the January 25, 2022 meeting along with the text amendment with proposed changes, seconded by Jim Anderson. **Motion carried.**

2) REVIEW ISSUES WITH 17.32 HOME-BASED BUSINESS

Bob Harvey thinks that our Home Occupation language is more restrictive than our Home Business language. Discussion ensued about different businesses and their impact on the neighbors. Dave Hamann suggested taking 6.14 completely out of the ordinance.

Cheryl Range made a motion to postpone discussion on #2) Home-Based Businesses, #3) Definition of Rural and #4) September 25, 1990 Minutes on Definition of Lots until the January 25, 2022 meeting, Larry Grunn seconded. **Motion Carried.**

CORRESPONDENCE AND UPDATES AND DISCUSSION

None

CALL TO THE PUBLIC:

Les Anderson spoke on Premier Farms, Solar and Wind Farms. He asked if there was any correspondence with Barry Long? Jim Anderson answered that Barry is still willing to come and talk about farm preservation.

ADJOURNMENT: Jim Anderson made a motion to adjourn the meeting at 9:47pm. Larry Grunn seconded. **Motion carried.**

SUBMITTED BY:
Tammy L. Beal

Escrow Acct #
098-198

RZN # 01-21

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

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

Name of Applicant SEAN IVERSEN
Address 129 MASON ROAD
City/State/Zip HOWELL, MI 48843
Phone/Fax 517-715-3644

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

Name of Owner SAME
Address _____
City/State/Zip _____
Phone/Fax _____

Property Information

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

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

Present zoning classification HIGHWAY SERVICE
URBAN.
Requested zoning classification RESIDENTIAL

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

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

Sean Iversen 12/21/21
Signature of Applicant Date

| | | |
|------------------------------------|----------------------|---|
| Office Use Only | | |
| Date Received: <u>12.28.2021</u> | Fee Paid: <u>500</u> | Escrow <u>3000</u> |
| Materials Received: _____ | Site Plans: _____ | Legal Description: Application #: <u>RZN 01-21</u> |
| Application accepted by: <u>SI</u> | | |

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

Honorable Planning Commission Members:

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

Following is the information supporting my request:

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

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

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

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

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

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

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

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

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

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



MICHIGAN PLANNING ENABLING ACT (EXCERPT)

Act 33 of 2008

125.3821 Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public.

Sec. 21. (1) A planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.

(2) The business that a planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(3) A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2008, Act 33, Eff. Sept. 1, 2008.

MARION TOWNSHIP MEETING SCHEDULE 2022

Board of Trustees

January 13, 2022
February 10, 2022
March 10, 2022
April 14, 2022
May 12, 2022
June 09, 2022
July 14, 2022
August 11, 2022
September 8, 2022
October 13, 2022
*November 17, 2022
*December 15, 2022
January 12, 2023

Board of Trustees

January 27, 2022
February 24, 2022
March 24, 2022
April 28, 2022
May 26, 2022
June 23, 2022
July 28, 2022
August 25, 2022
September 22, 2022
October 27, 2022
No Meeting Thanksgiving
No Meeting Christmas
January 26, 2023

Zoning Board of Appeals

January 03, 2022
February 07, 2022
March 07, 2022
April 04, 2022
May 02, 2022
June 06, 2022
*July 11, 2022
*August 8, 2022
*September 12, 2022
October 3, 2022
*November 14, 2022
December 5, 2022

Planning Commission

January 25, 2022
February 22, 2022
March 22, 2022
April 26, 2022
May 24, 2022
June 28, 2022
July 26, 2022
August 23, 2022
September 27, 2022
October 25, 2022
November 22, 2022
*December 20, 2022

BOARD OF TRUSTEES: Second and Fourth Thursdays of each month at 7:30 p.m.

ZONING BOARD OF APPEALS: First Monday of each month at 7:30 p.m., if there are Agenda items.

PLANNING COMMISSION: Fourth Tuesday of each month at 7:30 p.m.

***Meeting is scheduled on a date that is different than normally planned.**

**Tammy L. Beal, MMC
Marion Township Clerk**

**SECOND AMENDMENT TO PLANNED UNIT
DEVELOPMENT AGREEMENT
SUNRIDGE COMMUNITY**

THIS SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT (“**Amendment**”) is entered into by the **Township of Marion**, a Michigan municipal corporation (the “**Township**”), having an address of 2877 West Coon Lake Road, Howell, Michigan 48843, **Blue Sunridge LLC**, a Michigan limited liability company (“**Blue Sunridge**”), having an address of 32400 Telegraph Road, Suite 100, Bingham Farms, Michigan 48025, and the **Sunridge Condominium Homeowners Association**, a Michigan non-profit corporation (the “**Association**”), having an address of 39525 Thirteen Mile Road, Suite 250, Novi, Michigan 48377.

RECITALS:

A. The Township, Mitch Harris Building Company, Inc. (“**Original Developer**”), and the Association entered into a Planned Unit Agreement dated July 28, 2003, and recorded in Liber 4055, Page 723, Livingston County Records (the “**PUD Agreement**”) for the development of a three phase condominium project to be known as Sunridge Condominium. The property subject to the PUD Agreement is described on **Exhibit A** attached hereto. The project was approved by the Township Board as a Planned Unit Development under the Township’s Zoning Ordinance. Capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings given to such terms in the PUD Agreement.

B. The Original Developer obtained Township approval of the site plan for the development of the Planned Unit Development (the “**Site Plan**”) and thereafter developed Phase I as Sunridge Condominium, pursuant to the Master Deed recorded in Liber 4055, Liber 626, Livingston County Records, Subdivision Plan No. 279. Sunridge Condominium is administered by the Association.

C. In 2015, Blue Sunridge requested an amendment to the PUD Agreement, which was approved and signed by the Township and thereafter Phase II of the Sunridge Condominium (a/k/a “**Marion Creek**”) was developed pursuant to the PUD Agreement, as amended, and the approved site plan for Phase II (hereinafter collectively referred to as the “**PUD Agreement**”).

D. Blue Sunridge desires to develop Phase III of the Sunridge Condominium (a/k/a “**Tamarack Place**”), and submitted a revised site plan for Phase III to the Township (the “**Revised Site Plan**”) which has been approved by the Township.

E. Based on the Township’s approval of the Revised Site Plan and the modifications agreed to by the Township on January 26, 2021, the PUD Agreement requires a Second Amendment to ensure consistency between the requirements of the PUD Agreement and development as proposed in the Revised Site Plan.

D. The parties hereto desire to amend the PUD Agreement in the manner set forth below regarding the development of Phase III of the Planned Unit Development.

Therefore, in consideration of the mutual covenants of the parties set forth below, the parties hereto agree to amend the PUD Agreement as follows:

1. **Park Amenities.** Phase III of the Sunridge Condominium shall not require the installation of any park amenities (e.g. athletic field, pavilion, playscape and parking area), as required by the PUD Agreement. In lieu thereof, Phase III shall be developed with a network of paved and natural trails throughout the open spaces, all as more particularly shown on the Revised Site Plan by Design, Inc. dated June 25, 2021, including all Plan Sheets attached thereto.

2. **Offsite Roadway Improvements.** In lieu of any offsite roadway improvements required by the PUD Agreement, Blue Sunridge shall make a voluntary payment in the amount of One Hundred Fifty Thousand (\$150,000.00) Dollars to the Township, which the Township may use for any offsite roadway improvements or otherwise, in its sole discretion (the “**Offsite Roadway Improvement Payment**”). The Offsite Roadway Improvement Payment shall be made prior, and shall be a condition precedent, to the issuance of any Land Use Permit for the first of any structures to be constructed upon the Phase III property. Upon making the Offsite Roadway Improvement Payment, Blue Sunridge, including its successors and assigns, shall be released from any and all obligations to make, or to contribute towards, any offsite roadway improvement requirements contained in the PUD Agreement. The parties acknowledge that the Offsite Roadway Improvement Payment reasonably addresses the impacts of Phase III on the road network and intersections in the vicinity of Sunridge Condominium, as required by Section 3(g) of Amendment to the PUD Agreement.

3. **Timing and Requirements for Construction of Improvements.** Phase III of the Sunridge Condominium shall be completed in a total of four (4) phases. With respect to each of the four (4) phases included within Phase III of the Sunridge Condominium, street and utility improvements for each phase shall be completed within twelve (12) months from the approval of the final site plan for such phase, or, if a final site plan is approved for multiple phases, within twelve (12) months from the commencement of construction of such phase.

4. **Construction Access.** The parties acknowledge that construction access to Phase III is currently limited to access from the south via Peavy Road and Keddle Road. The parties hereby agree that such restriction shall cease to be effective once the Peavy Road bridge replacement project has been completed (estimated completion to occur in 2023).

5. **Effect of Amendment.** Except as set forth in this Amendment, the terms and provisions of the PUD Agreement shall remain in full force and are ratified by the parties. In the event of any conflict between the terms and provisions of the PUD Agreement, as amended by this Amendment, and the provisions of the Township’s Zoning Ordinance or any other Township ordinances, rules or regulations or any amendments thereto, the provisions of the PUD Agreement, as amended by this Amendment, shall control.

6. **Authority.** Each party represents that the person executing this Amendment on behalf of such party has the requisite authority to do so and that the execution of this Amendment has been authorized by all necessary action and is therefore binding on such party.

7. **Counterparts.** This Amendment may be executed in counterparts and all such counterparts, taken together, shall constitute one and the same Amendment.

8. **Effective Date.** The Effective Date of this Amendment shall be the last date on which all of the parties hereto have executed this Agreement.

The parties have executed this Amendment to Planned Unit Development Agreement, effective as of the Effective Date provided herein.

TOWNSHIP

Township of Marion,
a Michigan municipal corporation

By: _____
Robert Hanvey

Its: Supervisor

By: _____

Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Robert Hanvey, Supervisor and _____, Clerk of the Township of Marion, a Michigan municipal corporation, on behalf of the Corporation.

Notary Public
Acting in _____ County, Michigan
My Commission Expires: _____

BLUE SUNRIDGE

Blue Sunridge LLC,
a Michigan limited liability company

By: _____
Scott R. Jacobson
Its: Authorized Representative

STATE OF MICHIGAN)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Scott Jacobson, Authorized Representative of Blue Sunridge LLC, a Michigan limited liability company, on behalf of the Company.

Notary Public
Acting in _____ County, Michigan
My Commission Expires: _____

DRAFTED BY AND WHEN RECORDED RETURN TO:
Bradley F. Scobel, Esq.
Seyburn Kahn
2000 Town Center, Suite 1500
Southfield, Michigan 48075
(248) 353-7620

Penalty provisions.

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

Insert here the code sections you want to make MCI

(d) *Nuisance per Se.*

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

(e) *Miscellaneous.*

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

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



Carlisle | Wortman

ASSOCIATES, INC.

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

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

Please note the following based on the agenda.

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



2. Per your request we have reviewed and revised the draft solar energy language to fit our Ordinance, see attached draft language. The current draft is basically the same as provided in late 2021 regulating small and large solar energy systems with the following new or existing language more strongly called out.
 - A. Large scale solar energy systems will only be permitted in our LI Light Industrial District and Rural Residential zoning district. While this limit's locations in the Township it is not creating an exclusionary issue and still allows them.

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

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

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

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

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

Add the following definition to Section 3.03

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

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

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

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

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

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

**IDA TOWNSHIP
SOLAR ENERGY SYSTEMS DRAFT ORDINANCE**

Section 2.2: Definitions

Decommission: To remove or retire from active service.

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

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

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

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

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

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

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

Section 6.48 Solar Energy Systems

A. Purpose: The purpose of this section is to provide regulation for the following permitted types of Solar Energy Systems.

1. *Personal-Scale Solar Energy Systems (Ground-Mounted and Building-Mounted):* Permitted within all zoning districts in the Township of Ida as accessory structures or uses under the conditions that they are located within a rear or side yard, comply with all applicable setback requirements, and are intended to be solely used for private purposes rather than commercial resale.
2. *Large-Scale Solar Energy Systems (Ground-Mounted):* Permitted within all zoning districts, contingent upon receipt of a Special Land Use Permit, except for those districts designated for residential uses.

B. General Standards for All Solar Energy Systems:

1. All Solar Energy Systems must be compliant with all Township Ordinances and other applicable regulation.
2. All Solar Energy Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
3. All Solar Energy Systems whether ground-mounted or building-mounted, shall be permanently and safely attached to whatever surface it is mounted to.
4. No building-mounted Solar Energy System shall exceed the dimensional height permitted in the zoning district in which it is located. No ground-mounted Solar Energy System shall exceed the height of the principal structure or fifteen (15) feet in height, whichever is less. Height is to be measured from the average grade at the base of the pole to the highest edge of the system. The Planning Commission may increase the maximum height requirements at their discretion dependent upon location and other factors.
5. All Solar Energy Systems are to be neutral in color to minimize reflectance onto surrounding properties and streets.
6. The following items shall apply to all Solar Energy Systems; however, additional flexibility or stricter regulations may be placed upon the solar energy system dependent upon the

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

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

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

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

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

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

6. Abandonment and Decommissioning:

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

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

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

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

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

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

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

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

Fahey Schultz Burzych Rhodes

EXPERT COUNSEL



REAL SOLUTIONS

Local Officials Workshop

Wind And Solar Ordinances – 7 Common Questions

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

I. Solar and Wind Energy Projects

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

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

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

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

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

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

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

- A. Ordinances governing solar and wind energy projects, especially utility-scale projects, will contain various regulations to attempt to minimize any associated nuisances. These are typically referred to as “performance standards” and examples include:
 - o 1. *Noise (both solar and wind)*: Standards governing appropriate noise levels generated by wind turbines, solar projects, and associated improvements. Many ordinances measure these from either buildings used by humans or from a property line.

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

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

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

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

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

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

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

- A. A township may receive “studies” and other materials from individuals for and against a particular project (solar and wind) when there is a proposed project. These “studies” can lack a basis for any claims made and are often slanted to either advocate for one position or the other.
- B. Some ideas to find objective information are:
- E-letters from your favorite law firm:
 - Solar (2017) - <https://fsbrlaw.com/2017/09/29/does-your-township-need-a-solar-ordinance/>
 - Wind (2015) - <https://fsbrlaw.com/2015/05/29/how-to-regulate-wind-energy-projects/>
 - Academic Planning and Zoning Resources
 - Michigan State University Extension – Planning

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

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

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



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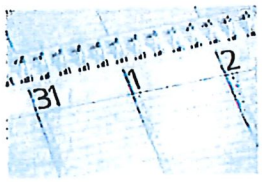
Wind And Solar Ordinances – 7 Common Questions

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

Disclaimer

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





Presentation Goals

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



Solar and Wind Energy Projects



Utility-Scale Wind Projects

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

"Personal" Wind Turbines

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

Utility-Scale Solar Projects

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

"Personal" Solar Panels

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





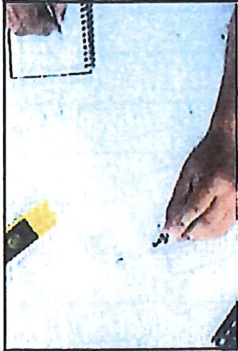
WIND AND SOLAR ORDINANCES – 7 COMMON QUESTIONS

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



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





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

Not necessarily

Police Power vs. Zoning

• **Police Power:** Regulations to govern "activities" necessary to provide for the public health, safety, and general welfare. See MCL 41.181 and MCL 41.15. These apply throughout an entire township and there is generally no "grandfathering" of prior activities.

• **Zoning:** Authorized under the Michigan Zoning Enabling Act to generally provide for the orderly development of land uses in a township. See MCL 125.3101 et seq. Zoning can allow placing certain land uses in specific areas of a township (zoning districts) and can subject land uses to "special land use permits" and "site plan" review under reasonable conditions imposed by township.

Exclusion condition when enacting police power ordinances if your township is subject to county zoning:

• A township police power ordinance more strictly regulating standards (e.g., noise) that are addressed by a county zoning ordinance are likely to be held by a court to be unenforceable. *Forest Hill Energy-Forster Farm, LLC v. Town of Forest Hill*, unpublished opinion of the Court of Appeals, issued December 4, 2014 (Docket No. 319134), 2014 WL 6161254, p. 15



3. What types of issues do these ordinances regulate?

"Performance Standards" vs "Review Materials"

• **"Performance Standards"** – Regulations that will last the life of the project (e.g., state standards)

• **"Review Materials"** – Regulations that will apply to a project upon application

Examples of Performance Standards

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

Examples of Review Materials

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

4. Can our township prohibit these projects by ordinance?



- It depends.

Exclusionary Zoning

• A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is prohibited MCL 125.3107.

- Should have a reasonable basis to defend provisions in any ordinance.

- Also remember, subjecting such projects to the special land use process outlines "discretionary" factors to consider a project.

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



- Application Escrow Accounts:** *Morales* that would be deposited in escrow with a township to retain third-party experts (planners, engineers, attorneys) to assist with reviewing a special land use permit and site plan application. See MCL 225.3106 and *Porter v Affordable Charter Two Superfund*, unpublished opinion of the Court of Appeals, issued March 21, 2019 (Docket No. 2019-0072), 2019 WL 1101094, p. 5.
- Approved Complaint Resolution Process:** An approved process by a township for a developer to receive complaints from the public related to ordinance standards and to resolve such complaints (if applicable).
- Post-Construction Studies:** An applicant would pay a township to retain a third-party expert to ensure that a development is meeting certain standards when constructed such as noise, glare, and shadow flicker.
- Ordinance Enforcement Escrow:** *Morales* that would be deposited in escrow with a township that would remain through the life of a project so a township can investigate any complaints related to ordinance violations with a third-party expert (e.g., a sound consultant).



6. What are some tips to engage stakeholders?

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



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



- Because both solar and wind ordinances can sometimes become politicized with advocates on both sides (both pro and anti), a township may have a difficult time finding objective information for ordinance drafting. Here are some ideas to find objective information:
 - PSBA Ordinance Drafting E-Letters
 - Solar (2017) - <https://psba.org/2017/07/11/psba-ordinance-drafting-e-letters-solar/>
 - Wind (2015) - <https://psba.org/2015/07/11/psba-ordinance-drafting-e-letters-wind/>
 - Academic Planning and Zoning
 - Michigan State University Extension - Planning
 - University of Michigan - Graham Sustainability Institute
 - Technical Information (e.g., how to regulate measure noise)
 - May want to consult with a subject matter expert such as a planner or engineering firm with experience with such projects.
 - Ask other elected officials with (and without) projects in their jurisdiction
 - It's not easy to find what is appropriate for your community



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

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



Our Ordinance Drafting Resources



- Does Your Township Need a Solar Ordinance? (2017 E-Letter)**
 - Discusses how to draft a solar ordinance.
- How to Regulate Wind Energy Projects (2015 E-Letter)**
 - Discusses how to draft a wind energy ordinance.
- Renewable Energy Projects – Getting Past Go (2011 E-Letter)**
 - This E-Letter discusses important issues for how to consider a project, assuming a township has an ordinance in place.
- How to Regulate Wind Energy Projects (2011 E-Letter)**
 - These include:
 - Retaining experts
 - Evaluating township conflicts of interest
 - Special land use permit and site plan review
 - Ensuring compliance with ordinance provisions



Questions



Kyle O'Meara and Matthew Kuschel
Fahey Schultz Burzych Rhodes PLC
4151 Okemos Rd., Okemos, MI 48864
Tel: 517-381-0100
komeara@fsbtlaw.com
mkuschel@fsbtlaw.com
www.fsbtlaw.com

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



Dave Hamann

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

Dave

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

• (c)

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

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(6)

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

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

NOTICE OF ADOPTION PUTNAM TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

Amendments to Putnam Township Code of Ordinances

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

Chapter 340-39 Alternative energy systems

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

Part II: Solar energy systems.

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

B. Definitions.

C. General Requirements.

D. Private Solar Energy Systems.

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

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

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

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

Chapter 340-47 Table of uses

| | |
|--|------------|
| Table 5: Table of Uses – A-O District | A-O |
| Commercial solar energy systems | SLU |

Chapter 340-145.2 Commercial solar energy systems

Please refer to Section 340-39, Part II, Paragraph E for specific use requirements.

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

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

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

(05-23-2018 DAILY 342714)

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

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

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

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

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

CITY OF BRIGHTON CITY COUNCIL MEETING SYNOPSIS May 17, 2018

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

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

TARA BROWN
CITY CLERK

(05-23-2018 DAILY 342791)



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

family, we appreciate your service."

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

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

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

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

His dad laughs.

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

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



Eva Lollo appreciates her son's service.

servis guard; Afgha He medal the in ation cludin vice, and t Terror achiev duct n omme Comr stabli injure men uated "It's to kn list," h cerem Tor 2004, daugh was b Eva prise ther's accom "Iw bios, they d

Dave Hamann

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

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

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



Bob --

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

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

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

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

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

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

Sincerely,

Kate Madigan
Energy and Climate Specialist
Michigan Environmental Council

Charlotte Jameson
Energy Policy and Legislative Affairs
Director
Michigan Environmental Council

Director
Michigan Climate Action Network



MICHIGAN
CLIMATE ACTION
NETWORK



MICHIGAN
ENVIRONMENTAL
COUNCIL

Michigan Environmental Council
602 W. Ionia Street, Lansing, MI 48933
517-487-9539 | environmentalcouncil.org



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

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

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

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

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

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

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

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

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

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



Carlisle | Wortman
ASSOCIATES, INC.

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

TO: Marion Township Planning and Development Team
FROM: John L. Enos, AICP, Township Planner
DATE: November 2, 2021
SUBJECT: October 28th Meeting

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

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

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



Carlisle | Wortman
ASSOCIATES, INC.

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

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

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

Rural

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

Suburban

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

Urban

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

Planning Commission Annual Report 2021

January (Virtual Meeting - State Policy - Covid 19)

- SPR# 02-20 Vern Brockway - Some clarification discussion, variances received and approval agreed upon. Sent to BoT.
- PUD# 01-20 Tamarack Place - Plans revised and changes made} 145 approved now vs. 144: setbacks met; eliminated some streets; added 3 1/2 acres to open space (48% to 50%); more lots now back up to open space views (129 lots); open trails provided; buffering trees provided; vinyl fencing in narrow areas added etc, etc, etc; discussion on traffic adding; PC approved and sent to BoT.
- TXT# 01-19 Short Term Rentals - Sent to BoT (LCPD approved)
- TXT# 02-19 Signs for Home Occupation Based Business - Sent to BoT
- TXT# 01-20 Site Plan/Private Road - Sent to BoT
- TXT# 02-20 Accessory Structure - Sent to BoT
- PC Annual Report 2020 -
- Election of Officers } Larry Grunn - Chairman; Jim Anderson - Vice Chairman; Cheryl Range - Secretary
- Master Plan Meeting } John E., Bruce P., Dave H., Feb. 4th for compilation/update
- Call to Public} BoT Les A. requesting John E. training for Boards to attend due to MTA not allowed to meet for seminars.

February (Virtual Meeting - State Policy - Covid 19)

- Pre Application meeting for Howell Storage; Mr. Abraham spoke about his conceptions; conventional (wood frame); portable containers (easy to move); temporary movable/made of durable plastic> can be for future growth needs; conventional storage> 2 bldgs. 1) 4,800 sq. ft. 2) 2,400 sq. ft. He no longer wants to provide boat/ RV storage. PC's had questions and were answered. Area growth has occupancy high; at home workers needing to use storage to free up work space in homes, hence the storage units need to expand; Some will be climate controlled. Discussion of asphalt vs. stone surface ensued. Agreements made.
- SPR# 01-21 Reviewed Schroeder Body Shop changes; Matt S. and Don spoke to explain. PC questions } some issues to be addressed/made right; easement for signing, hardware, fencing, landscape requirements, sewer dump station and line issues, HVAC, hydrant assembly, propane storage (Fire Dept. approval), car sales area, paint booths. Needing lawyer input, Phil W. input, 9 conditions with meeting to approve.

- TXT # 03-20 PUD Section 13.04 - PC reviewed LCPD comments, discussion/ some clarification, approved and sent to BoT.

March (In Person with Virtual Access)

- LCPD Annual visit; Matt Ikle/ Rob Stanford gave county update having outreach with phone calls, emails, and website now for safety. LC Trail Plan - \$30,000 grant from SEMCOG (Green Plan) ; the '20 shut down pause/delay has an 8-9 month process for the parks plan on hold - safety, and continuity, priority routes with existing trails, connection to lakes and routes throughout the state; astronomy photos in the Master Plan of the County (no other park like it in the lower MI area - (Deerfield Twp), Awards were won by Kathleen/Rob/Scott for interactive compositions!
- Pre Application (Ray Ward) shared driveway/ split parcel ; PC questioned can splits be larger? Yes! Ray answered. Site distance is good; he will be contacting Lori C. (assessor); may be 4 or 5 parcels; Phil W./Dave H. private road/ escrow - info update to come.
- Master Plan Update } Draft made and going on website to view (John E.) Boards and communities will be able to review. Jessica T. was Thanked by all for her photos of the township.
- BoT Les A. questioned John E. regarding 98% of ZB requests should be turned down (MTA says) but, our ZB approves pf 90% of ours. If we have issues continuously, ordinances should change to accomodate needs. John E. replied that practical difficulties should be unique, but ... not a self created hardship! If ZB is asking for relief from the law ... those are the factors in our ordinances.

April (In Person with Virtual Access)

- SPR# 02-20 Vern Brockway 1388 Lucy Rd. Industrial Zoning Final Site Plan (no representative present and will table to May meeting with agenda items in contention.) 1) Trees along the easement/ next door Vespers. 2) Lighting for egress door to be shielded. 3) Dumpster/ septic tanks with traps to be moved. (garbage trucks not to be driving over) 4) Puff chamber 500 gallon tank with pump > septic system combo. 5) Fire Dept. input. 6) Environmental Health Dept. input and county input.
- PC Jim A. updated about the Scio Twp grant and Preservation Farmland speaker.
- BoT Les A. spoke of possible joint project (Handy/Putnam/Howell/ Pinckey) for farmland preservation grant program. \$1.8 million - maybe a millage to get support from the public (their chance to help/get involved/be aware/ and support). 70% of Meridian was able to slow down their commercial/industrial spreading, as well as Barry in Scio/Webster Twp. were able to get 2 grants awarded to them. John E. said he can put that in the Master Plan "to preserve for all time."
- Master Plan updates} waiting for community input.

May (In Person with Virtual Access) John E. absent

- PR# 01-21 Ray Ward Extension of Jesse Drive} Ray spoke about the Spicer and Phil W. recommendations (items # 1-4) ... 1) well and septic to be reviewed by LCHD. 2) legal description

missing. 3) professional seal on plans is missing. 4) clearing distances needed/frontage measurements also. Tabled for updating to site plan to June mtg.

- SPR# 02-20 Vern Brockway 1388 Lucy Rd. Final Site Plan } Mr. Allan Pruss is here and apologized for missing last months meeting. Phil W. and LCDC points have been discussed and addressed. Trees (ZB) have been required. Septic moved to parking lot. PC sending to BoT. PC approved with updated issues handled.

- Master Plan - 2 residents out of 200 responded to the email outreach.

- LC Animal Control Ordinance - our Hobby Kennel (6.02) has #'s of dogs making a difference in our township. (3) to require a Hobby Kennel license, but not in the county (only IF they wish to get one.) Discussion continued regarding our language.

- Shipping container language needs to be very specific in the coming days ... all PC's agree !

June (In Person with Virtual Access)

- Mr. Chris is here for John E.

- Reviewed PUD# 01-20 Tamarack Place Final Site Plan } Mike West (planner with West Desine Homes) spoke to update PC. Carlyle Wortman points: #2 unit A being excluded by metes & bounds, #6 mutual agreement (\$150,000 traffic impact); Phil W. points (#39 & #40 to pull back 3 ft.); private road cross section to get extra pavement and stone; LCRC intersection to negate issues, speed limits noted (AP #1 & #2); detention basin (well above water level); MHOG decisions on water (N. cul de sac) may connect with the other cul de sac if need be; lighting to be shielded possibly by DTE; Homeowners on Tracilee would appreciate 'No Trespassing' signs for vehicles riding through their woods (Peavy Rd.) PUD approved by PC with conditions being met.

- Animal Control & Hobby Kennel discussion} # of dogs per home/ 5 acres vs. 1 acre homesites / commercial vs. hobby/ complaint driven alerts/ adopt county language possibility (they took 10 yrs. to compile) / continue to fix & delve into issues/ PC Jim A. offered to check into the language further and compare.

- Master Plan update} 207 emails sent out & 3 residents responded; Pg. 58> 6th bulletin point; some things not yet corrected & other changes not made (colors on language for type to read clearly.)

- Discussion on Engine Braking signs on D19 are noticeably working.

- Dave H. tells PC that MI Medical Marijuana State Statute > discussion about homes bought with pole barns (getting extra AMPS installed for plant growing - 72 plants for 5 patients are allowed.) Just to be aware.

- Discussion on easements & the language & flag lots asking if we can prevent them? No. Can language help to control them? Not yet. Illegal businesses such as auto repairs, truck repairs, excavators, landscapers> tax notices to carry messages of "zoned community" notices can be a possibility.

July (In Person with Virtual Access)

- PC Jim A.'s spread sheet on ZO vs. LC Animal Control Ordinance was discussed and comparisons made with township parcel sizes along with the # of dogs owned, kennels vs. hobbies, SUP's needed (UR,SR,RR when and which to license.) Byron language (drawn up by Carlyle Wortman) 5.46 a), b), c) } very direct and possibly adaptable language; rescue dogs / fostering dogs discussed being temporary; Bob informed PC that the county updated their ordinance last summer which our township was unaware; John E. offered Special Use (6.02, 17.19 A & B) for hobby and use language to be inclusive with Byron language possibly.
- SR vs. 8.02} inconsistencies discussed F1 & F2 (ex. Norton with sewer at the curb > minimum lot size but, unplatted - 100 ft. metes and bounds yet not sub nor condo.) Discussion (John E. Article 7) curb cuts/ major thoroughfares/ align with LCRC per mile? PC agrees to clean up/ clear out language.
- Master Plan update> Sept 28th Public Hearing / Sept. 13th draft to be seen & available.
- PC Jim A. informed us regarding Farm Preservation & Barry Lonek to speak with our boards. BoT Les A. stated that \$200 fee was ok'd by BoT for the speaker. Developmental Rights vs. Property Rights information, rural/ prime AG land/ wetlands/ preservation. Checking into a congenial date for the informational meeting.
- Discussion about wind turbines/ solar panels/ electric power plants.
- BoT Les A. handed out language for a cease & desist notice going out to residents and new to the township folks; discussions followed on flag lots, easements, home businesses in subs, on non-conforming parcels, permits in consideration to off set further issues; maybe to request a bond in our ordinance to prevent sales of questionable parcels with barns and no principle resident homesite or a 6 mnth to build a home if purchased from date of sale.

August (In Person with Virtual Access)

- 17.32 Home Based Business issues discussed regarding the word, 'May' - criteria may be met and still not be approved for the applicant (a show cause comes before the BoT and needing clarification.) ... possibilities discussed. Further discussion on the term 'employee' (the IRS definition - W2 forms) under a contract for wage earning, solely - to take the word out or changed. PC discussed further.
- Definition for RURAL/ ERS/ RR / UR discussion by PC. Ideas given and will be continued.
- Hobby Kennels - tabled and waiting for John E.
- PC conversed about wanting a planner at the meetings; wanting the businesses in the township to be upstanding to their obligations and follow the guidelines they agreed upon (such as parking equipment inside garages/ stored out of sight) not all over properties.

September (In Person with Virtual Access)

- Public Hearing} Master Plan John E. had handouts; He spoke of trails> foot and bike; Bob noticed pg. 21 B the leaking underground storage no longer exists (will be removed per John E.) LCPD to update the census #'s; PC mentioned changes to make; PC motioned in agreement to adopt the Master Plan with changes noted to make.
- PR# 01-21 Ray Ward Jesse Drive Final Review} Ray updated with answers to previous issues: Health Dept/ perks/ radius on cul de sacs (an extension) PC approved and sent to BoT.
- Hobby Kennels } John E. hopes to tie township to county into a general law. Discussion continued about 3 or more dogs in a home. John E. explained further to have the burden of law breaking to be on the county ... not enforcing body but, to regulate. PC suggests hobby kennels may be creating another enforcement issue for the township. John E. and Dave H. to further check into these points.
- 17.32 Home Based Business} Last month BoT Les A. wanted to generalize the words in the text (to stop businesses as they illegally pop up). Dave H. reminded PC of the 80's change of use brought into conformance with Township Ordinance. The lawyer stands behind legal non -conforming and using your land. Expanding business is another question. A judge will ask for proof of when it started (with pictures taken? / proof) and how large it expanded to the present. Nearby residents want to be in consideration of these out of control situations/ out of agreement uses of trucks, haulers, easement mis-use, abusive dumping etc etc etc
- Rural definitions - tabled
- Lots definitions - tabled
- Genoa Twp Park > 90 acres (by Dorr Rd.) by our property/ gravel / sand extraction (Brighton Rd) DNR project/ Seed orchard - Jack pines 5-10 yr. lease period.

October (In Person with Virtual Access)

- SPR# 02-21 Howell Storage Expansion 4710-02-400-010 Site Plan Review } Jim Abraham spoke of the 15 units and he wishes to have 3 more portables> poly structures } adding parking spaces (Penske rental trucks),and 1 handi capped spot/ 1 for employee, 1 extra for customers & while waiting has seen costs rise 300% now, steel costs also. Poly ones are kits (no electricity/ no foundation) but, once in they stay. Not stackable. Set backs have been ok'd. Gravel ok'd. PC discussed and approved and sent to BoT.
- Hobby Kennels - tabled (Thursday morning meeting with attorney.)
- 17.32 Home Based Business - tabled to November
- Discussions about non-conforming parcels and AG exempts because of barns use and AG descriptions but, no farming being done. BoT Les A. questions John E. read Section 19 hoping our attorney can help to clarify and stop this ongoing issue. PC Chairman Larry G. brought up the Sandy Way Farm event with street parking/heavy rain issue/zoning violations. John E. read 19.5 (complaint driven) but, too late.

November

November 4th Special Meeting/ Training In Person / All Boards / Township Hall

- Using Parliamentary Procedure> Eleanor Siewart / Rules of Order to follow / Making Motions/ Voting/ Unfinished Business/ New Business/ Adjournments/ Proper Verbiage

PC Meeting

- Sections 18, 13, 6 } John E. summarized : Reduce bureaucracy in our standards (technicalities/ pipe connections/ size of drains) Dave H. and John E. said the lawyer wants some language back into the ZO from Engineering and Development Standards. Will continue this. Tabled to January.

- Oct 28th meeting with the attorney, John E., Bob, Dave H. - asking for an extra meeting (sub committee Dave, Jim, John) to get language hangups moving along for text, ordinances ; the commercial HS auction purchase (lot line dispute and more than 25% of the home had been updated-over our law limit) ... option to go to ZB or apply for a Special Use for home in HS /non-conforming uses.

- Penalty Provision language from attorney} civil infractions with tickets (no court/ no show cause for BoT) and the language can be inserted into our ZO ; Motor vehicle codes } sheriff suggested to adopt traffic codes (allowing twp to stop speeders in subs /PUD's) Bob shared. Dave reminded PC that private roads hold a more defined regulated limit due to no jurisdiction of the sheriff to establish speed limits on private roads (subs & condos); warnings/ notices/ evidence/ticket.

- Annual Election of Officers:

Larry Grunn - Chairman / Jim Anderson - Vice Chairman / Cheryl Range - Secretary

- Voted to cancel December PC meeting

- Wind / Solar information/ Hobby Kennels / 17.32 Home Based Business / Definitions Rural etc /Lots definition all tabled to January meeting.

PC Cheryl Range (1-14-22)

Article XIV: Off-Street Parking and Loading

ARTICLE XIV: OFF-STREET PARKING AND LOADING

Section 14.01 Intent of Parking Provisions

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

NO STREET PARKING

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

Section 14.02 Parking Space Requirements

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

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

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

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

Section 14.03 Location of Parking Areas

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

Section 14.04 Site Development Requirements

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

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

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

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

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

Section 14.05 Loading and Unloading Space Requirements

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

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

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Figure 14-1 Parking Graphic



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

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